



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: 23 August 2024

Appeal Ref: APP/X0415/W/24/3336370

The Motoring Team House Amersham Road, Chesham, Buckinghamshire HP5 1NH

- 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 S Ray, The Motoring Team against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/22/3864/FA.
 - The development proposed is a front/side extension to car showroom with office mezzanine above.
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Decision

1. The appeal is allowed and planning permission is granted for a front/side extension to car showroom with office mezzanine above at The Motoring Team House Amersham Road, Chesham, Buckinghamshire HP5 1NH in accordance with the terms of the application, Ref PL/22/3864/FA, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading and my formal decision above is taken from the planning appeal form and the Council's decision notice. This differs from the description originally entered on the planning application form which referred to 'construction of new car showroom with office mezzanine on car sales forecourt area', but I consider it to more accurately describe the development shown on the submitted plans which would comprise an extension to an existing building. As a result and because it has been used by both main parties, I am satisfied that no injustice would be caused by my use of the amended description.
3. As part of the appeal, the appellant submitted a 'SuDS' (Sustainable Drainage System) Strategy ('the SuDS Strategy') which was not before the Council when it determined the application. The SuDS Strategy would not result in any substantial difference or fundamental change to the application. The Council has been able to comment on it as part of its appeal evidence, and I am satisfied that my consideration of the SuDS Strategy 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; and (ii) the effect of the proposal on flood risk in respect of surface water drainage.

Reasons

Character and Appearance

5. The appeal site is located on Amersham Road on the approach to Chesham town centre. It is part of a 'town centre fringes' typology area as defined in the Chiltern and South Bucks Townscape Character Study 2017 ('the TCS') which are noted as mixed areas of commercial uses interspersed with residential buildings found near town centres, generally along busy historic routes.
6. Reflecting a number of the characteristics of town centre fringes highlighted in the TCS, the area around the appeal site includes a mix of residential and commercial properties of varying scale and form with variety in the spacing around them. In contrast to many other streets nearby, buildings on Amersham Road and The Minerals close to the site are typically set back from the street which provides for a degree of openness. However, the building line is not uniform, particularly along Amersham Road, and I saw that Canada Mill nearby is set back only minimally from the footway at two-storey height. In addition, the frontages to buildings are predominantly hardstanding and I saw that those along Amersham Road include areas of parking, signage, or in the case of two petrol stations; canopies that extend close to the highway edge.
7. The appeal site includes a two-storey building with single-storey projections together with a large forecourt to its front and side which provides for vehicle display in association with the use of the site for vehicle sales. The proposed extension would occupy much of the forecourt to the side of the building, and would also step forward of the building to sit closer to Amersham Road.
8. The Council's reason for refusal stated that the building would extend right up to the front site boundary, but the plans show a set back which the appellant indicates would be approximately 3m to the roof overhang and approximately 5m to the front of the building. As the Council has noted within its evidence, varying setbacks from the street are part of the existing character of the area. The set back to the front of the building would be similar to that to the closest part of The Pound House which neighbours the site, albeit fronting Waterside, to Amersham Road and would be greater than that to Canada Mill. Based on my observations at my visit of the relationship with development around the site including the relative position of The Minerals, the proposal would not step significantly forward of existing buildings in views along Amersham Road so as to intrude notably on open views along this street.
9. Moreover, I agree with the Council's comment that the forecourt to the appeal site appears unusually open alongside surrounding buildings which are sited in a sporadic arrangement with a tight urban grain. The proposal would reduce openness on the site, but the roof overhang would not be enclosed to the sides and I find that the set back to the extension and the retained forecourt to the northern part of the frontage would be sufficient to retain a reasonable degree of openness around the development in keeping with other development nearby.
10. In this context, I find that the proximity of the building to the front site boundary would not in itself be uncharacteristic or striking in views along Amersham Road, and would not cause a harmful erosion of existing openness to the detriment of the character of the area.

11. I acknowledge that the building would step forward of The Thorns and buildings located beyond it on The Minerals to the south of the site. The relationship would be appreciable including in views from Amersham Road and The Minerals. However, a staggered building line is noted in the TCS as one of the characteristics of town centre fringes. The development would also be much lower than The Thorns at both ridge and eaves level and while the overall footprint of the extension would be fairly large, the double pitch form of the roof would reduce the bulk and mass of the upper part. In addition, it would have a glazed frontage, and glazing would wrap around to part of the side of the extension which would sit forward of The Thorns. This glazing would enable some views through the building and would help to reduce its impression of mass. Having regard to these factors, I am satisfied that the development would not be unduly bulky and that it would not unacceptably dominate The Thorns or other nearby buildings.
12. The development would be of different form and appearance to its closest neighbours, but the character of the area is mixed. The TCS also encourages variety of architectural styles in town centre fringes. Given these factors together with the proposed pitched roof design which would reflect nearby development, the building's relatively simple form and its modest height against its neighbours, I find that it would not be a conspicuous or incongruous element in the locality.
13. For the reasons above, I find that the development would not be a visually intrusive or unduly prominent feature in the street scenes of either Amersham Road or The Minerals, nor in views from the open space opposite. The site is located at a gateway to the town centre, but in my judgement, the development would relate suitably to its context and the surrounding townscape.
14. Accordingly, I conclude that there would not be unacceptable harm to the character or appearance of the area and I find no conflict with saved Policy GC1 of the Chiltern Local Plan 1997 (including alterations adopted 2001, Consolidated 2007 and 2011) ('the LP') or Policy CS20 of the Core Strategy for Chiltern District 2011 ('the CS'). These policies together include requirements broadly for a high standard of design and development that reflects and respects local character and that relates well to the site, adjoining buildings and highways including in respect of its scale and siting. Nor do I identify conflict with similar objectives in the National Planning Policy Framework ('the Framework') or guidance in the National Design Guide 2019 insofar as they seek high quality and well designed places.

Flood Risk

15. The appeal site is within an area identified as at medium risk of surface water flooding. However, the SuDS Strategy submitted with the appeal includes details of a proposed drainage strategy for the site which would provide for a betterment on existing surface water discharge flows in comparison to the existing arrangement. Following its submission, the Council indicates that the Lead Local Flood Authority has withdrawn its objection, and the second reason for refusal is no longer contested. From the evidence before me and subject to a planning condition to require further details and implementation of drainage measures, I am satisfied that suitable and adequate provision for drainage and management of surface water could be made as part of the development.

16. I therefore conclude that there would be satisfactory provision for surface water drainage as part of the development and I conclude that flood risk would not be unacceptably increased. I therefore find no conflict with saved Policy GC10 of the LP or Policy CS4 of the CS insofar as they seek to ensure that development would not increase the risk of flooding, including through additional surface water run-off.

Other Matters

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving listed buildings and their setting.
18. The Minerals is a Grade II listed building dating to the early 19th Century. It is a modest two-storey building of simple style but with attractive detailing including a cambered arch to the central doorway and round-headed lights to double windows. It was formerly a spa, and insofar as it relates to this appeal, I consider the special interest and significance of the building to derive from the resulting historic interest as well as its aesthetic value. The Minerals faces away from the appeal site onto Amersham Road and is set within a walled curtilage which provides its immediate setting. The appeal site is visible together with The Minerals in some views including from Amersham Road, but there are intervening buildings between them and given the set back of the development relative to the listed building, I find that the setting and the contribution that the site makes to the significance of the listed building as part of its setting would not be harmed. I further find given the greater separation and intervening development that the setting of other listed buildings would not be adversely affected by the proposal.
19. The extension would be positioned close to the boundaries of the site with neighbouring properties. However, it would be of relatively modest height at both the ridge and eaves. The roof form would also slope away from the boundary with The Thorns which already includes development to its rear along the boundary with the site. It would also include a central valley reducing its bulk and presence in views from the rear. Having regard to these factors and the relationship of the development with the windows and amenity space to nearby buildings which are part of a fairly dense built up area, I am satisfied that it would not cause a significant impression of enclosure or loss of light or outlook so as to cause unacceptable harm to living conditions for neighbouring occupiers. Any damage caused to property during construction would be a private matter between the parties involved.
20. The submitted plans show 3 parking spaces within the frontage of the site. The Design and Access, Heritage and Planning Statement ('the DAHPS') indicates that these would provide for visitor parking, but this is not indicated on the plans and interested parties and the highway authority refer to an existing residential unit on the site. I have no firm reason to find that the level of parking would be inadequate to meet relevant requirements, and nor is there compelling evidence that it would harmfully exacerbate any existing parking issues locally. However, I consider that a planning condition should require further details of the allocation of parking and that customer/visitor spaces were kept available for this purpose to ensure adequate provision in practice.
21. Furthermore, I note that external space on the site would be fairly limited and vehicle transporters or similar would not be able to access the site. However,

this is also the situation currently and the existing development is subject to a planning condition restricting loading or unloading from a secondary vehicle such as a transporter at the site which would continue to have effect. That said, given that the proposal would reduce the external space available on the site, I consider that further details of provision for turning and manoeuvring space within the site and maintenance of this space for those purposes would be necessary to ensure that vehicles could be manoeuvred and reorganised within the site boundary without spilling onto the highway or footway.

22. The Council has not objected to the proposal on parking or highways grounds. I note concerns raised by interested parties that conditions on the existing permission have not been adhered to, but enforcement would be a matter for the Council. The proposal would not increase the overall area available for the display of vehicles on the site which currently has no provision for transporter or similar access. In this context and subject to the conditions I have identified as necessary above, I have no firm reason to take a different view to the Council. I consider that traffic generation or requirements for parking would not be significantly increased and I find that the proposal would not exacerbate congestion nor cause unacceptable harm to the safety or convenience of users of the highway.
23. The appellant's Flood Risk Assessment considers flood risk and mitigation measures that would be provided as part of the development and includes information to support application of the flood risk sequential test. The Council has not raised an objection in respect of fluvial flooding and considers that the flood risk sequential test would be passed. I have no firm reason to reach a different conclusion or to find that flood risk would be unacceptably increased.
24. I am satisfied that none of the other matters raised in representations on the proposal, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues.

Conditions

25. I have considered suggested conditions against the tests set out in the Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
26. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition controlling external materials is necessary to ensure a satisfactory appearance. However, I note that the submitted plans refer to materials to match the existing building while the DAHPS refers to use of different materials. Given this apparent inconsistency, I have amended the Council's suggested condition to require that details of materials are submitted for approval.
27. A condition to require further details and implementation of drainage measures is necessary to ensure adequate provision in the interests of flood risk, and a condition restricting the use of the development to purposes in connection with the existing site is necessary in the interests of the character of the area and neighbouring living conditions. I have also imposed conditions relating to the provision and maintenance of vehicle display, parking and space for turning

and manoeuvring of vehicles in the interests of the safety and convenience of users of the highway network having first invited the appellant to comment on these conditions.

Conclusion

28. I have found above that the proposal would comply with the development plan in respect of the main issues. It would also make efficient use of the site to support an existing business and economic growth in accordance with Policies CS15 and CS16 of the CS, as well as the Framework, which further weighs in favour of the proposal. In my assessment, the proposal would accord 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.

29. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 101/EX/001, 101/PR/200 Rev C, 101/PR/201 Rev C, 101/PR/202 Rev C, 101/PR/203 Rev C and 101/PR/221 Rev D.
- 3) No development above proposed ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the SuDS Strategy (ref 2210083, 19/12/2023, Elliott Wood) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - Existing and proposed discharge rates and volumes.
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - Construction details of all SuDS and drainage components.
 - Details of how and when the full drainage system will be maintained, including details of who will be responsible for the maintenance.
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

The scheme shall be implemented in accordance with the approved details before the development is first occupied and shall thereafter be maintained in accordance with the approved details.

- 5) The development hereby permitted shall not be first occupied until space for vehicle display and for parking, turning and manoeuvring of vehicles within the site has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, including details of the allocation of parking spaces within the site. That space shall thereafter be kept available at all times for those specified purposes in accordance with the approved details.
- 6) The development hereby permitted shall only be used for car sales purposes in connection with and incidental to the existing permitted use of the building to be extended and for no other purposes whatsoever.

End of Schedule