



Appeal Decision

Site visit made on 3 October 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2023

Appeal Ref: APP/X0415/W/22/3306238

**Land To The Rear of 55 Clifton Road, Chesham Bois, Buckinghamshire
HP6 5PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mark Scott Constructions Ltd against Buckinghamshire Council.
 - The application Ref 22/1740/FA, is dated 14 June 2022.
 - The development proposed is construction of a detached bungalow with associated parking and access.
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Decision

1. The appeal is dismissed and planning permission for construction of a detached bungalow with associated parking and access is refused.

Preliminary Matters

2. The appeal site address in the header above is taken from the appeal form. It is slightly different to that on the application form but it more accurately describes the location of the site.
3. The appellant has provided a small sites metric worksheet that supports their claim that the development would enhance the biodiversity value of the site. This background information was submitted after the appeal was lodged but the Council has had an opportunity to comment on it through the appeal process. As such, I am satisfied no injustice would be caused to any party by taking the metric information into account in my assessment.

Main Issues

4. In light of the Council's submissions, the main issues are (i) the effect of the development on the character and appearance of the area, (ii) its effect on the living conditions of occupiers of 53 and 55 Clifton Road (Nos 53 and 55) in terms of vehicular noise, and (iii) its effect on the biodiversity value of the site.

Reasons

Character and appearance

5. The appeal site previously formed part of the garden area to No 55. However, it is now fenced off separately and so it comprises an area of land to the rear of No 55 and a strip of land leading off Clifton Road between Nos 53 and 55. The site also borders Amersham Road with a fence, bushes and mature trees on the boundary. Land levels rise from Clifton Road so the site lies above No 55.

6. The surrounding area is largely residential but with a church adjoining the rear of the site and a school on the opposite side of Amersham Road. It is defined as an Established Residential Area of Special Character under the provisions of policy H4 of the Chiltern District Local Plan 1997 (the LP). The Chiltern and South Bucks Townscape Character Study 2017 describes the area's typology as green suburban roads. This is a suitable classification given the predominance on Clifton Road and Amersham Road of large detached 2 storey houses set behind roadside hedges and trees. The site is not in a conservation area but nonetheless Clifton Road and Amersham Road are attractive due to the verdant character and the fairly spacious feel to the street scene.
7. The bungalow would be screened by No 55 and so it would not be easily seen from Clifton Road, even when standing in front of the proposed access. Retained and new planting would partially conceal the building from Amersham Road but it is likely to be visible over the boundary fence, particularly at times when the vegetation is without leaf. Consequently, the proposal would have a noticeable effect on the street scene and the appearance of the area.
8. The properties along Clifton Road tend to have fairly wide frontages with houses parallel to the road and facing directly onto it. No 55 is set at an angle to the highway but it is orientated towards the junction of Clifton Road and Amersham Road so the front of the house has equal presence on both roads.
9. The proposed residential plot frontage onto Clifton Road would only be the width of the access drive and so it would be narrow in comparison to existing plots. Also, the bungalow would be behind No 55 rather than facing directly onto the road. In these regards, the proposal would be at odds with the prevailing pattern of development seen on Clifton Road.
10. The width of the plot where it meets Amersham Road would be wider than the Clifton Road frontage. However, the main entrance to the dwelling would be on the opposite side of the building with the rear elevation facing towards Amersham Road. Also, no access to serve the development is proposed off Amersham Road. Moreover, the bungalow would not be parallel to the highway but would be set at an angle that would not reflect the orientation of No 55 nor any other nearby property. For these reasons, the development would be at odds with other dwellings on Amersham Road.
11. I am referred to properties off Clifton Road that are set back from the highway and which do not follow the prevalent pattern of development. However, the proposal would be different to these due to the visibility of the bungalow from Amersham Road. Also, the proposal would not be seen with the cited examples. Therefore, these other developments fail to provide adequate justification for the unusual positioning and orientation of the bungalow.
12. Nearby houses vary in age and design but they tend to be 2 storeys high with steeply pitched roofs. The proposed single storey bungalow with a shallow pitched roof would not be consistent with local housing in terms of its height and roof form. The development would be on higher land compared to No 55 and so the ridgeline of the bungalow would be level with the adjacent house. Even so, the absence of a storey above ground level would lead to a visual emphasis on the unusual roof form. Elements of the nearby school are single storey but these reflect their educational function. As such, they do not justify a untypical residential bungalow.

13. I understand the appeal scheme represents a revision to a previous proposal that was refused planning permission by the Council. However, it does not follow that the amendments would result in an acceptable development. The proposal would allow the retention of No 55, which is attractive and makes a positive contribution to the street scene. Nevertheless, this does not address nor override the unsympathetic aspects of the proposal.
14. The development would result in 2 dwellings where previously only No 55 and its garden existed. Even so, the bungalow would be set away from No 55 and sufficient space would be retained for the planting of fruit trees along the common boundaries with No 55 and the church. Therefore, the proposal would not appear uncharacteristically cramped when seen from the street. New planting together with the retention of existing vegetation would ensure the development avoids harm to the natural qualities of the site and its surroundings. However, these acceptable aspects do not overcome the harm that would be caused by virtue of the uncharacteristic positioning, orientation and form of the bungalow. Also, the use of appropriate external materials in itself would not ensure the proposal is compatible with its surroundings.
15. For the above reasons, I conclude the development would be harmful to the character and appearance of the area. In these regards, it would be contrary to LP policies GC1 and H4 and policy C20 of the Core Strategy for Chiltern District 2011 (CS). Amongst other things, these seek high quality design that reflects the character of the surrounding area and features that contribute to local distinctiveness. The Council's objections also refer to LP policy H12 but this relates to the provision of adequate residential gardens. It contains no provisions that are relevant in the assessment of the proposal's effect on the character and appearance of the area.

Living conditions

16. The development would generate additional vehicular movements along the access drive between Nos 53 and 55, although the increase would be modest as only a single dwelling is proposed. It would seem likely that such car movements would generate noise that would be heard from the adjoining gardens and from inside Nos 53 and 55, particularly if windows are open.
17. On my visit I saw that Amersham Road is subject to significant traffic flow. Also, I could hear associated traffic noise when on the appeal site. No noise survey has been carried out and so I am unable to draw on firm data that demonstrates the noise effects of the proposal in comparison to existing background noise. However, I would envisage that No 55 is already subject to a level of traffic noise. As such, vehicular movements on the access drive would not cause significant additional disturbance to the occupiers of No 55.
18. No 53 is further away from Amersham Road and so it is fair to assume it is less affected by traffic noise compared to No 55. However, the side of the house and large parts of the back garden are set off the boundary with the appeal site. Given this context, I would envisage that vehicular noise generated from the development would not be unduly disruptive to the occupants of No 53.
19. Therefore, I conclude the development would not unacceptably harm the living conditions of occupiers of Nos 53 and 55 by reason of vehicular noise. In these regards, the proposal would accord with CS policy GC3 which seeks to avoid development that causes a significant impairment to the amenities enjoyed by

occupants of properties. Acceptability in these regards is a neutral factor in my overall assessment.

Biodiversity value of the site

20. The appellant's biodiversity impact assessment uses historical aerial imagery and Natural England's Small Site Metric 2021(SSM) to define as a baseline the biodiversity value of the site before development. It goes on to calculate the post-development biodiversity value, again using the SMM. The assessment indicates the proposal would result in a net gain of 0.4221 habitat units or an increase of 52.36% against the baseline value. The proposal would lead to a loss of bare ground through the proposed bungalow but enhancements to biodiversity would be provided through tree and hedge planting.
21. The Council's concern is that the baseline habitat value found with this assessment is different to that previously calculated for the site. However, I have not been provided with any evidence to show that this is the case. The assessment before me is based on the site's most recent use as part of a garden to No 55 with scattered trees and some introduced shrub. This description ties in with the historic photographic evidence. There is no information before me to support the Council's contention that the site should be classed as dense tree cover in calculating the baseline biodiversity value. As such, I find no substantive grounds to dispute the appellant's assessment.
22. Therefore, I conclude the development would enhance the biodiversity value of the site. In these respects, it would accord with CS policy CS24. This seeks to ensure development provides for the long term enhancement of biodiversity. The Council's refusal reason also refers to LP policy NC1 but this is irrelevant to this main issue as the site is not of acknowledged nature conservation interest.

Other considerations and planning balance

23. The development would be acceptable in terms of the second and third main issues but it would cause harm to the character and appearance of the area. As such, it would not accord with development plan policies when read as a whole. It follows to consider whether there are any other factors that justify granting planning permission contrary to the development plan.
24. The Council accepts that it is unable to demonstrate at least 5 years supply of housing land as required under the terms of the National Planning Policy Framework (the Framework). Its statement of case says only a 2.1 year supply can be demonstrated for the Chiltern area. This is a significant shortfall. In such circumstances, footnote 8 and paragraph 11d of the Framework are relevant. Paragraph 11d(ii) requires an assessment of the benefits of the scheme against the adverse impacts.
25. I have already found the proposal would deliver an enhancement in the biodiversity value of the site. However, I attach limited weight to the benefits in these regards given the scale of the enhancement measures.
26. The Council has raised no concerns that the proposal would exacerbate flood risk even though a small part of the site lies in a critical drainage area. A sustainable drainage system could be secured through a planning condition. Natural recyclable materials with high levels of insulation would be used in the construction of the bungalow. Renewable energy generation facilities in the form of solar photovoltaic panels are also proposed. Occupiers of the property

would be able to access local facilities such as the school and church on foot and without reliance on the private car. In all of these regards, the development would support the transition to a low carbon future. Given the scale of the proposal, I attach modest positive weight to these benefits.

27. The development would provide appropriate living standards and would contribute towards the housing stock. It would make a more effective use of land. The scheme would be a small windfall site development in a settlement as supported under paragraph 69 of the Framework. The benefits in these regards are modest as only a single unit is proposed. Even so, they attract considerable weight in light of the shortfall in housing land.
28. However, the overriding factor is the identified harm caused to the character and appearance of the area. Paragraph 126 of the Framework explains that good design is a key aspect of sustainable development. The proposal would not be visually attractive as a result of good architecture nor would it be sympathetic to the surrounding built environment. In these regards it would be contrary to paragraph 130 of the Framework. For the reasons given under the first main issue, I consider the development would not be well designed so as to reflect the attractive visual qualities of the area. In such circumstances, paragraph 134 of the Framework states planning permission should be refused. The development would directly conflict with the Framework's provision on design and so I find its adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies.
29. As such, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply. The benefits and other considerations in support of the scheme are of insufficient weight to justify granting planning permission contrary to the development plan.

Other Matter

30. The bungalow would be within the zone of influence to the Chiltern Beechwoods Special Area for Conservation (the SAC). I am advised the integrity of this area is being harmed as a result of public access and associated disturbance. Concern is raised that the proposal would lead to additional visits due to its proximity to the SAC. I have found the development would be unacceptable for other reasons and so there is no need for me to carry out an appropriate assessment under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended) to establish whether the proposal would have a significant effect on the SAC. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion on the appeal.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR