



Appeal Decision

Site visit made on 15 January 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/X0415/W/23/3322415

Land adjacent to 1 Flora Belle Villas, Back Lane, Chalfont St Giles, Buckinghamshire HP8 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tushar against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1889/FA, dated 24 May 2022, was refused by notice dated 21 November 2022.
 - The development proposed is the demolition of a garage and the erection of a new two bedroom, two storey dwelling with associated off street parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a garage and the erection of a new two bedroom, two storey dwelling with associated off street parking at land adjacent to 1 Flora Belle Villas, Back Lane, Chalfont St Giles, Buckinghamshire HP8 4PE, in accordance with the terms of the application Ref PL/22/1889/FA, dated 24 May 2022, subject to the conditions on the attached schedule.

Procedural Matters

2. The neighbouring occupier at Rowallan states that the submitted drawings are inaccurate and that the hedge between the two plots belongs to him. For his part, the appellant acknowledges a slight discrepancy in the existing block plan and existing front elevation plan, and that the hedge spans the boundary between these two plots rather than being entirely within the appeal site as depicted. However, he confirms that the proposed plans are correct. I have no cogent reason to doubt that.
3. After the application was determined, the appellant submitted a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment by Arbtech Consulting Limited ('the PEA'). In its statement of case, the Council confirms that matters pertaining to ecology have therefore been resolved, subject to satisfactory conditions. I have no reason to disagree, and the Council's third reason for refusal is therefore not a main issue in my decision.
4. In its first reason for refusal the Council refers to, amongst other things, Policy H16 of the Chiltern District Local Plan 1997 (including alterations adopted 2001) Consolidated 2007 and 2011 ('CDLP'), and the Residential Extensions and Householder Development Supplementary Planning Document 2013. However, as they address house extensions, they are not relevant to this decision, and I have had no further regard to them.

5. Finally, a revised National Planning Policy Framework was published in December 2023 ('the Framework'). Having regard to the main issues in this appeal and the evidence before me, there are no substantive changes to the relevant parts of it compared to the now superceded version.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- whether the occupants of the proposed dwelling would experience suitable living conditions, with particular regard to the amount of rear garden space.

Reasons

Character and appearance

7. Back Lane in Chalfont St Giles is described by the Council as having an 'inconsistent suburban' character – as defined in its Chiltern and South Bucks Townscape Character Study. The buildings here are diverse in terms of their form, scale and facing materials. Additionally, as evidenced by the site location plan and confirmed on my visit, the gaps between the dwellings, their set back, and their layout relative to the highway, are quite varied.
8. Nos 1 and 2 Flora Belle Villas ('No 1' and 'No 2') are a two storey, gabled, semi-detached pair. They sit on higher ground compared to the hipped roof house at Rowallan, with a gap between them where No 1's garage is located.
9. The proposed dwelling would be stepped back roughly half way between the front faces of Rowallan and No 1. It would be set in slightly from the plot's side boundaries, and having regard to drawing nos FP/-04 Rev B and FP/-06 Rev B, there would be a reasonable gap to the houses either side, and a gap of at least 1 metre to the side boundaries. The building's siting would therefore respect its immediate context.
10. Whilst the plot would have a fairly narrow frontage, it would taper outwards towards the rear, and nearby plot frontages are varied. The proposed building would have a relatively narrow front face, but its height would appropriately bridge the gap between its neighbours, and in the context of this diverse area its form and design would not appear out of place. It would not appear cramped in the streetscene.
11. The Council has provided me with details of a dismissed appeal in Denham (Ref: APP/NO410/W/20/3252819). I have few details of that site's context, but it is a considerable distance from this one, and that proposed two storey dwelling would be sited next to a bungalow. That decision is therefore of little relevance to this scheme, and it does not change my conclusion that this scheme would not harm the character and appearance of this area.
12. Amongst other things and in general terms, CDLP Policies GC1 and H11, and Policy CS20 of the Core Strategy for Chiltern District 2011, require a high standard of design that reflects and respects its surroundings, having regard to matters such as scale, frontage width, proportions, height, siting, plot characteristics and form; and normally require a gap of 1 metre or more from

the flanks of a proposed dwelling to the curtilage boundary. For the above reasons, the scheme would not conflict with those policies.

13. I am satisfied that the scheme is well-designed and based on a sound understanding of its context, in accordance with the advice in the MHCLG National Design Guide; and that it would be visually attractive, sympathetic to local character, and would help to maintain a strong sense of place, in accordance with Section 12 of the Framework.

Living conditions for the future occupants

14. CDLP Policy H12 sets out that new houses should have a private garden area which is adequate for, and appropriate to, the size, design and amount of living accommodation proposed. It continues that a minimum 15 metre depth is normally required, but that less may be acceptable where average garden lengths in the vicinity are shorter.
15. The dwellings opposite this site, and to the south of it on this side of Back Lane have fairly long rear gardens. However, some dwellings to the north, including on the first part of Sycamore Road, have much shorter gardens. According to the appellant's Garden Size Study, over 70 dwellings within a 0.25 mile radius of the site have a garden which is less than 15 metres deep.
16. At around 8 metres, this rear garden would be short. However, it would taper outwards towards the rear and, according to the appellant's calculation, it would amount to around 76sqm. That outdoor space would be reasonably private, and given that the proposed house would be fairly small with just two bedrooms, it would be sufficient for the occupants to sit outside, dry washing, and engage in typical domestic outdoor tasks and hobbies. Consequently, I am satisfied that the scheme would comply with the broad thrust of CDLP Policy H12, and that it would provide appropriate living conditions for the future occupiers.

Other matters

17. The flank of Rowallan facing this site contains a number of windows. However, they are mostly small and obscurely glazed, other than a tall, narrow ground floor window which is positioned close to the front face of the proposed dwelling and appears to serve a hallway, rather than a habitable room. Consequently, on the basis of the evidence before me, the scheme would not cause a significant loss of light to, or have a harmful impact on the outlook from, the spaces they serve.
18. The garden of No 2 extends beyond the rear of No 1 and to the rear of this site. However, the proposed dwelling would be set back around 8 metres from the boundary, and its upper floor rear window would serve a bedroom which is not a space where occupiers would typically dwell to enjoy an outlook. In the context of existing nearby development, the scheme would not harmfully impact privacy within No 2's garden. Given the proposed dwelling's siting and its location to the west of No 2's garden, and having regard to the sun's trajectory, it would not significantly impact light levels within it.

19. Buckinghamshire Highway Authority ('the HA') states that, to accord with its guidance, the proposed dwelling should have two off-road parking spaces, whereas it would be provided with just one, and No 1 would have none.
20. However, this is a reasonably sustainable location which is accessible on foot and by bicycle to services and facilities within the village. Moreover, the HA points out that the dimensions of the existing garage and hardstanding on the plot are substandard and that the occupants of No 1 appear to park on the carriageway.
21. Back Lane is fairly narrow and, whilst it is just a snapshot in time, there were cars parked on it at the time of my visit. However, it is subject to a 30mph speed limit, and the additional vehicular movements and parking associated with one small house would be modest. Consequently, even if visibility for drivers emerging from here and from Rowallan would be limited, in the above context, I agree with the HA that the scheme would not have a significant impact on the safety and convenience of highway users.

Conditions and Conclusion

22. I have considered suggested planning conditions against the Framework's tests. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.
23. In the interests of the character and appearance of the area, a condition is necessary requiring the submission and approval of all facing materials. Given the limited availability of roadside parking and the character of Back Lane, my condition No 4 requiring the provision of parking and manoeuvring areas is necessary in the interests of the safety and convenience of highway users.
24. The Council has also suggested a condition requiring a scheme of ecological enhancements. Whilst the PEA details enhancements that could be carried out, to ensure precision and enforceability, my condition No 5 requires the submission and implementation of a scheme of ecological enhancements.
25. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the Council has suggested a condition removing permitted development rights under Classes A and B of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015. In its reasoning, it states that this is essential as further extensions would seriously harm the openness of the Green Belt. Given that the site is not within the Green Belt, that is clearly an error.
26. However, I have found that the plot is fairly small, the proposed dwelling would have a short rear garden, and there would only be a modest gap from the rear of the proposed house to the garden of No 2. Consequently, having regard to the particular context here, and in order to ensure appropriate living conditions for future occupiers of the proposed dwelling and to protect adjacent occupiers from a significant loss of privacy, I consider that there is clear justification for the suggested condition.

27. Finally, given that the proposed first floor flank windows would serve a landing and a bathroom, which are not habitable rooms, it is not necessary that they be obscurely glazed.
28. Summing up, I have found that the scheme would not harm the character and appearance of the area, and that it would provide appropriate living conditions for the future occupiers. It would not conflict with the development plan when considered as a whole. Consequently, and irrespective of the Council's inability to demonstrate a sufficient housing supply when assessed against the Framework, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FP/-00 B, FP/-01 B, FP/-02 B, FP/-03 B, FP/-04 B, FP/-05 B, FP/-06 B, FP/-07 B, FP/-08 B and FP/-09 B.
- 3) Prior to the commencement of works above slab level, details or samples of the proposed facing materials and hard surface material to be used in the external construction of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Prior to occupation of the development, space shall be laid out within the site for the parking of cars, loading and manoeuvring, in accordance with the approved plans. This area shall thereafter be permanently retained for that purpose.
- 5) Prior to the commencement of development above ground level, an ecological enhancements scheme to detail landscape planting for the benefit of wildlife, and integrated bat and bird boxes, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development, and shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within Classes A or B of Part 1 of Schedule 2 to that Order shall be erected or constructed on the site unless planning permission is first granted by the Local Planning Authority.