
Appeal Decision

Site visit made on 4 February 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/X0415/W/24/3352590

Land at 4a Denham Walk, Chalfont St Peter SL9 0EN

- 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 Mark Ashby against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/1030/FA.
 - The development proposed is erection of 1no dwelling including a new access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On submission of the appeal scheme the appellant has provided an amended plan¹ in an attempt to address the Council's second reason for refusal. The amended plan alters the proposed internal layout of the second floor, moving the bedrooms to the front elevation and also adding an additional window. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have seen site of the amended plan as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plan prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plan. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of neighbouring occupiers with regard to privacy, and
 - whether adequate living conditions would be provided for future occupiers with regard to provision of private outdoor amenity space and sunlight.

¹ Plans & Elevations 009

Reasons

Character and appearance

4. The appeal site is located within a residential area and forms part of the front garden of an existing dwelling, No 4a Denham Walk. Properties in Denham Walk are mostly similar in appearance with open frontages, integral garages, gable roofs and use similar materials. No 4a and three other dwellings are located at the end of Denham Walk and are more recently constructed than the other dwellings. However, while they are designed differently to other properties, they share similar characteristics in that they are large, occupy significant plots and have open frontages resulting in an open and spacious character and appearance.
5. The appeal site has a shallow depth and as a result the proposed dwelling would be located close to the road and also have a wraparound garden instead of a more open frontage like other dwellings nearby. The closeness to the road would be worsened by the proposal to erect a brick wall with iron railing right at the edge of the pavement. This, combined with the small plot size would mean that the dwelling would appear cramped within the plot and be out of character with the other dwellings in the area. The proposed development would therefore erode the open and spacious character and appearance of the area.
6. The proposed dwelling would be smaller in overall size than others in Denham Walk and the design and materials would be closely linked to the more recently constructed dwellings including No 4a. The small size would noticeably different to the majority of dwellings in Denham Walk which would further highlight the dwelling as a cramped and awkward feature in the street scene.
7. The appellant has provided two charts with a selection of properties listed in order to demonstrate garden areas and plot sizes. In regard to the chart showing some properties on Denham Walk, I acknowledge that the appeal site has a similar percentage plot size vs total area to others. However, from a visual perspective the dwellings closeness to the road, lack of open frontage and small overall size would still give the appearance of a cramped dwelling despite these figures.
8. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy H3 of the Chiltern District Local Plan Written Statement Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (LP) and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that proposals are compatible with the character of the area and establish or maintain a strong sense of place.

Living conditions of neighbouring occupiers

9. The proposed dwelling would have a bedroom located on the first floor at the rear which would have a window that would face the garden and rear elevation of No 38 Denham Lane. While the dwelling at No 38 would be some distance away due to the garden depth of No 38, the bedroom window would still allow direct views into the garden.

10. I note that there is landscaping to the rear of the appeal site which includes a high hedge and could screen some views from the bedroom window. However, I am not convinced that this would fully screen views at all times of the year. Furthermore, while I note that the vegetation could be retained through a landscaping condition there is no details of height on the plan. I am also not satisfied that requiring the vegetation to be kept at a certain height would meet the tests of imposing a planning condition. In this regard, there is no guarantee that the vegetation would be retained at a certain height, and I am also mindful of the potential pressure from future occupiers to cut the vegetation due to its height and position in front of windows of the proposed dwelling.
11. I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. It would conflict with Policy GC3 of the LP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that development protects the amenities enjoyed by neighbouring properties.

Whether adequate living conditions would be provided

12. Policy H12 of the LP states that the general standard for rear garden depth will be a minimum of 15m. However, where average garden lengths in the vicinity of the development site are below than 15 metres, the garden lengths of the proposed houses or bungalows should be similar to those in the surrounding area.
13. The garden lengths in the surrounding area are upwards of 10m. However, the proposed development would have a wrap around garden with a depth of up to 5m at the rear and 5.5m to the side. As such, the proposed garden would be out of character with the area and provide a small garden for future occupiers.
14. The closeness of the larger side section of the garden to a large, detached garage located to the front of No 4a would also block sunlight to this part of the garden and result in an unattractive space for future occupiers to use.
15. I have had regard to the chart showing garden areas compared with plot size for various properties in Denham Walk. However, other than an area calculation, this provides very little information about the gardens for each of these properties. The more detailed garden and sizes that the appellant has provided demonstrates that the rear garden would be narrow when compared to others in the area, further compounded by the vegetation depth, with the main garden area being located to the side and towards the road which for the reasons already outlined would be an unattractive space for future occupiers.
16. I therefore conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to the provision of private outdoor amenity space and sunlight. It would be contrary to Policy H12 of the LP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that garden areas are appropriate for the type of dwelling proposed and result in a high standard of amenity for future users.

Other Matters

17. The appellant has referred to another development in an attempt to justify the appeal proposal. I do not have the full details in respect of such example so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
18. In regard to No 12 Rickmansworth Lane, this is a much longer road than Denham Walk and the dwellings have a greater variation in design and plot size with many of the dwellings being smaller and close to the road which differs from the open and spacious character and appearance of the appeal site.
19. The Council have found that the proposed development would not harm highway safety, biodiversity, ecology and provide adequate parking and drainage. However, while I have no reason to conclude otherwise, these are neutral matters.
20. I note the appellant states that the Council did not enable any updated plans to be submitted during the applications consideration. While frustrating for the appellant the Council are required to determine the application as submitted and it is therefore at their discretion whether to require or accept further information.

Planning Balance

21. The proposal would be contrary to Policies H3, GC3 and H12 of the LP. These Policies are consistent with the Framework in seeking to add to the overall quality of the area, establish or maintain a strong sense of place and create places with a high standard of amenity for existing and future users.
22. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council are only able to demonstrate a 1.3 year supply, which is disputed by the Council who suggest they have a 2.9 year supply. In any case, it is evident that there is a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
23. Having regard to the areas of harm identified, Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
24. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. Although these benefits are tempered by the fact that the proposal is only for a single dwelling.

25. In this instance, the harm to the character and appearance of the area, living conditions of neighbouring occupiers and inadequate living conditions that would be provided for future occupiers would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
26. Consequently, when assessed against the Policies in the Framework when taken as a whole and even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

27. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR