



Appeal Decision

Site visit made on 26 February 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Appeal Ref: APP/X0415/W/24/3345240

1 Albert Road, Chesham, Buckinghamshire, HP5 3AB

- 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 R Wade against the decision of Buckinghamshire Council - East Area (Chiltern).
- The application Ref is PL/22/2377/FA.
- The development proposed is the demolition of existing detached dwelling and construction of 5 flats.

Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has submitted an application for costs against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters and Main Issues

3. The Development Plan consists of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and the Core Strategy for Chiltern District referred hereafter collectively referred to as the Local Plan (LP).
4. The main issues are the effect of the appeal scheme on:
 - i. highway safety, with particular regards to car parking provision,
 - ii. the character and appearance of the area,
 - iii. the living conditions of the occupiers of 16-32 Albert Road, with particular regards to overlooking, loss of sunlight and outlook,
 - iv. surface water drainage,
 - v. the nearby Chiltern Beechwoods Special Area of Conservation (SAC) with particular regards to whether or not appropriate avoidance and mitigation measures are proposed

Reasons

Highway Safety

5. The appeal scheme would replace the existing detached dwelling with 5 flats, representing an increase in parking demand. However, no vehicle parking spaces are shown on the submitted plans. My attention has been drawn to objections from

local residents that refer to existing on-street parking pressures and the potential for congestion, nuisance and a detrimental effect on the living conditions of existing and future residents.

6. Nonetheless the consultation response from the Highways Officer acknowledges the above matters but does not raise any objection to the proposals. The consultation response does note the sustainable location of the site and the car parks in the vicinity of the site.
7. It is reasonable to conclude that the proposed development would potentially increase demand for on-street parking in the area. I saw at the site visit that the area is subject of some parking demand pressure and that there are parking restrictions in place on streets near to the appeal property. That said, I note the evidence submitted by the appellant with regards to the range of services and public transport options that future residents of the proposed development would have access to within walking distance of the appeal site, as well as other nearby car free developments’.
8. But even if there were an increase in on-street parking, I have no evidence before me to show that would result in indiscriminate on-street parking to the detriment of highway safety and moreover, I have no substantive evidence to show that there is no capacity to absorb the very limited potential increase in demand for on street carparking resulting from the proposed development.
9. I accept that one consequence of placing a reliance upon existing on-street carparking is that existing and future residents of the area would to some extent be inconvenienced by an increased competition for the available spaces. This would manifest itself in terms of taking longer to find a parking space, or residents having to park further away from their homes. Whilst I acknowledge that this would be an inconvenience to local residents, I do not find that this would amount to an unacceptable impact on their living conditions.
10. Consequently, while I find that the proposed development would potentially lead to a very limited increase in demand for on street carparking, this would not have an unacceptable impact on highway safety or the living conditions of local residents. Therefore, I find no conflict with policies GC3 and CSF1 of the LP that seek to protect the living conditions of existing and future residents and ensure that new development is detrimental to vehicle parking, amongst other matters.

Character and Appearance

11. The appeal scheme would replace the existing modest detached dwelling with a three-storey block of flats. I saw at the site visit that the appeal site occupies a prominent position on the corner of Victoria Road, Albert Road and White Hill. The area around the appeal site includes two storey dwellings with pitched roofs and three storey flats either with flat roofs (White Hill) or pitched roofs (Victoria Road).
12. The appellant has referred to the findings of the Officer’s report with regards an earlier planning application¹ for a broadly similar scheme that found that scheme to be acceptable and early engagement with the Council in preparing the revised application from which this appeal results.

¹ PL/20/4070/FA

13. The Council's appeal statement has identified that the appeal scheme is in fact taller than previously understood, now being 11m high and that this, in combination with the position of the appeal site at a higher level than the adjacent and at 9m, shorter, property results in "a more obtrusive form of development" and refers to changes to the National Planning Policy Framework, with regards design.
14. Turning to the matter of the height and scale of the appeal scheme. The appellant's submitted plan, 'PROPOSED WHITE HILL and VICTORIA ROAD ELEVATION' shows the street scene image of the proposed building in the context of the neighbouring existing buildings. The plan shows that the proposed building is taller than the neighbouring properties on White Hill and is situated at a higher level, but it does not appear as excessive or harmful. With regards Victoria Road, the appeal scheme is shown as being broadly comparable in height to the existing properties.
15. With regards the scale and mass of the appeal scheme, the submitted plans show that the proposed property is of a greater depth than those on White Hill. However, given the location of the appeal site on the corner of White Hill, Victoria Road and Albert Road I do not consider this to be harmful.
16. In addition, the submitted plans show the use of brick sections in the elevations of the appeal scheme, reflecting the materiality and character of the neighbouring properties and reducing the overall sense of scale and bulk of the appeal scheme.
17. Turning to the National Planning Framework, I note that with regards good design, development that is visually attractive and sympathetic to local character is sought and for the reasons detailed above I am satisfied that the appeal scheme would deliver good design in this regard.
18. For the reasons detailed above I am satisfied that the appeal scheme would not harm the character and appearance of the area and as such is not contrary to policies proposed development would adversely affect the character and appearance of the area and is contrary to Policies GC1, H3, H12, GC4 and CS20 of the LP that, amongst other matters, seeks to protect the character and appearance of the area.

Living Conditions

19. The proposed building, being a 3 storey block of flats, is situated to the east of the adjacent block of flats, Nos.16-32 Albert Road. The submitted plans show that the proposed building would extend further to the north, towards Albert Road, than nos.16-32 and to a lesser extent to the south towards White Hill road. I saw at the site visit that there are no windows on the elevation of nos.16-32 that faces the appeal site.
20. However, there are some windows, particularly those on the upper floors of the appeal scheme that look towards the adjacent block of flats. The submitted plans identifies that these windows serve kitchens, living room and a bedroom. Furthermore, the balconies also afford views towards the adjacent block of flats. Consequently, there is the potential for an overlooking from the appeal scheme to the habitable rooms of the adjacent block of flats leading to a loss of privacy for the occupiers of those properties.
21. The Officer's report suggests the use of obscure glazing and non-opening windows and privacy screens to the balconies. I am satisfied that such measures would

adequately protect the privacy of the occupiers of the adjacent block of flats and could be secured by an appropriately worded condition.

22. The height and unbroken bulk of the appeal scheme positioned at a higher level to the east of nos.16-32 would result in the blocking, to some extent, of morning sunshine. The submitted plans show that nos.16-32 is set on a broadly east-west axis and as such the north facing windows would enjoy little in the way of direct morning sunlight at present. Consequently, the appeal scheme would result in a negligible loss of morning sunlight and therefore little detrimental impact on the living conditions of the occupiers of that property in this regard.
23. With regards the overbearing impact referred to by the Council, while the appeal scheme is higher than the adjacent properties and set at a higher level due to the rising ground level, I am satisfied that the separation distance between the properties, some 5 metres, the north-south outlook of the neighbouring property and the otherwise urban context has the result that the appeal scheme would not have an unacceptable overbearing impact on the living conditions of the occupiers of the neighbouring property.
24. For the reasons detailed above I find that the appeal scheme would not have an unacceptable impact on the living conditions of the occupiers of neighbouring properties and thus is contrary to policies GC1, GC3 and CS20 of the LP that amongst other matters seek to protect the living conditions of neighbouring residents.

Surface water Drainage

25. The consultation response from Buckinghamshire Council, the Lead Local Flood Authority (LLFA), objected to the application referring to insufficient information being submitted in respect of the surface water drainage scheme.
26. The appellant refers to delays and difficulty in receiving details of the consultation response from the council but has not provided the requested information and has requested that the matter is dealt with by condition.
27. The submitted evidence before me does not demonstrate that the proposed surface water drainage solution is adequate. Nonetheless I am satisfied that the details, in particular those relating to calculations and future details of the attenuation tank including maintenance, could be controlled by a suitably worded condition as suggested by the appellant and in accordance with the condition suggested by the LLFA².
28. As such, with a suitably worded condition, the appeal scheme is not contrary to policies GC1, GC3, and GC10 of the LP.

Chiltern Beechwoods Special Area of Conservation

29. The Officer's report identifies that the appeal site is within the "zone of influence in relation to the Chiltern Beechwoods Special Area of Conservation (SAC). Correspondence from Natural England dated 14 March 2022 identifies that "there could be a significant potential conflict between the plans for new housing provisions in the areas around Chilterns Beechwoods SAC, and the conservation

² LLFA Letter dated 11/08/24

objectives for the site” as a result of increased pressure resulting from residents’ recreational activities in the SAC. This is not disputed by the appellant.

30. However, no mitigation scheme is currently in place and no condition, that would meet the tests set out in the Planning Practice Guidance or planning obligation that would resolve this matter is before me.
31. In the absence of any proposed mitigation, it remains that the appeal scheme in itself and in combination with other developments would likely have a significant detrimental effect on the SAC as a result of recreational activities of future residents.
32. Thus, I find that the appeal scheme is contrary to Policy CS24 of the LP that, amongst other matters, seeks to protect biodiversity.

Other Matters

33. The Council acknowledges that it has a shortfall in terms of being able to demonstrate a 5-year housing land supply, identified as being 2.9 years for the Chiltern Area. I note that the appeal scheme would make a modest contribution to the overall housing land supply position but in light of clear objectives within the Framework to significantly boost the supply of housing and the significant housing undersupply position, the provision of the dwellings of the appeal scheme is an important benefit, and I afford it great weight.

Planning Balance and Conclusion

34. The council cannot demonstrate a 5-year housing land supply, and the appeal scheme would make a modest contribution to the overall housing land supply. I have afforded this matter great weight.
35. Conversely, I have found that the appeal scheme would harm the SAC and thus is contrary to CS24 of the LP. This matter attracts significant weight.
36. Where I have found an absence of harm, in respect of highway safety, character and appearance, living conditions and surface water flooding, this is of neutral weight in the planning balance.
37. In the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would not therefore benefit from the presumption in favour of sustainable development set out within the Framework. The proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.
38. For the reasons given above and having considered all other matters, I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR