



Appeal Decision

Site visit made on 10 January 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/X0415/W/23/3325128

125 Vale Road, Chesham HP5 3HP

- 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 D Grubb against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/23/0219/FA, dated 19 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is construction of a single detached dwelling on land to the rear of 125 Vale Road, using existing vehicular access from Greenway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, the Government has published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with reference to the siting of the proposal in the street scene; and
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons

Character and Appearance

4. The host property on the appeal site is a bungalow which fronts Vale Road. The appeal site is located off Greenway. Properties on Greenway which are situated adjacent and opposite to the appeal site are two storey dwellings with strong gable features. These properties have a stepped building line due to a slight bend in the highway on Greenway.

5. The appeal relates to the construction of a bungalow in what is currently the rear garden of 125 Vale Road fronting Greenway. The proposed bungalow would be sited forward of the set of two storey properties adjacent to it. Furthermore, the proposal would be located close to Greenway due to its shallow set-back, appearing cramped in its small plot. As such, the appeal proposal would have a prominent position on Greenway. The combination of a shallow set-back, the position of the proposal in the street scene, sitting forward of the established building line of nearby properties and its different form to those dwellings as a bungalow would create a proposal which would appear as a cramped and discordant feature within Greenway.
6. An existing large hedge provides some screening to the site and this would screen views of the proposed bungalow. However, there is no certainty that the hedge would be retained. Nevertheless, I find that the proposal would still be visible when viewed from Greenway, even if the hedge in question would be retained.
7. In the wider area of Greenway and fronting Vale Road, bungalow style properties become a common occurrence. However, as a result of the topography, orientation and separation distance they do not have an immediate visual relationship with the appeal site. An exception is 2A Greenway which is set back further from the street and in line with the adjacent houses on Greenway. It is the siting of the proposed bungalow in its location close to Greenway which would cause harm to the character and appearance to the street scene.
8. The appellant has drawn my attention to individual properties in the immediate vicinity of developments of a similar nature to the appeal proposal. 15A Greenway has a frontage which is closely sited to Greenway. I noted on my site visit that this property would not have an immediate relationship with the appeal site due to the rise in elevation as Greenway turns a corner through the estate. This creates a significant separation between the two sites. Nevertheless, I note from the evidence before me that 15A was granted before the adoption of the current development plan. Each decision is made on its own merits and each application site holds their own unique characteristics which is to be assessed to the relevant development plan.
9. As such, the proposal would conflict with Policy CS20 of the Core Strategy for Chiltern District (CSCD) and Policies GC1 and H3 of the Chiltern District Local Plan 1997 and Adopted Alterations 2001 (LP) and the National Planning Policy Framework (NPPF). These policies state that, amongst other things, new dwellings should have a positive relationship with the immediate area by respecting the general scale, siting height and character of buildings.

Living Conditions of Future Occupiers

10. The proposed layout of the site provides an amenity space to the side of the dwelling, with an access path to the rear of the property with a small area of paving. This would have a depth from the wall of the proposed bungalow to its boundary of 6.1m. This amenity space has a greater depth from the boundary adjacent to Greenway to the rear boundary. Policy H12 of the LP seeks to promote developments which ensure that rear gardens are provided with a minimum depth of 15m unless the situation in the immediate area is characterised by shorter garden depths.

11. Despite flexibility within Policy H12, I find in this instance that the amenity space with a short depth and overall area size would fail to provide an acceptable private amenity space. The position of the amenity space to the side of the property and proximity to Greenway would reduce its privacy. This space would be detrimental to the future occupiers of the proposed property. Whilst an existing hedgerow would offer some screening to the amenity space, I am not convinced that this would offer the degree of privacy required for its future occupiers. There is also no certainty that the hedge would be retained.
12. Properties within the immediate vicinity of the appeal site host private amenity spaces which are located to the rear of the property, are of considerable depth and are generally much larger than the private amenity space proposed in this appeal. The proposed amenity space would fail to relate to these characteristics.
13. The appellant suggests that the removal of Permitted Development Rights would enable the proposed amenity space to be retained at the appeal site. However as the size of the proposed amenity space is inadequate as it stands the restriction of the potential to resist any reduction in size would not address the harm which I have found.
14. The appellant makes reference to a number of examples of gardens which they consider to be similar to the appeal proposal. 6 Greenway is a property which has a private amenity space to the rear of the site, unlike the side garden proposed in this appeal. This adds to the privacy of this amenity space, despite its shallow depth. For that reason, it is not directly comparable to the appeal scheme. The appellant refers to the bungalow which has been erected at 15A Greenway. I observed that this property has a small side garden parts of which are readily visible from the street and privacy is compromised by this arrangement. This side garden is comparable with the appeal scheme. However, the lack of privacy provided for the occupants of No. 15A when using their garden does not justify a similar arrangement at the appeal site. Furthermore, there is limited information before me in terms of the policy context within which the Council made its decision.
15. Reference is also made to an appeal decision at 1 Hivings Park which is a single storey bungalow with amenity space to the side of the property. I note in the evidence before me, this property would have a garden space comparably larger than the one proposed in this appeal. Furthermore, this property is not located in the immediate vicinity and is not visible from the appeal site. 6 Abbots Place hosts a rear facing garden, with smaller depth than is required by Policy H12. However, this example would have a similar sized garden depth to that of its immediately adjacent neighbours, which Policy H12 does support.
16. The appellant also notes 111 Nalders Road, 359 Waterside and 16 Frances Street. However, these properties and sites are in a location with different characteristics to that of the properties on Greenway and are not visible or in close proximity to the appeal site. Therefore, I do not consider these examples are directly comparable to this appeal.
17. For the reasons set out above I find that the development would not provide acceptable living conditions for future occupants with regard to the provision of private amenity space. Therefore, the development would be contrary to Policy H12 of the LP which seeks to promote developments which ensure that rear

gardens are provided with a minimum depth of 15m unless the situation in the immediate area is characterised by shorter garden depths.

Other Matters

18. The site is within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (the SAC). This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The SAC is made up of nine Sites of Special Scientific Interest and is protected for its semi-natural dry grasslands and scrub, amongst other things.
19. The LPA has determined that, due to the proximity of the proposed development, either alone or in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development.
20. Had I been minded to allow the appeal I would have carried out an appropriate assessment (AA) of the effect of the proposal on the integrity of the SAC. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as doing so would not change the outcome of the appeal.

Planning Balance and Conclusion

21. The Framework refers to significantly boosting the supply of housing. One additional two-bedroom dwelling would make a small contribution to that supply. The appeal site is in an urban area where there is access to sustainable modes of transport. Economic benefits would arise during the construction state and from future occupiers making use of local shops and services. These benefits weigh in favour of the grant of planning permission.
22. The appellant notes that the Council does not have a five-year housing land supply. There are no details to the extent of this shortfall. The Council does not respond to the appellant's allegation that the authority is unable to demonstrate a five-year supply of deliverable housing sites in line with the Framework. The evidence presented does not enable me to reach a definitive finding on the housing land supply position. However, even if I were to take the appellant's position, the adverse impacts identified in my reasoning above in respect of character and appearance and whether the proposed development would provide acceptable living conditions for future occupants, would significantly and demonstrably outweigh the benefits of delivering a single residential property.
23. The proposal would not accord with the development plan as a whole and there are no material considerations to outweigh that finding. Consequently, for the reasons given, the appeal is dismissed.

J Smith

INSPECTOR