



Appeal Decision

Site visit made on 17 November 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/X0415/W/21/3285591

Garlands, The Common, Winchmore Hill, Amersham, Buckinghamshire, HP7 0PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs Suzanne Morton against the decision of Buckinghamshire Council.
 - The application Ref PL/21/3276/PIP dated 14 August 2021, was refused by notice dated 14 October 2021.
 - The development proposed is for the demolition of the existing bungalow and erection of 2 dwellings with vehicular access.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising of the demolition of the existing bungalow and the erection of a maximum of 2 dwellings with vehicular access at Garlands, The Common, Winchmore Hill, Amersham, Buckinghamshire, HP7 0PN in accordance with the terms of the application, Ref PL/21/3276/PIP dated 14 August 2021.

Procedural matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages:- the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed proposals are assessed. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these 2 stages.
3. The scope of the considerations in an application for permission in principle is limited to location, land use and the amount of development permitted. It is not possible for conditions to be attached if permission in principle is granted and all other matters are considered as part of a subsequent technical details consent application. I have determined the appeal accordingly.
4. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only - showing what the development might look like if built on this site. Likewise, I have not taken the detailed description of the proposal to be definitive and my decision therefore relates to the erection of a maximum of 2 dwellings. This is in line with the PPG's advice that the amount

of residential development must be expressed as a range, indicating the minimum and maximum amount of new dwellings which are, in principle, permitted.

Main issues

5. The Council has raised no concerns regarding the proposed land use and I see no reason to take a different view. Accordingly, within the context of the Council's reasons for refusal and the scope of considerations that may be considered within an application for permission in principle, the main issues are:
- the amount of development, with particular regard to;- (a) its effect on the character and appearance of the area; and (b) whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision;
 - the location of development, with particular regard to;- (a) whether the proposal would be inappropriate development in the Green Belt, and if so, the effect of the development on the openness of the Green Belt; and (b) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Appeal site context

6. The appeal site falls within a row of detached dwellings of varying architectural style, scale, width and maturity which front onto the village green. It contains a post-WWII detached bungalow of an unremarkable architectural design, set on a wide plot with a spacious open gap between it and the neighbouring property to the south, Tumbleweed Cottage. The appeal site falls within the Green Belt village of Winchmore Hill and Chilterns Area of Outstanding Natural Beauty ('the Chilterns AONB').

The amount of development, with particular regard to the character and appearance of the area and living conditions in terms of amenity space provision

7. The curtilage and plot depth of each of the proposed dwellings would be comparable in size, width and orientation to other properties in the row of housing that fronts onto the village green. Although there would be minimal undeveloped gaps between each of the proposed properties and neighbouring plots, this is similar to that which already exists in this row and would not look out of place in the streetscene. The matter of detail relating to the exact width of gap falls to the technical details consent stage and I am satisfied that there is sufficient space within the appeal site to achieve this in a way that would be harmonious with the character and appearance of the area and Chilterns AONB.
8. I am also satisfied that a scheme could be designed at the technical details consent stage for two wide fronted dwellings of shallow plan depth (without rear projections) that would be comparable to neighbouring properties in the row. As a consequence, I am satisfied that;- (a) it would be possible for each proposed dwelling to be provided with rear gardens of a similar depth and area

to neighbouring properties; and (b) that this arrangement would avoid a harmful degree of overlooking and loss of light to neighbouring properties.

9. In view of the above, I conclude that the amount of development is acceptable, in that there is scope for a scheme to be designed at the technical details consent stage that would; (a) allow a locally distinctive design that reflects the existing plot rhythm, scale, height and built-form coverage of neighbouring dwellings in the existing row; and (b) provide an adequate amount of private garden space to both dwellings of a similar size to neighbouring properties.
10. The proposal would therefore accord with Policies H12, GC1, GC3 and LSQ1 of the Local Plan¹ and Policies CS20 and CS22 of the Core Strategy² which collectively seek, amongst other things, to ensure that new development should; - (a) be in-keeping with its surroundings and the character of the streetscene; (b) conserve the special landscape character of the Chilterns AONB; (c) protect the amenity enjoyed by the occupants of neighbouring properties; and (d) ensure that new dwellings have an adequate garden area.
11. I also find that the scheme accords with Paragraphs 130 and 134 of the Framework³, which seek, amongst other things: (a) development that is sympathetic to local character; (b) schemes that maintain a strong sense of place; and (c) the creation of places with a high standard of amenity for existing and future users.

The location of the development, with particular regard to whether the proposal would be inappropriate development in the Green Belt

12. Policy GB2 of the Local Plan states that within the Green Belt, planning permission may be given for specific categories of development classified as not inappropriate. These include the category of limited infilling where development is in accordance with other policies of the Local Plan, with particular relevance in this case to Policy GB4.
13. Policy GB4 defines limited infilling as the construction of one or two dwellings in a small gap in an existing row of dwellings which form an otherwise fully developed frontage to the road, and where;- (a) the width of the development site is closely similar to the width of adjoining sites; (b) the curtilage is comparable in size and shape; and (c) the siting, scale and appearance of each dwelling is compatible with the character of other properties in the vicinity.
14. I am satisfied that the appeal site, once the existing bungalow is demolished, would constitute a small gap in an existing row of dwellings. In accordance with my conclusions above in relation to the amount of development, I also consider the width & curtilage of both plots to be comparable to existing adjoining properties and that there is adequate scope to design a scheme that would be compatible with the character of other dwellings in the vicinity of the appeal site.
15. In view of the above, I conclude that the proposal does not constitute inappropriate development in the Green Belt and would therefore accord with Policies GB2 and GB4 of the Local Plan.

¹ Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011.

² Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council.

³ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

16. I also find that the scheme accords with Paragraph 149 of the Framework, which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, with the exception of, amongst others, limited infilling in villages.

Other matters

17. Representations have been made by interested parties on a number of matters that generally relate to the detailed design of the scheme and which will be the subject of further consideration at the technical details consent stage. There is no requirement for the latter to be given automatically and it will be subject to detailed scrutiny by the Local Planning Authority. The fact that I consider there to be an acceptable scheme at the permission in principle stage does not mean that one will actually be forthcoming at the technical details consent stage. Set against this context, it is important for all parties to keep in mind that planning permission does not exist until both the permission in principle and technical details are approved.

Conclusion

18. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR