



Appeal Decision

Site visit made on 23 July 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/N0410/W/23/3328654

Barnfield, 10 Mid Cross Lane, Chalfont St. Peter, Buckinghamshire SL9 0LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amerjit Braich against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/1367/FA.
 - The development proposed is demolition of existing bungalow and erection of detached house and outbuilding.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Amerjit Braich against Buckinghamshire Council. An application for costs was also made by Buckinghamshire Council against Mr Amerjit Braich. These applications are the subject of separate Decisions.

Preliminary Matter

3. As part of the appeal, the appellant provided a Preliminary Roost Assessment (Arbtech, dated 24 August 2023) ('the PRA') which was not before the Council when it determined the application. The Procedural Guide: Planning Appeals – England is clear that in general, appeals are determined on the same basis as the original application and submissions should not normally include new evidence or additional technical data not previously seen by the Council and interested parties at the application stage. However, the PRA does not alter the development that is proposed and the Council has been able to comment on it as part of their appeal evidence. In these circumstances and having regard to the nature of the material, I am satisfied that my consideration of the PRA would not prejudice the interests of any party. I have therefore taken it into account.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 12 Mid Cross Lane in respect of outlook;
 - iii) whether or not there would be adequate provision for parking; and
 - iv) the effect of the proposal on protected species.

Reasons

Character and Appearance

5. There is significant diversity in the design and architectural style of buildings on Mid Cross Lane, but most are of broadly similar two-storey height with hipped or pitched roof forms, and buildings are generally set back similar distances from the street which provides for a degree of rhythm to the street scene.
6. The appeal site includes a detached bungalow. Its single-storey height is unusual on Mid Cross Lane and contrasts notably with the two-storey height of the neighbouring dwellings at 8 and 12 Mid Cross Lane. Nevertheless, the modest scale of the dwelling means that it is a fairly unobtrusive feature and it sits comfortably in the mixed street scene.
7. The proposed replacement dwelling would be positioned very close to the boundary with 8 Mid Cross Lane, contrary to Policy H11 of the Chiltern Local Plan 1997 (including alterations adopted 2001, Consolidated 2007 and 2011) ('the LP') which includes a requirement for a minimum of 1m between flank elevations at or above first floor level and the boundary. Nonetheless, I saw a number of buildings on Mid Cross Lane, including 11 and 13 close by, that are set on boundaries to their sides at two-storey height. In itself, the proximity of the dwelling to the boundary with No 8 would not therefore be conspicuous.
8. However, the dwelling would be much taller than No 8 and would have an unusual roof design including a central flat section at the ridge which would extend across the full width of the dwelling, a sizeable gable projecting from the front roofslope and a further offset gable to the rear. The large flat section and the gables to all sides would add considerable bulk and mass to the roof level of the dwelling which would be clearly appreciable including from the street where it would be visible above No 8. The bulk of the roof would be unusual against the more modest scale of nearby dwellings, and the development would be a particularly dominant element in the street when seen against No 8 given the much greater height of the building standing above this neighbour, together with its close proximity to the boundary which would exacerbate the contrast.
9. Furthermore, the considerable scale of the roof together with the provision of windows to all elevations at second-floor level would give the dwelling a fully three-storey appearance rather than presenting as a two-storey dwelling with accommodation in the roof. This would stand out against the typical two-storey buildings on Mid Cross Lane, and the large flat section at ridge level would further be a discordant feature that would be out of keeping with the more typical hipped and pitched roof forms of buildings nearby.
10. The dwelling would have a side entrance and I note the appellant's suggestion that a front entrance would have resulted in a larger development, but that does not alter my assessment of the proposal that is now before me. For the reasons above, I find that the dwelling would appear excessively bulky and top-heavy and it would be a highly dominant and incongruous feature in the street scene.
11. The Council considers the replacement outbuilding would be acceptable and I have no firm reason to find otherwise. However, this does not offset or mitigate the harm that I have identified above.

12. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area and it would conflict with Policy CS20 of the Core Strategy for Chiltern District 2011 ('the CS') and saved Policies GC1, H3 and H11 of the LP. These policies include requirements broadly for a high standard of design which reflects and respects local character and distinctiveness and for development that relates well to its surroundings including in terms of scale. The proposal would also be contrary to the National Planning Policy Framework ('the Framework') insofar as it seeks development that is sympathetic to local character, visually attractive as a result of good architecture, and that adds to the overall quality of the area.

Living Conditions

13. The development would be set in from the boundary with No 12, but the distance would not be large and separation to the neighbouring dwelling would be relatively modest. The closest part of the development would project significantly deeper to the rear than No 12 at two-storey height for most of the additional depth. In my judgement, the depth combined with the substantial bulk of the roof level of the building at such close proximity would result in a highly imposing and visually intrusive feature in views from the neighbouring dwelling and garden which I find would cause notable detriment to outlook for occupiers of No 12.
14. The appellant asserts that the scheme does not affect anyone's light or privacy. However, outlook is a different concept and a lack of harm to light or privacy is not compelling evidence that development would not be overbearing or harmful to neighbouring outlook.
15. In my assessment, the detriment that I have found to outlook would cause unacceptable harm to living conditions for occupiers of 12 Mid Cross Lane and I conclude that the proposal would conflict with Policy CS20 of the CS and Policy GC3 of the LP which seek, amongst other things, a high standard of design and protection for the amenity of the occupants of adjoining and neighbouring properties. There would also be conflict with the Framework which includes a requirement for a high standard of amenity.

Parking

16. The appellant comments that the dwelling would meet national requirements for parking, but they have not provided or referenced any specific national requirements that would be relevant here. On the other hand, the Council refers to the Buckinghamshire Parking Guidance 2015 ('the BPG') which indicates that the appeal site is in Zone B where a dwelling of the size proposed should be provided with 3 parking spaces. The BPG further stipulates that proposals for parking provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation.
17. The submitted plans illustrate two vehicles to the front of the dwelling; a shortfall of one space. The appellant suggests that there would be three spaces on the drive with plenty of room for more. However, this is not shown on the plans and the evidence provided does not demonstrate that the site frontage could accommodate three parking spaces of at least the minimum dimensions specified by the BPG along with adequate space for vehicles to turn or manoeuvre to be able to access these spaces from the highway. I am not

therefore satisfied that the proposal would make provision for parking in accordance with relevant local standards. Furthermore, there is no compelling evidence before me of local circumstances that would justify deviation from these standards.

18. At my visit, I saw existing on-street parking on Mid Cross Lane and nearby streets around the site, with many vehicles parked partly on the footway so as not to obstruct the highway. Based on my observations, I am in no doubt that such parking can cause obstruction or inconvenience to pedestrians, and particularly those who may have disabilities or children in pushchairs, which would be detrimental to amenity. While on-footway parking may be an existing occurrence, the shortfall in parking provision within the appeal site would be likely to result in some additional demand for on-street parking, exacerbating instances of obstructive parking with detriment to the amenity of local residents.
19. For these reasons, I conclude that provision for parking would be inadequate and would cause harm to the amenities of occupants of neighbouring properties in conflict with saved Policy GC3 of the LP. The proposal would also fail to provide appropriate and effective vehicular parking as required by Policy CS26 of the CS which although not cited in the reason for refusal, was referenced in the Council's report on the application.

Protected Species

20. As part of the appeal, the appellant provided a Preliminary Roost Assessment (Arbtech, dated 24 August 2023) which concluded that bats are very unlikely to be roosting within buildings on the site so that no impacts on roosting bats would be anticipated, and that there would be no removal of habitats on the site which could be used by foraging or commuting bats. The Council has not disputed this assessment and I have no firm reason to find differently. A planning condition could also require a further survey if demolition has not been carried out within 18 months of the PRA which is the period that Bat Conservation Trust guidelines indicate such surveys would be valid for.
21. I am therefore satisfied that there is sufficient ecological information to determine the appeal. I conclude that there would not be harm to protected species, and biodiversity would be suitably conserved and enhanced in accordance with the Natural Environment and Rural Communities Act 2006 (as amended). The proposal would not offend the Conservation of Habitats and Species Regulations 2017 (as amended) and would comply with Policy CS24 of the CS and Policy NC1 of the LP insofar as they seek to conserve and enhance biodiversity and nature conservation interest.

Other Matters

22. The appellant refers to discussions with the Council and amendments that have been made to the proposal from a previous scheme. They also indicate that the Council refused the appeal application without further communication. However, these factors do not alter my assessment of the specific merits of the appeal proposal.

Conclusion

23. While I have found no harm to protected species, the development would cause unacceptable harm to the character and appearance of the area and to

neighbouring living conditions, and there would be inadequate provision for parking. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

24. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR