PLANNING COMMITTEE – 29 March 2012

REPORT OF THE OFFICERS

Background papers, if any, will be specified at the end of each item

AGENDA ITEM No. 5

5 DEFERRED APPLICATIONS

5.1 CH/2011/2015/FA (Case Officer: Mrs Rosie Foreman)

REDEVELOPMENT OF SITE TO PROVIDE THREE DETACHED DWELLINGS, WITH TWO SERVED FROM EXISTING VEHICULAR ACCESS OFF AMERSHAM ROAD AND ONE SERVED BY NEW VEHICULAR ACCESS FROM CLIFTON ROAD

2 Amersham Road (and 2 Clifton Road), Chesham Bois, Buckinghamshire, HP6 5PE

Planning application CH/2011/2015/FA was considered by Members at the previous Planning Committee meeting on 8th March 2012 (The original Report and site location plan is attached as Appendix A). The application was recommended for refusal by Officers for two reasons. During the discussion of this application, Members acknowledged the support of the local community for the current scheme, and also expressed support for the principle of redevelopment to provide three houses on the site, particularly given the fallback position that the applicant could implement planning permission CH/2011/0898/FA for 9 flats. However, Members also raised concerns about the details of the design, and whether the scheme was desirable in this location, which falls within an Established Residential Area of Special Character. Given these exceptional circumstances, Members resolved to defer the decision to allow the Applicant the opportunity to submit amended plans to address the concerns raised about the details of the design.

Amended plans have been received. The differences between the originally submitted plans and the amended plans are as follows:
- The dwelling on Plot 1 has been handed, an eaves feature has been removed from the front elevation and it is proposed to render the entire dwelling.
- The dwelling on Plot 3 has been handed.

The application was recommended by Officers for refusal as set out in the original report (Pages 38 to 45 of the report of 8th March 2012).

AGENDA ITEM No. 6

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

Contact Officers: Sue Kendall (01494 732201) or Shirley Langstaff (01494 732775)

CH/2011/1195/OA - Erection of detached dwelling served by new vehicular access, Morgans Orchard, Jenkins Lane, St Leonards
CH/2011/1452/FA - Erection of new detached dwelling served by existing vehicular access, creation of new vehicular access to serve existing dwelling, alterations to plot frontages including laying of hardstanding and construction of raised terraces to both existing and proposed dwellings, 53 Hivings Hill, Chesham

CH/2011/1858/FA - Replacement dwelling and hardstanding served by new vehicular access, 6 Middle Drive, Knotty Green

CH/2011/1979/FA - Two storey side/rear extension, Hillcrest, Hill Farm Lane, Chalfont St Giles

CH/2011/1358/FA - Part two storey, part single storey side/rear extension and insertion of rear dormer window, 46 First Avenue, Amersham

CH/2011/1403/FA - Redevelopment of site to provide one two storey building comprising 4 flats and one pair of semi detached houses with associated landscaping served by new access (amendment to planning permission CH/2008/0829/FA), 123 Hundred Acres Lane, Amersham

CH/2011/1908/FA - Change of use from offices (Use Class B1) to non-residential institution (Use Class D1), Units 3 & 4 Esprit, 17 Asheridge Road, Chesham

2011/00127/AB – Appeal against Enforcement Notice alleging a Single storey rear extension built not in accordance with plans approved under planning permission CH/2010/1590/FA, 68 First Avenue, Amersham

6.2 APPEAL DECISIONS

Contact Officers: Sue Kendall (01494 732201) or Shirley Langstaff (01494 732775)

CH/2011/1201/FA - Part single storey, part first floor rear extension, new chimney to west elevation, alterations to windows, insertion of bay window in north elevation and erection of detached outbuilding comprising four garages, greenhouse and potting shed with store and games room in the roofspace, Touchwood, Grimms Hill, Great Missenden

Officer’s recommendation - Refuse Permission

Split Decision (06.03.2012)

CH/2011/1250/FA - Demolition of Nos. 24 & 26 Drews Park and redevelopment of site to provide four detached houses, with attached garage to plot one and detached double garages to plots 2, 3 and 4, served by two new vehicular accesses from Penn Road, 24 and 26 Drews Park, Knotty Green

Officer’s recommendation – Council failed to determine application

Appeal Dismissed (05.03.2012)

CH/2011/1623/FA - First floor rear extension incorporating rear porch, pitched roof to existing single storey front projection, ground floor bay window and alterations to fenestration incorporating juliet balcony to north west elevation, 29 Pineapple Road, Amersham

Officer’s recommendation - Refuse Permission

Appeal Allowed (27.02.2012)

CH/2011/1693/FA - First floor side extension and single storey rear extension, 2 The Copse

Knotty Green

Officer’s recommendation - Refuse Permission
Appeal Dismissed (05.03.2012)

6.3 CONSENT NOT NEEDED

CH/2012/0178/CA - Demolition of walls within site, 23 Missenden Road, Chesham

6.4 WITHDRAWN APPLICATIONS

CH/2011/2064/FA - Single storey rear extension, 137 Fairacres, Prestwood

CH/2011/2094/OA - Conversion of grooms accommodation, stable block and barn to provide two dwellings with associated garaging and studio annexe, erection of front porch and detached double garage, Rowood Farm, Burtons Lane, Little Chalfont

CH/2011/2115/SA - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of a two storey rear extension, the insertion of roof lights into side roof slopes of the existing dwelling and alterations to fenestration details at ground and first floor level in the front and north east side elevations of the existing dwelling, Ridings, Nightingales Lane, Chalfont St Giles

6.5 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED


Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

AGENDA ITEM No. 7

7 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 EXCLUSION OF THE PUBLIC

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.
AGENDA ITEM No. 9

9 ITEMS FOR CONSIDERATION IN PRIVATE SESSION – PARAGRAPH 6 PART I OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

2010/00132/AB

Alleged Breach: Construction of a building without planning permission

Location: Francis and John's Plantation, Valley View International Sporting Gun Club, London Road, Great Missenden, Buckinghamshire.
CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 29th March 2012

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

**Great Missenden**

**CH/2011/1829/FA**  Ward: Ballinger South Heath  Page No: 3
And Chartridge
Proposal: Erection of detached chalet bungalow to the rear of No. 33 served by existing access to Lappetts Lane, alterations and extension to existing garage block, creation of two new vehicular accesses to serve No. 33 Kings Lane, laying of hardstanding, relocation of existing detached concrete garage and erection of boundary fencing
Recommendation: Conditional permission

31 & 33 Kings Lane, South Heath, Buckinghamshire, HP16 0QY

**Great Missenden**

**CH/2011/1943/FA**  Ward: Ballinger South Heath  Page No: 10
And Chartridge
Proposal: Freestanding wind turbine
Recommendation: Refuse Permission

Land Adjacent To Jewsons, Chesham Road, Hyde End, Buckinghamshire,

**Amersham**

Proposal: Redevelopment of site to provide new office building (Use Class B1(a)) with detached bin store and electricity substation
Recommendation: Conditional permission

Buildmark House, Chiltern Avenue, Amersham, Buckinghamshire, HP6 5AP

**Chalfont St Peter**

**CH/2012/0030/FA**  Ward: Austenwood  Page No: 30
Proposal: Part two storey, part single storey front/side/rear extension and a front porch
Recommendation: Refuse Permission

Aysgarth, 60 North Park, Chalfont St Peter, Buckinghamshire, SL9 8JR

**Chalfont St Giles**

**CH/2012/0065/FA**  Ward: Chalfont St Giles  Page No: 34
Proposal: Mobile home for occupation for a temporary period of 10 years (retrospective)
Recommendation: Refuse Permission

The Small Holding, Nightingales Lane, Chalfont St Giles, Buckinghamshire, HP8 4SH
Chesham

CH/2012/0067/FA Ward: Hilltop And Townsend Page No: 43
Proposal: Two storey rear extension and replacement roof incorporating front dormer windows to facilitate accommodation within the roofspace and erection of front porch
Recommendation: Refuse Permission

9 Linington Avenue, Chesham, Buckinghamshire, HP5 1XP

Chesham

CH/2012/0085/FA Ward: Vale Page No: 46
Proposal: Part two storey, part first floor side extension
Recommendation: Conditional permission

101 Vale Rise, Chesham, Buckinghamshire, HP5 2BG

Little Chalfont

CH/2012/0114/FA Ward: Chalfont St Giles Page No: 48
Proposal: Erection of replacement dwelling and detached double garage
Recommendation: Conditional permission

Jocelyns, Harewood Road, Little Chalfont, Chalfont St Giles, Buckinghamshire, HP8 4UA

Amersham

CH/2012/0225/FA Ward: Amersham Common Page No: 55
Proposal: Detached dwelling with single garage and triple garage block to serve Nos. 53, 59 and 61 Hillside Gardens
Recommendation: Refuse Permission

Plots 11 and 12, Land To The Rear Of 75-87 Stanley Hill and, 51-65 Quarrendon Road, Amersham, Buckinghamshire

Chesham Bois

CH/2012/0241/FA Ward: Chesham Bois And Page No: 60 Weedon Hill
Proposal: First floor rear extension
Recommendation: Conditional permission

Birchlands, 7 The Ridings, Chesham Bois, Buckinghamshire, HP6 5LL
Main List of Applications
29th March 2012

CH/2011/1829/FA
Case Officer: Mr Adam Davies
Date Received: 11.11.2011
Parish: Great Missenden
App Type: Full Application
Proposal:
Erection of detached chalet bungalow to the rear of No. 33 served by existing access to Lappetts Lane, alterations and extension to existing garage block, creation of two new vehicular accesses to serve No. 33 Kings Lane, laying of hardstanding, relocation of existing detached concrete garage and erection of boundary fencing
Location: 31 & 33 Kings Lane South Heath Buckinghamshire HP16 0QY
Applicant: Mr Griffiths & Mrs Whitnell

SITE CONSTRAINTS
Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area Special Adv. Control
Within Chilterns AONB
Within Green Belt other than GB4 GB5
Within 500m of SINC NC1
GB settlement GB5,6,12,23,H7,13,19

RELEVANT PLANNING HISTORY
CH/572/82 – Erection of bungalow and garage, land to the rear of Nos. 31 and 33 Kings Lane, South Heath. Refused permission. Dismissed at appeal. The Inspector concluded that the proposal would be detrimental to the residential amenities of the neighbouring properties, particularly No. 39 Lappetts Lane and Nos. 31 and 33 Kings Lane.

CH/2011/1357/FA - Erection of detached chalet bungalow to the rear of No. 33 served by existing access to Lappetts Lane, alterations to existing garage block, creation of two new vehicular accesses to serve No. 33 Kings Lane, laying of hardstanding, relocation of existing detached concrete garage and erection of boundary fencing. Refused permission for two reasons: (1) Given its height, gabled roof form, large front gable feature and large rear dormer window, the proposed dwelling would appear unduly large and prominent within the street scene when seen in the context of the modest hipped roof bungalows surrounding the site. The proposed dwelling would also appear cramped within its plot, due to its height, ridge length, overall bulk and gable-ended flanks. (2) Given the height and scale of the tall, imposing side gable, the dwelling would appear visually intrusive and result in an increased sense of enclosure when viewed from the private rear amenity.
area to No. 39 Lappetts Lane. Appeal in progress.

THE APPLICATION
The application proposes the erection of a detached chalet bungalow to the rear of No. 33 Kings Lane. The proposed dwelling would measure a maximum of 11.1 metres in width by 11 metres in depth and 6.3 metres in height with a pitched roof incorporating a flat-roofed dormer window within the rear roof slope. The chalet bungalow would front onto Lappetts Lane, with the rear part of the existing plot for No. 31 Kings Lane providing the rear garden area for the new property. The proposed plot would measure a maximum of 18.5 metres in width by 33 metres in depth. The new property would be served by the existing vehicular access from Lappetts Lane. Part of the existing detached triple garage to the rear of No. 33 would be demolished and the retained structure would be enlarged with a 3.6 metre deep front extension to create a garage for the proposed chalet bungalow. A new vehicular access and driveway from Lappetts Lane are proposed for the existing dwelling at No. 33 and an existing single garage in this location would be relocated to allow access from the new driveway. An additional vehicular access from Kings Lane is also proposed to the front of No. 33.

The application follows the refusal of application CH/2011/1357/FA. Since the previous application, the following changes have been made to the proposal:
- The roof form of the proposed dwelling has been revised. It would now have a fully hipped roof rather than a wide gabled roof as previously proposed. As a result, the ridge length has been substantially reduced in length, from 11.5 metres to 3.0 metres.
- The large two storey front gable feature previously proposed has been entirely omitted. A single storey front projection is now proposed with a low hipped roof and a lower section of flat roof.
- The width of the rear dormer window has been reduced by 5.6 metres (from 9.6 metres to 4.0 metres), its depth has been reduced by 0.5 metres and its height has been reduced by 0.2 metres.
- The proposed dwelling would now be constructed parallel with the retained garage for the new property rather than parallel to the south east boundary of the proposed plot, slightly increasing the space between this boundary and the south east corner of the proposed dwelling.
- The maximum depth of the proposed dwelling has been increased by 1.3 metres.
- The front extension to the garage for the new property is a new element that was not previously proposed.
- The property would now contain 3 bedrooms instead of 5, as previously proposed.

PARISH COUNCIL
The Parish Council originally raised no objection to the proposal but provided revised comments on 13 December which raised objections to the proposal on the grounds of considerable overdevelopment of the site and the fact that the contraventions of Local Planning Policy, detailed in Section 2 of the original Schedule of Reasons for refusal issued by CDC under the previous application still apply.

REPRESENTATIONS
Councillor Jones and Councillor Gladwin have both requested that this application be referred to the Planning Committee, regardless of the Officers’ recommendation.

A Design and Access Statement has been submitted with this application.

The applicant has submitted financial information which seeks to demonstrate that the provision of a financial contribution towards affordable housing as part of the development would render the whole scheme unviable.

The applicant has submitted a number of emails in support of the application which can be summarised as follows:
- The proposal represents a 25% reduction in floor area when compared with the previous scheme.
- The proposal would be in accordance with the relevant policies of the Core Strategy for Chiltern District.
- The current scheme overcomes the previous reasons for refusal and the Parish Council’s concerns in relation to the previous proposal.
- An illustrative plan has been submitted to show the appearance of the proposed dwelling in the context of existing vegetation.

Nine letters/emails of objection have been received which can be summarised as follows:
- The current proposal represents an increase in the footprint of the proposed dwelling when compared with the previous scheme.
- The proposal constitutes ‘garden grabbing’ and would be harmful to the character of the area.
- The proposal would be detrimental to the privacy and amenities of neighbouring properties along Lappetts Lane and Kings Lane.
- Concerns are raised regarding increased traffic and resultant disturbance to nearby residents.
- Trees and hedges within the application site have been planted to improve the applicant’s privacy rather than in the interests of conservation. Neighbouring residents should not be criticised by the applicant for removing trees and hedges on their own land.
- Recent extensions to neighbouring properties have not been harmful to the privacy of other properties in the area.
- The changes made to the proposal since the previous application are minimal and do not overcome the previous concerns.
- Concerns are raised regarding the implications for sewerage infrastructure and television signals.
- The site is within the Green Belt and AONB.
- The proposal would result in a loss of garden land and the resulting gardens would be too small.
- The development would increase the density of the area and would appear ‘shoe-horned’ in.

CONSULTATIONS
District Tree and Landscape Officer: No objection provided only the minimum boundary hedging necessary is removed.

Buckinghamshire County Highway Authority: No objection subject to conditions.

Building Control – Fire Fighting Access: No comment.

The Council's Financial Consultant (summarised) - He agrees with the applicants' valuation in respect of the sales value of the proposed dwelling, but considers that the likely devaluation in the sales value of the existing two dwellings is an over-estimation. Rather than a reduction of £100,000, he considers a more reasonable reduction in the sales value of the properties would be £60,000. He also considers that a 20% profit is applicable rather than a 22.5% profit suggested by the applicant. Based on a desktop research and assessment, the financial consultant considers that the proposed scheme with an affordable housing financial contribution of £17,000 and a 20% profit shows a deficit of approximately £34,000. As such, the scheme with an affordable housing commuted sum policy is therefore not viable.

POLICIES


ISSUES
1. The application site is located within a designated Green Belt settlement where, in
accordance with Local Plan Policy GB5, limited residential development is acceptable in principle
where the proposal constitutes limited infilling, as defined by Policy GB4, or the development
consists of a small parcel of land in existing or authorised or established residential use which is
totally or substantially enclosed by existing residential development. The property also falls within
the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan
Policy LSQ1, development should conserve, and where considered appropriate and practicable,
enhance the special landscape character and high scenic quality of the AONB. The application
follows the refusal of application reference CH/2011/1357/FA. The relevant site circumstances
have not significantly altered since the previous application. Since the previous application the
Development Plan has changed as the Council has adopted the Core Strategy for Chiltern District.
In this case, Policies CS4, CS8, CS20, CS22, CS25 and CS26 are relevant to the assessment of the
current proposal. It is therefore necessary to consider whether the current proposal overcomes the
previous reasons for refusal, having regard to the current Development Plan.

2. The existing dwellings at Nos. 31 and 33 Kings Lane form part of a row of bungalows and
chalet bungalows fronting onto the north east side of the road. Lappetts Lane is a crescent of similar
dwellings running around this row of properties. Outline planning permission was previously
refused for a detached bungalow and garage fronting Lappetts Lane at the rear of No. 33 Kings
Lane in 1982 and the subsequent appeal against this decision was dismissed. The previous Appeal
Inspector considered that this site represents a plot of an adequate size for a detached bungalow and
garage in this location and, in principle, a detached dwelling and garage on this plot would not
result in an unacceptable change in the character of the area. In addition, the Council did not raise
an objection to application reference CH/2011/1357/FA in terms of the principle of developing this
plot for a new dwelling, having regard to criteria (a) and (b) of Policy GB5. The Case Officer’s
report for this previous application noted that the curtilage of the new property and the retained
plots for Nos. 31 and 33 would be relatively small but would be comparable to the existing
adjoining development. Additionally, the proposed dwelling and retained garage for the new
property would be positioned within the front part of the plot. This layout is typical of the
neighbouring properties around this part of Kings Lane and Lappetts Lane. However the previous
application was refused on the grounds that the proposed dwelling would not have been compatible
with the scale and appearance of the neighbouring dwellings along this part of the Kings Lane and
Lappetts Lane and would therefore have been to the detriment of the character of the locality. In
particular, the first reason for refusal referred to the height, gabled roof form, large front gable
feature and large box-like, flat-roofed rear dormer window, which would have resulted in the
proposed dwelling appearing unduly large and prominent within the street scene when seen in the
context of the modest hipped roof bungalows surrounding the site. In addition, the first reason for
refusal stated that the proposed dwelling would have appeared cramped within its plot, due to its
height, ridge length, overall bulk and gable-ended flanks.

3. Since the previous application, the roof form of the proposed dwelling has been revised. It
would now have a hipped roof rather than a gabled roof as previously proposed and would not
therefore have the very wide ridge line which was a feature of the previous scheme (the ridge
length has been substantially reduced from 11.5 metres to 3.0 metres). The large two storey front
gable feature previously proposed has also been omitted. A single storey front projection is now
proposed with a hipped roof and a lower section of flat roof. The size of the proposed rear dormer
window has also been significantly reduced with a 5.6 metre reduction in its width and a 0.5 metre
reduction in its projection from the roofslope. The proposed dwelling would also now be
constructed parallel with the retained garage for the new property rather than parallel to the south
east boundary of the proposed plot. However, the main change is to the roof form, which would
now result in a more spacious relationship between the dwelling and the plot. Although the
maximum depth of the proposed dwelling has been slightly increased since the previous
application, this increase is at the rear of the building and would not be readily apparent in public
views of the site. The maximum height of the dwelling remains the same as the previous scheme
and whilst it would be slightly taller than the neighbouring dwellings at Nos. 31 and 33 Kings Lane
and Nos. 38 and 39 Lappetts Lane, the roof bulk is significantly reduced through its hipped form, such that it would be of a similar overall size and appearance to the neighbouring hipped dwellings along this part of Lappetts Lane and the immediate row of properties fronting Kings Lane. Another element of the previous first reason for refusal related to the proposed rear dormer window, which was flat roofed, bulky and overly wide at some 9.6 metres. This dormer has now been reduced such that it is less than half the size of the previous proposal (it is now 4 metres wide). There are other flat roofed dormer windows within the immediate vicinity of the application site which have a similar width to that now proposed. It is therefore considered that the proposed dwelling would not appear unduly large and prominent within the street scene or cramped within the plot. The proposed dwelling would therefore be compatible with the character of the neighbouring dwellings along this part of the road. It is now proposed to enlarge the retained garage for the new property with a front extension bringing this building closer to the front of the plot. However the resulting garage would be low in height and would not project substantially forward of the proposed dwelling, therefore not appearing obstructive or prominent within the street scene. The current proposal would not therefore be detrimental to the character or appearance of the area and overcomes the first reason for refusal of the previous application.

4. The previous application was also refused on the grounds that the proposed dwelling would have been detrimental to the amenities of No. 39 Lappetts Lane. The second reason for refusal stated that the height and scale of the tall, imposing side gable would have resulted in the dwelling appearing visually intrusive and resulting in an increased sense of enclosure when viewed from the private rear amenity area serving No. 39 Lappetts Lane to the north east. As a result of the change in roof form to a fully hipped roof, the tall flank gable on the north east side of the proposed dwelling has now been omitted and the roof would be pitched away from the common boundary. This results in the ridge of the currently proposed hipped roof being located over 16 metres from the boundary with No. 39, compared to the previous gable which was located around 8 metres from this boundary. This substantially reduces the scale and bulk of the proposed building as it would appear from No. 39. Whilst it would still be visible from the rear of No. 39, given its hipped roof form and the spacing between the two properties, it is not considered that the proposed dwelling would appear overbearing or visually intrusive. Given its height and position in relation to the dwelling at No. 39, the proposed garage extension would also not be harmful to the amenities of this neighbouring property. The proposal therefore overcomes the second reason for the refusal of application reference CH/2011/1357/FA.

5. The Council did not raise objection to the previous application in relation to the amenities of any other neighbouring properties, the amenities of the future residents of the new property, the level of off street parking provision or highway safety. The changes made to the scheme since the previous application do not give rise to any new concerns in these respects.

6. Policy CS8 of the Core Strategy sets out that, on sites of 1 to 4 dwellings, a financial contribution is required for each new dwelling towards the provision of affordable housing elsewhere in the District, unless the applicant can show clear evidence that it is not financially viable to do so. In this case, the applicant has provided financial information which seeks to demonstrate that the provision of a contribution towards affordable housing would render the scheme unviable. The Council’s independent financial consultant has undertaken an assessment of the proposal and has advised that the provision of a financial contribution towards affordable housing would indeed render the development unviable. As such a contribution towards affordable housing is not required in this case and no objections are raised in relation to Policy CS8.

7. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Conditional permission
Subject to the following conditions:-
1 C108A General Time Limit

2 Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point. Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

3 Before any construction work commences, named types and samples of the facing materials and roofing materials to be used for the external construction of the new dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details. Reason: To ensure that the external appearance of the new dwelling is not detrimental to the character of the locality.

4 The materials to be used in the external construction of the extension to the garage to serve the new dwelling hereby approved shall match the size, colour and texture of those of the existing garage. Reason: To ensure that the external appearance of the enlarged building is not detrimental to the character of the locality.

5 Prior to the occupation of the new dwelling hereby approved, the two new vehicular accesses and driveways and the relocated garage to serve No. 33 Kings Lane, together with the driveway to serve the new dwelling, shall all be laid out and made available for use. The areas of new hardstanding shall either be constructed using porous materials, or provision shall be made for the hardstanding to drain naturally to a porous or permeable surface within the curtilage of the dwelling it would serve. These areas for parking, garaging and manoeuvring shall not thereafter be used for any other purpose. Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to minimise the potential for flooding and pollution of watercourses.

6 Before the first occupation of the dwelling hereby permitted the window at first floor level in the south west elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter. Reason: To protect the amenities and privacy of the adjoining property.

7 Only that part of the hedge on the south east boundary of the site along Lappetts Lane which is directly affected by the laying out of the new vehicular access to serve No. 33 Kings Lane shall be taken out. The remainder of the hedge along the south east boundary of the curtilages of both the existing and new dwellings shall be retained at a height of no less than 2 metres for at least 5 years from the date of this permission and shall not be removed without the prior consent in writing of the Local Planning Authority. If at any time any part of the hedge shall die, be uprooted, injured, wilfully damaged or be removed for any other reason, it shall be replaced with a hedge of the same species in the next following planting season, unless the Local Planning Authority gives written consent to any variation. Reason: In order to maintain, as far as possible, the character of the locality.

8 Prior to the occupation of the new dwelling hereby approved, a 1.8 metre high solid fence
shall be erected along the south west boundary of the site, between the curtilage of the new dwelling and the resulting rear gardens of Nos. 31 and 33 Kings Lane, in the position shown on Drawing No. 3333g hereby approved. This means of enclosure shall thereafter remain in situ and no alterations shall take place thereafter.

Reason: To safeguard the amenities and privacy of the new and adjoining properties.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the north east or south west elevations of the dwelling hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties.

10 The curtilage of the new dwelling shall be laid out in accordance with the area annotated as 'proposed building plot' on Drawing No. 3333g hereby approved and the curtilage shall not be altered in any way thereafter from that shown on this plan.

Reason: In granting permission for this development, the Council had particular regard to the area of the site and would not have granted permission for the development had the site been smaller in area.

11 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the compass orientations stated on Drawing 333f (flank elevations) are incorrect. The annotated NW elevation is in fact NE and the annotated SE elevation is in fact SW. The references to the south west elevation in Conditions 6 and 9 above refer to the correct orientations, and not the erroneous annotations on the submitted plan.

2 INFORMATIVE: The applicant is advised that the new means of access should be constructed in accordance with Buckinghamshire County Council’s guide note “Private Vehicular Access Within Highway Limits” 2001. In addition, a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.

Transport for Buckinghamshire
Wycombe, Chiltern and South Bucks Area Office
Easton Street
High Wycombe
HP11 1NH
Tel (0845) 230 2882
CH/2011/1943/FA

Case Officer: Mr Mike Shires
Date Received: 28.11.2011
Parish: Great Missenden
App Type: Full Application
Proposal: Freestanding wind turbine
Location: Land Adjacent To Jewsons Chesham Road Hyde End Buckinghamshire

Applicant: Mr & Mrs M C Finch

SITE CONSTRAINTS
Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Area Special Adv. Control
Within Chilterns AONB
Within Green Belt other than GB4 GB5
A and B Roads

RELEVANT PLANNING HISTORY
The wider Jewsons site, including land to the west of the current site, has an extensive planning history relating to its original use as a sawmill and later uses as a builders’ merchants. Most of the previous applications are not directly relevant to the current proposal for a wind turbine, however the following applications relate specifically to the parcel of land where the wind turbine is proposed:

CH/2007/0731/FA - Alteration to existing access onto Chesham Road. Conditional permission.
Enforcement Notice 2007/00019/EN served in September 2007 alleging: "Without planning permission, the change of use of the Land from the lawful use as part of a builders’ merchants (a sui generis use) to use for the commercial storage of vehicles, plant, machinery and other equipment, together with ancillary repairs and maintenance thereof". The notice required the use of the land for the above storage to cease and it also required the removal of all vehicles, plant, machinery and equipment from the land within a 6 month period. This Enforcement Notice was subsequently upheld at appeal and it was subsequently complied with.


THE APPLICATION
The application proposes a freestanding vertical axis 10kW wind turbine.

The turbine would consist of a 15 metre high tower with vertical axis blades measuring 6 metres in height, giving a total height to the structure of 19.2 metres (as the tower and blades overlap). The blades would have diameter of 4 metres. The turbine would be matt white in colour, would be affixed to a concrete foundation and would be positioned 117 metres from Chesham Road. The turbine would be connected to the National Grid by an underground cable run.
PARISH COUNCIL
The Committee objects to the proposal on the grounds of too little available information and as being inappropriate development in an AONB especially as it had been ascertained that the only beneficiary would be Jewsons who would be using the turbine for commercial electricity sales.

[Officer note: The agent for the application has now advised that the proposed wind turbine would serve the National Grid, rather than the adjacent Jewsons site. The Parish Council also comment on the neighbour notification procedures for this proposal, as due to the constrained nature of the red line denoting the application site, the households opposite did not receive neighbour notification letters. However, the Parish Council’s comments were received early in the application process, before the application was advertised in the local newspaper and two site notices were put up specifically to make these households aware of the proposal.]

REPRESENTATIONS
Councillor Jones and Councillor Gladwin have both requested that this application be referred to the Planning Committee, regardless of the Officers’ recommendation.

The application was accompanied by a Planning, Design and Access Statement, an Initial Noise Assessment Report and a Preliminary Ecological Appraisal and Assessment.

Thirteen emails/letters of objection have been received. One of the letters of objection is from the parent company who own Jewsons. A further letter of objection has been signed by a total of 14 households, including many of the row of dwellings opposite the site along Chesham Road. The main points set out in the letters of objection can be summarised as follows:
- The proposal is inappropriate and would be harmful to the Green Belt.
- The turbine would be out of keeping with the rural and residential character of the surroundings. It would appear visually intrusive and would be harmful to the character of the landscape and Chilterns AONB.
- The turbine would be overbearing to neighbouring properties.
- The proposal would create a safety hazard.
- The turbine would result in noise pollution and disturbance to neighbouring residents.
- The proposal would be harmful to wildlife habitats.
- Concerns are raised that the proposal would affect television and other wireless signals.
- The proposal would create a precedent for other similar undesirable development within the area.
- Concerns are raised that the proposal would increase dust circulation due to its location next to a builders merchants.
- Commercial activity at this site has previously been unauthorised and subject to planning enforcement.
- The adjacent buildings are much lower than the proposed turbine and tree screening is reduced during the winter meaning it would be more visible.
- The proposal would generate a limited amount of electricity and would not provide any real local benefit.

The Great Missenden Village Association has expressed its concern that a turbine of the proposed height and nature may set a precedent for other similar turbines with Great Missenden and across the AONB.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (summarised):
Objection. The application does not provide sufficient information regarding the environmental characteristics of the development area to adequately protect against the loss of legally protected species in line with the requirements of The Conservation of Habitats and Species Regulations 2010, The Wildlife and Countryside Act 1981 and national Planning Policy Statement 9 – Biodiversity and Geological Conservation. The Preliminary Ecological Assessment Report
identifies the presence of trees with high and medium potential for bat roosts in close proximity to the proposed turbine. Wind turbines are known to kill and injure bats, which are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The submitted Ecological Assessment and Mitigation Report are not in line with best practice and does not provide appropriate survey data in terms of species diversity or population size. The application does not demonstrate that the proposal would not harm protected species of birds. Having regard to relevant legislation, planning policy and case law, these matters should be addressed prior to any permission being granted as this information cannot be secured by planning condition.

CONSULTATIONS
The Chilterns Conservation Board: Objection for the following reasons:
1. The proposed wind turbine would represent a significant and bulky vertical structure and would therefore be visible within views from the wider landscape, despite the screening provided by the surrounding buildings, trees and scrub growth. The Board considers that the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB and as such the development is considered to be contrary to both local and national planning policy.
2. It appears from the information available on the Council’s website that the applicants have failed to submit any form of landscape and visual impact assessment. Based on the form of the development and its location within the Chilterns AONB the Board would have expected this to be submitted and made available for public comment.
3. The Board considers that the proposed turbine would be likely to be standing idle for most of the time thus producing virtually no usable or exportable energy. This is because of its proposed location and the fact that, as clearly stated by the applicants at paragraph 3.2 in their planning supporting statement, there are ‘a large number of mature trees surrounding the site of approximately 15-20m in height’. Any wind resource arriving at the turbine’s position would both be severely affected by and severely limited due to the surrounding vegetation.

Buckinghamshire County Council Landscape Ecologist (summarised):
Further information is required prior to determination including a survey to determine if bats, which are a European Protected Species, are likely to be impacted by the proposal. The Preliminary Ecological Appraisal and Assessment indicates that there are several features in close proximity to the proposal which suggest bats might be present. In addition to this, several bat records are present within the immediate area. Wind turbines present a real risk of death to bats by direct impact and barotrauma (internal trauma resulting from the sudden drop in air pressure).

The Preliminary Ecological Appraisal and Assessment advises that in order to assess the risk and potential impact on bats, further surveys are required. These surveys have not been carried out and it is therefore not possible to assess the potential impact of the proposal on bats and hence whether a criminal offence is likely under the Habitats and Species Regulations 2010.

District Head of Health and Housing:
I would have no objections to the application subject to the following conditions.
- The installation is as described and specified in the application (exact model and location).
- The wind turbine unit is maintained in good condition for the life of the permission to minimise the risk of statutory noise nuisance from worn bearings and other moving parts.

POLICIES

ISSUES

1. The site is located in the open Green Belt. Local Plan Policy GB2 reflects national guidance set out in PPG2 (Green Belts) and sets out that most development in the Green Belt is inappropriate. There is a general presumption against inappropriate development which is by definition harmful to the Green Belt. Core Strategy Policy CS5 sets out that proposals for stand alone renewable energy generation schemes should have no significant adverse effects on the surrounding landscape, residential amenity, highway safety and designated nature conservation or biodiversity interests. In respect of the impact of the proposed wind turbine on the landscape, it is necessary to have regard to the rural Green Belt landscape and the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve, and where considered appropriate and practicable, enhance the special landscape character of the AONB. Other relevant policies of the Development Plan should also be complied with.

2. By way of background, the application site was historically used as a brickworks prior to the Second World War. The land was then used as a sawmill and for the storage of timber. Around 1991 the former sawmill had become a builders’ merchants (Harcros), selling building products both to the trade and to the public and was acquired by Jewsons in 1997. After 10 years, that is around 2001, the builders’ merchants (sui generis) use had become lawful by virtue of it being immune from enforcement action. The application site itself was separated from Jewsons’ current premises in 2005 by a metal palisade fence and it was then unlawfully occupied by a separate company for outdoor storage falling within Use Class B8. The company then submitted an application for a Certificate of Lawfulness in 2007, which was for the existing use of the land for the open storage of building materials, plant, machinery and associated vehicles and equipment, contending that this fell within the same use as the former builders’ merchants (a sui generis use). This was refused. An Enforcement Notice was also served by the Council against this unauthorised use. Both the refusal of the Certificate of Lawfulness and the Enforcement Notice were subsequently appealed and both appeals were dismissed, with the Inspector agreeing that the lawful use of the land is a sui generis use, namely as a builders’ merchants, and not a Class B8 use. The proposed wind turbine would be positioned towards the rear of the site, to the east of the builders’ merchants buildings at Jewsons.

3. Local Plan Policy GB2(f) sets out that some engineering operations which maintain openness and do not conflict with the purposes of including land in the Green Belt can be considered acceptable. However the proposal would comprise a substantial freestanding structure measuring a total of 19.2 metres in height. The proposal would not therefore maintain the openness of the Green Belt. Furthermore, a structure such as that proposed would be seen as physically encroaching into an open area which would conflict with one of the purposes of including land in the Green Belt as set out in PPG2. As such, the proposal would amount to inappropriate development, would be harmful by definition, and would result in loss of openness and physical encroachment into the Green Belt.

4. In terms of the character of the area, the site is partly surrounded by wooded areas and is located in a fairly elevated position, with the land sloping away to the east and north, towards an incised valley running towards the east. The Chilterns Buildings Design Guide, adopted as Supplementary Planning Guidance, and referred to in Core Strategy Policy CS22 as to be used in assessing development proposals in the AONB, highlights that this area is part of the Chilterns dip slope and consists of an array of plateaus and ridges, mainly running south east towards the London Basin. Buckinghamshire County Council’s Landscape Plan characterises the various areas of the Chilterns and identifies this particular location as having a typical ‘incised dip slope’ landscape, with a harmonious blend of narrow valleys, ridges, woodland and rolling farmlands. Chesham Road to the south links Chesham in the east to the A413 and Great Missenden in the west. The adjacent buildings on the Jewsons site are fairly large but relatively low in height. The proposed wind turbine would be a relatively prominent feature from several viewpoints to the east and south.
At present the site is partially screened by tree cover to the rear and to the west of the adjoining builders’ merchants. There is also less substantial tree screening along Chesham Road to the front of the site and the eastern site boundary. The proposed wind turbine would project above the surrounding tree screening and the neighbouring buildings, as it would need to harness the wind above the tree canopy, such that it would have a greater impact upon the character of this rural landscape. It should also be noted that it would not be possible to ensure that any existing or new screening is maintained in perpetuity under a planning permission. The proposed turbine would be visible in public views of the site from Chesham Road to the front, the public footpath to the west of the site and in wider views from the surrounding landscape. It would intrude on the skyline in an area where there are few skyline features. The blades would also be a source of movement in an area where there are few other sources of movement in the landscape, other than the roads which are generally screened by hedgerows. As such, by reason of its height and modern functional appearance, the proposed wind turbine would appear as a visually intrusive, alien feature in this rural landscape and would fail to relate to or conserve the surrounding landscape features of the narrow valleys, ridges, woodland and rolling farmlands. This would be to the detriment of the rural character of the locality and the Chilterns AONB, which is a protected landscape of national importance. The Chilterns Conservation Board also raises similar objections to the proposal with regard to the impact upon the landscape character of the AONB.

5. The wind turbine would be located around 125 metres from the boundary with the nearest residential properties along Chesham Road to the south. In terms of visual appearance, mindful of the distance to these properties, it is not considered that the wind turbine would appear visually intrusive when viewed from these dwellings. In terms of noise, Paragraph 22 of PPS22 states that the 1997 report by the Department for Trade and Industry (now BERR), entitled *The Assessment and Rating of Noise from Wind Farms* should be used to assess noise from wind energy development. The Companion Guide to PPS22 states that there are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. The Companion Guide also states that wind-generated background noise increases with wind speed, therefore the difference between the noise of the wind turbine and background noise is greater at low wind speeds. The DTI publication states that, for single turbines, a condition to restrict noise generation should be used. If the noise is limited to an LA90, 10 min of 35dB up to wind speeds of 10 m/s at 10m height, then this condition alone would offer sufficient protection of amenity and background noise surveys would be unnecessary. The applicant has suggested a condition along these lines in their supporting information. It is noted that the Environmental Health Officer raises no objections, subject to conditions. Subject to a standard condition restricting the noise level to that recommended in the above publication, no objections are raised in relation to Local Plan Policy GC3.

6. The comments from the County Landscape Ecologist (CLE) are noted. The CLE notes that the Preliminary Ecological Appraisal and Assessment submitted with the application indicates that there are several landscape features close to the site for the turbine that suggest bats could be present. In addition, several bat records are present within the immediate area. Wind turbines present a real risk of death to bats by direct impact and barotrauma (internal trauma resulting from the sudden drop in air pressure around the turbine). In accordance with Natural England’s Technical Advice Note 059 and the Bat Conservation Trust’s ‘Bat Surveys - Best Practice Guidelines’, as the turbine is located within 50 metres of suitable bat habitat features, i.e. woodland and hedgerows, either alternative sites should be examined by the applicant or two bat activity surveys will be required. Such surveys should be carried out during the peak activity period of July/August and during the peak collision period of September/early October. The submitted Preliminary Ecological Appraisal and Assessment advises that in order to assess the risk and potential impact on bats, further surveys are indeed required. However, these surveys have not been carried out and it is therefore not possible to assess the potential impact of the proposal on bats. All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981.
Policy CS24 of the Core Strategy states that "The Council will aim to conserve and enhance biodiversity with the District". Planning Policy Statement 9 - Biodiversity and Geological Conservation (PPS9) states that "planning decisions should be based upon up-to-date information about the environmental characteristics of their areas". The onus is on the applicant to provide this information and PPS9 further states that "Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm". In this case, no surveys or supporting information have been submitted with the application providing details as to the presence or otherwise of bats or any measures to mitigate harm to this protected species or their habitats. In the absence of such information, it is not possible to determine whether the proposal would adversely affect protected species or their habitats. As such, objection is raised with regard to Core Strategy Policy CS24 and to the advice set out in PPS9.

7. The companion guide to PPS22 states that the British Horse Society suggests a minimum separation distance of 200 metres between a wind turbine and a route used by horses (a bridleway or local road). This is to preserve road safety and the safety of horses, riders and other users of such routes, as horses can be startled by wind turbines. In this instance, there are no bridleways within 200 metres of the proposed turbine location. Chesham Road to the south and Little Hundridge Lane to the east are within 200 metres, however no representations have been received commenting that horses use these routes. Chesham Road is a classified A road and less likely to be used as an equestrian route. Little Hundridge Lane is a narrower rural lane, however it is screened by trees and given its location to the east of the site and having regard to the path of the sun, the turbine would not cause shadow flicker to be cast towards this lane, which is one of the identified problems for horses. As such, on the basis of evidence available, it is considered that the proposal would not affect horses to the extent that no highway safety issues are likely to occur.

8. Representations have been received raising issues regarding the amount of electricity generated by the proposed wind turbine. Whilst these representations comment that the amount of energy generated is low, PPS22 (Renewable Energy) states that local planning authorities should not reject planning applications simply due to issues regarding the amount of energy generated. The guidance states that any small-scale project can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally.

9. As noted above, the proposal represents inappropriate development and with such development, it is necessary to consider whether very special circumstances exist which are sufficient to outweigh the harm to the Green Belt and any other harm identified. Government advice set out in PPS22 (Renewable Energy) advises that when located in the Green Belt, many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt. PPS22 states that careful consideration will need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. In this instance, there would be some benefit arising from the proposed wind turbine in terms of its contribution to the generation of renewable energy, mindful that Policy CS5 of the Core Strategy promotes sustainable development and renewable energy generation. However, no data regarding the amount of energy generated has been submitted therefore it is difficult to justify the benefits of generating renewable energy against the harm arising from the inappropriateness of the proposal and any other harm. It is also necessary to weigh the benefits of the scheme against the negative effects identified, including the impact upon the openness of the Green Belt and the visual impact of the development on the character and appearance of the locality, including the immediate surroundings and the impact on the adjoining countryside. Whilst the Council generally encourages proposals for stand alone renewable energy technologies which will help reduce the overall carbon footprint of the District, in this case the proposal would have a significant adverse impact on the rural landscape within the Green Belt and AONB and it is considered that these impacts outweigh the benefits. In addition, Paragraph 16 of PPS9 (Biodiversity) makes clear that
permission should be refused where harm to protected species would result, unless the need for and benefits of the development clearly outweigh that harm. This does not mean that species protection should invariably be subordinated to the generation of electricity from the wind, as the two objectives should be pursued equally. This is not possible, however, while information on bats is incomplete due to the lack of surveys. As such, the scheme does not represent the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22 and the Core Strategy. Having regard to the above, in this case there are no very special circumstances sufficient to outweigh the harm to the Green Belt and other harm identified.

10. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION: Refuse Permission**

For the following reasons:-

1. The application site is located in the open Green Belt where most development is inappropriate and there is a general presumption against such development for which planning permission will be refused. The proposal would comprise a substantial freestanding structure measuring a total of 19.2 metres in height. The proposal would not therefore maintain the openness of the Green Belt. Furthermore, a structure such as that proposed would be seen as physically encroaching into an open area which would conflict with one of the purposes of including land in the Green Belt as set out in PPG2 (Green Belts). As such, the proposal would amount to inappropriate development, would be harmful by definition, and would result in loss of openness and physical encroachment into the Green Belt. Furthermore, by reason of its height and modern functional appearance, the proposed wind turbine would appear as a visually intrusive, alien feature in this rural landscape and would fail to relate to or conserve the surrounding landscape features of the narrow valleys, ridges, woodland and rolling farmlands. This would be to the detriment of the rural character of the locality and the Chilterns Area of Outstanding Natural Beauty, which is a protected landscape of national importance. There are no very special circumstances sufficient to outweigh the harm arising from the inappropriateness of the scheme and the other harm identified. The proposal is therefore contrary to Policies GC1, GB2 and LSQ1 of the Adopted Chiltern District Local Plan (Including the Adopted Alterations May 2001 and July 2004) and Policies CS5, CS20 and CS22 of the Adopted Core Strategy for Chiltern District (November 2011).

2. There is reasonable likelihood that bats could be present in the immediate locality within and around the application site and this protected species could be affected by the proposed wind turbine. In this case, no surveys have been undertaken or submitted with the application providing details as to the presence or otherwise of this protected species or any measures to mitigate harm to bats or their habitats. In the absence of such information, the proposal fails to meet the requirements of Policy CS24 of the Adopted Core Strategy for Chiltern District (November 2011) and the guidance within Planning Policy Statement 9 - Biodiversity and Geological Conservation.
CH/2011/1960/FA
Case Officer: Sally Davis
Date Received: 02.12.2011    Decide by Date: 09.03.2012
Parish: Amersham    Ward: Amersham On The Hill
App Type: Full Application
Proposal: Redevelopment of site to provide new office building (Use Class B1(a)) with detached bin store and electricity substation
Location: Buildmark House
Chiltern Avenue
Amersham
Buckinghamshire
HP6 5AP
Applicant: Barwood Property Investment Ltd Partnership

SITE CONSTRAINTS
Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Adjacent Public Footpaths and Public ROW
Within 500m of SINC NC1
Thames Groundwater Prot Zone GC9
Area for Business, Storage, Distribution

RELEVANT PLANNING HISTORY


CH/1983/0888/FA - Additional office accommodation (6306 sq ft) for NHBC plus additional car parking. Conditional permission. Implemented.


THE APPLICATION
The application proposes the redevelopment of the site to provide a new office building (Use Class B1(a)) with a detached bin store and electricity substation.

The proposed office building would have a maximum width of 48.2 metres and a depth of 24.8 metres. The building would incorporate a varied roof form with hipped and flat roof elements and a maximum overall height of 16 metres.
71 parking spaces are proposed of which four are disabled parking spaces served by the existing vehicular access to the north east of the application site. Bicycle storage is also proposed to the northern and southern boundaries of the site, an electricity substation is proposed to the southern boundary and bin storage is proposed to the south eastern corner of the application site.

A number of bollard lighting, up-lighters and lighting columns are also proposed.

**TOWN COUNCIL**
No objections. Members welcome the increased investment in Amersham and the prospect of increased employment within the town.

**REPRESENTATIONS**
Councillor Shepherd has requested this application be referred to the Planning Committee regardless of the Officers’ recommendation.

A Design and Access Statement has been submitted with the application. A supporting letter has been submitted with the application. This letter sets out that the proposed redevelopment is not speculative. A local employer, Barnett Waddingham, has entered into an agreement to Lease to occupy the proposed building when completed. Barnett Waddingham is a growing company and has 132 staff located across the two existing buildings in Amersham. The company has outgrown the existing two buildings in both quantum of space required and the need for more modern, more efficient space.

The proposed building is sited 5 metres from the southern boundary with the railway. This distance is necessary due to the restrictive covenant in favour of London Underground stipulating the same. The client is committed to achieving BREAM ‘Excellent’ on the proposed building, which will be a considerable improvement in sustainability terms compared to the current status of the site.

The property occupies a key gateway location to Amersham, particularly for those travelling by train, the redevelopment of the current vacant and largely obsolete office building with a high quality, energy efficient modern office building will significantly improve this situation.

A supporting letter has been submitted with the application from the Practice Manager at Barnet Waddingham LLP stating support for the proposal as they have entered into an agreement to Lease with the applicant to occupy the new proposed office building upon its construction, subject to planning consent being granted.

The letter explains that Barnett Waddingham currently have two offices in Amersham and employ 132 people across the two Amersham offices, the majority living within the local community. The quality of the current space within these offices is sub-standard when compared to accommodation occupied by the company elsewhere in the country and the company seeks to move to a building which presents the right corporate image to their clients and to improve the working environment of its employees.

The current occupational arrangements being based across two separate buildings are inefficient on many levels and present the company with management issues. It is envisaged that a further 50 jobs will be created within the next 5 years and the company needs a larger building to accommodate this. Experience to date would be that the vast majority of these further jobs will be filled from the local community.

The existing office leasing arrangement presents the company with a limited window of opportunity currently to make a move.

A copy of the Title deeds for the application site which stipulate a restrictive covenant relating to building within a distance of five metres from the boundary with the railway line.

An Ecology Statement has been submitted with the application which concludes the following (summarised):
- The site is well removed from any sites designated for their nature conservation value. As such,
no direct or indirect detrimental impacts shall arise on the designated sites in the locale from the redevelopment proposals.
- The habitats present are of low intrinsic value and of no significant nature conservation value.
- The proposals include the provision of new areas of landscape planting which shall compensate for the loss of habitats to be lost as part of the redevelopment.
- Subject to the adoption of the landscaping scheme proposed any redevelopment would not have any detrimental impacts on ecology and nature conservation.

A Transport Statement has been submitted with the application which concludes (summarised):
- The site is located next to the rail station and several bus stops surround the site, therefore, good potential exists to access the site by public transport. Good footway provision is available in the area providing access to local facilities and amenities in Amersham town centre. The site can also be accessed by bicycle. The site will be accessed via the existing vehicular access onto Chiltern Avenue which provides access to the local and strategic highway networks.
- Using information from TRICS for similar office sites to form an assessment, it is considered that the additional vehicular movements to be generated by the development proposals would not exacerbate the existing highway safety of the roads surrounding the site.
- The new development will provide 71 vehicle parking spaces. Current and emerging car parking policy has been examined and the level of car parking proposed at the site is in line with emerging policy and is appropriate for the level of development, especially given its proximity to the rail station and frequent bus services.
- A total of 26 cycle parking spaces are to be provided. This is considered adequate to serve the development. Service, delivery and emergency vehicle movements will increase nominally and will continue to serve the site via the existing vehicular access which currently operates safely.
- The Transport Statement demonstrates that the site will operate safely without having a material or detrimental impact on the highway network.

A Workplace Travel Plan has been submitted with the application which includes a summary stating:
- A series of aims and objective have been set out for the development within the context of engendering sustainable travel behaviour by users of the site, with the overarching aim defined as the need to minimise travel to and from the site by car, and to increase the efficiency of those car journeys which are unavoidable.
- A package of measures have been detailed within the report which encourage the uptake of alternative modes of transport such as walking, cycling and public transport, and reducing the level of single occupancy car journeys.
- The proposed travel plan is a living document in constant need of review and monitoring. The success of the Travel Plan will be monitored on an annual basis. Surveys undertaken as part of this monitoring process will be itrace compliant.

An Energy Strategy Statement has been submitted with the application which states that the proposed scheme will achieve a 10% energy reduction through renewable technologies over the base case (Part L 2010 of the Building Regulations). The scheme will also achieve ‘Excellent’ BREEAM Rating.
- In order to limit carbon emissions, the good practice hierarchy (Lean - Mean - Green) has been utilised: Lean - good passive design (through solar control, high specification low-emissivity glazing, reduced air permeability, material selection to improve thermal properties and solar shading (from overhang of pitched roof and brise-soleil to southern elevation)); Mean - energy efficiency measures (high efficiency lighting with high frequency ballasts in all areas within the offices, Passive Infrared Sensors (PIR) and photoelectric lighting controls within the office areas and a high specification energy efficient plant), Green - incorporation of LZC technologies (photovoltaics). The proposed renewable technology to be used in the scheme is a roof installation of photovoltaics (PV). This solution was deemed most practical and appropriate in terms of energy reduction and will provide the renewable generation of electricity.
- The building has been analysed utilising the latest Part L (210) compliant software. From this analysis, at least a 10% energy reduction over Part L (2010) requirements has been demonstrated.

A Short Flood Risk Assessment/Drainage Statement has been submitted with the application which concludes that given the location and nature of the development site, flooding from any source is deemed unlikely. Regular maintenance of drainage components will be required, however, throughout the lifetime of the development to ensure the system is fit for purpose.

A Landscape Strategy has been submitted which includes a Landscape Masterplan and Landscape Management and Maintenance Plan detailing the proposed external landscaping within the application site.

A Desk Study and Ground Investigation Report has been submitted including an assessment of the geo-technical and geo-environmental site circumstances. The Report provides details regarding the ground and groundwater conditions of the site and includes a risk assessment of the potential chemical contaminants to establish ‘suitability for use’ for a proposed commercial development under the current planning context. The Report concludes by recommending ongoing ground gas monitoring and additional investigation during/following demolition of the existing building to assess further the geo-environmental status of the site. A Remediation Method Statement is also recommended as is the supervision and validation of such remedial works.

Two letters of comment/concern received stating the following:
- The proposed development should be relocated to the far side of the Station Car Park, demolishing the current building and resolving the existing station access problems and congestion and parking issues close to the station.
- Approve the development in principle.
- Concern is raised regarding potential light pollution and the proposals for landscaping. Concern is raised that the proposed lighting could appear visually intrusive when viewed from No. 22 Elm Close. Should planning permission be granted there should restrictions safeguarding the levels of lighting.
- There should be safeguards about the proposed planting of trees and shrubs to ensure that such planting is actually carried out and maintained for a good period thereafter. The implementation of the landscaping scheme near the car park exit is particularly important in mitigating the visual impact of the proposed development when viewed from Elm Close.

CONSULTATIONS

Head of Health and Housing - Renewable Energy Schemes:
The submitted documents provide measures to reduce emissions by the required 10%. The suggested reasoning and proposed installation of PV arrays complies technically with the Council’s renewable/sustainable energy requirements.

Head of Health and Housing - Land Contamination:
Our records show that the application site was historically used as a railway goods yard and a coal yard. There was also a tank on the site used for storing heating oil. Therefore, there is potential for this site to be contaminated. After considering the submitted ‘Desk Study and Ground Investigation’ reference R/11327/001, a land quality condition and an informative are required to be attached to any planning permission granted.

London Underground Limited (summarised):
No objection in principle. However, there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. Therefore, a condition and informative should be attached to any permission granted requiring the submission of detailed design and method statements (in consultation with London Underground) for construction work below ground level for approval by the Local Planning Authority.
Environment Agency:
We consider that planning permission should only be granted for the proposed development as submitted subject to conditions. Without such conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Building Control - Fire Fighting Access:
No comment.

Building Control - Access Officer for the Disabled:
There does not appear to be an access statement to assist with assessing the design for disabled people.
A toilet for a disabled person is only shown to be provided on the ground floor rather than on all floors.
Revolving doors are not suitable for disable access.
The design of the ramp form the car park needs consideration in respect of wheel chair users.
The parking bays for the disabled have not been delineated [Officer Note: A revised Site plan has been received addressing the latter two points].

Thames Water:
Waste comments:
Thames Water would advise that with regard to sewerage infrastructure, we would not have any objection to the above application.
Surface Water Drainage:
With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer.

Buckinghamshire County Highway Authority:
According to the application form the existing office building currently located on the site has a gross floor area (GFA) of 1957 square metres. It is proposed to replace the existing building with an office building with a GFA of 2850 square metres which is an increase of 898 square metres. I would expect this increase in floor area to result in an increase to the traffic generation potential of the site.
The Applicant has submitted a Transport Statement (TS) in support of this application and in it is an assessment of the existing and proposed trip generation potential for the existing and proposed developments. Information contained within the TRICS database has been used to gain appropriate trips rates and having undertaken my own assessment of the TRICS database I am satisfied that the information used within the TS is representative.
I note that the Applicant has not included any information on the existing traffic flows along Chiltern Avenue to allow an assessment of the percentage impact this development is likely to have on the existing traffic flow and this would have been helpful to my assessment of the proposals. However, I have managed to obtain some traffic flow information along Chiltern Avenue from the County Council’s Traffic Information section to allow me to carry out an Assessment. From this information I have been able to ascertain that the development is unlikely to have a material impact on the existing peak hour traffic flows along Chiltern Avenue.
On this basis, I am satisfied that no further assessments of the junctions on the surrounding Highway network are necessary in this instance.
The existing access will continue to serve the site. This access is off a section carriageway which does not form part of the adopted Public Highway and is also used to provide an exit from the adjacent multi storey car park onto Chiltern Avenue. The use of this access to continue to serve the site is acceptable in principle. While on site I measured the width of the Existing access to be approximately 4.1m which is not sufficient to adequately serve the proposed development. The Applicant has submitted drawing number PL 200 Rev A as part of the application and this drawing shows the access width increased to approximately 6.5m which is acceptable to serve the
development with safety and convenience.
Also included in the TS is an assessment of the parking demand for the existing and proposed office building. The assessment shows that the existing parking provision of 61 spaces for the existing office building falls short of Chiltern District Council’s parking standard requirements by 4 spaces. According to Chiltern District Council’s parking standards the proposed office building would require 95 parking spaces, however only 71 are being proposed which is an under provision of 24 parking spaces.

The application site is located within the town centre of Amersham with Amersham Train Station located adjacent to the west boundary of the site and a multi storey public car park located adjacent to the east boundary of the site. There is also a taxi rank and a bus stop opposite the site. Parking restrictions are in place within the vicinity of the site which will minimise the potential for vehicles to parking on and obstruct the Highway. With this in mind I consider that the short fall in the required parking provision, according to Chiltern District Council’s parking standards, is unlikely to result in vehicles associated with the site parking and obstructing the Highway to the detriment of Highway safety and convenience.

The Applicant has also submitted a Travel Plan as part of the application and the County Council’s Travel Planning section have provided details comments highlighting further detail/information that is required. Mindful of the above, I have no objection to this application on Highways and Transportation grounds. This is subject to a S106 obligation relating to the Travel Plan and planning conditions attached to any permission granted.

Buckinghamshire Strategic Access Officer:
The application boundary appears to coincide with the boundary of the adjoining footpath, so the path should not be affected. The width of the footpath is, therefore, not compromised and the boundary treatment appears not to affect users.

POLICIES


ISSUES
1. The application site is located within the built-up area of Amersham and is designated as an Area for Business and Storage or Distribution Development (Policy E3) as defined on the Proposals Map. Policy CS16 of the adopted Core Strategy states that the continued designation, role and boundaries of sites currently covered by Policies E2 and E3 in the Adopted Chiltern District Local Plan will be reviewed in the Delivery DPD to achieve a balanced portfolio of fit for purpose sites attractive to the market. It states that pending the above review of sites proposals for economic development on these sites will be assessed on a case by case basis in the light of the scale and nature of the uses, their location within the site and the degree to which they would be compatible with, or complementary to, the existing business use in that location and consistent with the integrity and function of the location for employment purposes. Policy CS16 also states that “economic development” includes development within the B Use Classes (as defined in the Use Classes Order). Taking the above into account, and the existing employment use of the site, no objections are raised to the principle of redeveloping the site for employment purposes. It is, therefore, necessary to assess the details of the proposal in respect of all other relevant Development Plan Policies.

2. The application site is located to the south of Chiltern Avenue and to the south of the designated District Shopping Centre of Amersham on the Hill. The plot tapers in size increasing from west to
east. To the west, the site is bounded by a public right of way and lies adjacent to Amersham Train Station. To the south, the site is bounded by the railway line and by the public multi-storey car park to the east. The site contains an existing office building located to the western part of the site with an associated open parking area to the east. The land levels vary across the site such that the existing building is set down lower than the adjacent highway. The main section of the existing building is set back a minimum of approximately 13 metres from Chiltern Avenue, although it is noted that a single storey element projects closer to the road. The existing building is designed with two full storeys and additional office accommodation within the roofspace served by dormer windows within both the front and rear elevations. The existing building has a pitched roof with a maximum ridge height of approximately 12.4 metres, a two storey width and depth of approximately 54.4 metres and 12 metres respectively.

3. The proposed replacement building would be sited to the western side of the site reflecting the existing layout of the site with the parking area and vehicular access remaining to the eastern side of the site. Whilst narrower in width (when viewed from Chiltern Avenue) the proposed replacement building would have a greater depth compared to the two storey section of the existing building and would have a greater ridge height of 16 metres when viewed from Chiltern Avenue. Furthermore, the replacement building has been designed with three full storeys rather than incorporating office accommodation within the roofspace. The proposed building would be notably larger than that it would replace. In addition, the proposed building would be sited notably further forward within the site, closer to the pavement adjacent to Chiltern Avenue. The combined scale and bulk of the replacement building, together with its siting further forward on the plot and filling more depth of the site, serves to increase the visual prominence of the building particularly when approaching the site from Station Approach and the western end of Chiltern Avenue. However, it is noted that to the southern and eastern side of Chiltern Avenue the street scene is characterised by larger, functional and commercial buildings including the multi-storey car park adjacent to the application site and the police station and Council Offices further along the road. Whilst the proposed building would have a maximum height of 16 metres, the majority of the proposed building would be set at a lower height of 14 metres which is comparable to the maximum height of the nearby Council Offices and Police Offices. It is noted that the building would have a much greater height than the adjacent Train Station. However, the proposed building has been designed such that it is stepped in height from east to west reducing the scale of the built form adjacent to the Train Station. Furthermore, the building has been designed with a staggered elevation reflecting the taper of the site as its decreases in depth from east to west. This design results in the proposed building being sited a minimum distance of approximately 3.8 metres from the front boundary of the site at its nearest point and helps to reduce its overall visual bulk. It is also noted that the size and design of the proposed building have in a large part been dictated by the requirements of its future occupants, Barnett Waddingham LLP, which have stipulated the floorspace needed and require a visually prominent building which establishes its presence in the area. This firm of actuaries and financial advisers will relocate from the existing two offices currently occupied in Amersham and has entered into a legal agreement to lease the proposed office building upon completion. Furthermore, the applicants have outlined within their supporting documents the siting of the building in relation to the southern boundary of the site is restricted by a legal requirement necessitating a 5 metre separation distance between any proposed built form and the boundary with the railway. Whilst the proposed building would appear prominent within the street scene, given the above constraints and requirements, the overall design and the existing character of the immediate street scene of functional and commercial buildings, it is not considered that the proposed building would be detrimental to the character and appearance of the locality. Indeed, the proposed building would provide a strong urban design feature for a site which forms part of the entrance to the commercial area to Amersham on the Hill. Furthermore, given that a local employer has been lined up and made a commitment to occupy the building, it is considered that the proposal would help preserve local employment, help stimulate the economy and contribute to the active frontage along this part of Chiltern Avenue. No objections are, therefore, raised with regard to Local Plan Policies GC1 and E3 and Core Strategy Policies CS16 and CS20.
4. In terms of neighbouring amenity, the application site is separated from nearby residential properties in all directions by the highway, the train station, a multi-storey car park and a railway line. Given its siting and distance from these neighbouring properties, it is not considered that the proposed building would adversely affect the amenities of any nearby neighbouring property.

5. The proposed cycle stores, bin stores and electricity substation would be modest in size and scale such that they would have no adverse impact upon the character and appearance of the locality or the amenities of surrounding neighbouring properties. Bollard lighting, up-lighters and lighting columns are all proposed for the site. Eight lighting columns are proposed around the car park area of the site and each will be 6 metres in height. Bollards and uplighters are also proposed around the main building. A plan indicating external lux levels has also been submitted as additional information. It is noted that there is existing street lighting within the immediate vicinity of the site. Furthermore, lighting columns also served the existing office building on site and the adjacent multi-storey benefits from wall lighting and flood lights. Given the siting of the proposed development and the characteristics of the area, it is not considered that the proposed lighting apparatus would appear visually intrusive when viewed from the nearby neighbouring properties and will not be detrimental to the visual amenity of the locality. No objections are, therefore, raised with regard to the proposed lighting scheme. No objections are, therefore, raised with regard to Local Plan Policy GC3.

6. The application proposes to utilise the existing vehicular access and the parking area to the east of the site. The comments from the County Highway Engineer are noted who raises no objections to the proposal in terms of highway safety, subject to conditions including a requirement to improve the existing vehicular access. In terms of on-site parking provision, the Council’s Parking Standards for an office development of the size proposed would be 97 parking spaces, together with adequate provision for parking disabled drivers’ cars and adequate secure, covered facilities for parking cycles and motorcycles. The current scheme proposes parking provision for 71 vehicles resulting in a shortfall of 26 parking spaces. There would also be sufficient cycle storage space to accommodate 26 bicycles. The Council’s Parking Standards set out in the Adopted Local Plan are not minimum standards and the Core Strategy incorporates Sustainability Principles which encourage the use of sites such as this which are easily accessible by public transport, walking and cycling, and developments that “incorporate cycle needs and encourage reduced car usage”. In addition, Central Government Guidance promotes sustainable transport choices and reduce reliance on the car for work and other journeys. In particular, Planning Policy Statement (PPS4) - Planning for Sustainable Economic Growth states Local Planning Authorities, in considering car parking for non-residential development, should take into account current, and likely future, levels of public transport accessibility and the need to enable schemes to fit into central urban sites and promote linked trips. It is noted that a Travel Plan has been submitted with the application stating the applicant’s intent to achieve a shift away from single-occupancy car use towards more sustainable forms of transport and to reduce the environmental impact of travel. The County Council’s Travel Planning section have reviewed the Travel Plan and provided detailed comments as to the areas of the document where further detail is required. Notwithstanding these comments, given the stated commitment of the occupants to implement a Travel Plan, it is considered reasonable and necessary to condition that a revised Travel Plan be submitted and approved by the Local Planning Authority, and subsequently implemented. Mindful of the above and that the readily accessible location of the application site within the built-up area provides opportunities for employees to arrive by different modes of transport, it is considered that the off-street parking provision is acceptable in this location. No objections are, therefore, raised with regard to Local Plan Policies TR2, TR11 and TR16 and Core Strategy Policies CS4, CS25 and CS26. It is noted that the County Highway Engineer recommends that details of a Travel Plan and the funds to monitor and review the Travel Plan be secured by Section 106 agreement. However, given that the funds are required as a fee to monitor a Travel Plan and not to provide infrastructure to serve the development, it is not considered reasonable to require a Section 106 agreement on this basis.
7. The Buckinghamshire County Rights of Way Officer has raised no objections with regard to the impact of the development on the public footpath that runs adjacent to the western boundary of the application site.

8. Core Strategy Policy CS5 states that in developments for 1,000 square metres of non-residential floorspace, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources. The applicants have submitted an energy strategy which indicates that the renewable energy requirements can be met by installing photovoltaic (PV) panels to the rear roofslope of the building. It is noted that the Head of Health and Housing considers that the energy strategy is acceptable and it is also considered that the installation of PV panels would not be detrimental to the character of the area. Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District and in this respect the submitted Ecology Statement is noted. As such, no objections are raised in respect of Policies CS5 and CS24.

9. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION: Conditional permission**

Subject to the following conditions:-

1. C108A General Time Limit

2. Notwithstanding the details on the submitted plans and application form, before any construction work commences, named types and samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in accordance with the approved details. No alterations shall take place thereafter.
   Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. Prior to the commencement of any works on site, detailed plans showing the proposed slab levels and finished floor levels of the building and associated structures hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.
   Reason: To protect, as far as is possible, the character of the locality.

4. Before any construction work commences, named types and samples of all surfacing materials for the footpaths, driveway, parking and turning areas of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details. No alterations shall take place thereafter.
   Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

5. Prior to the commencement of any works on site, details, including cross sections, of the external access ramp to the front of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development hereby permitted shall not be occupied until the access ramp has been laid out and constructed in accordance with the approved details. No alterations shall take place thereafter.
Reason: In order to minimise danger, obstruction and inconvenience to users of the development and to ensure that the external appearance of the development is not detrimental to the character of the locality.

6 No part of the development shall commence until a Travel Plan framework for the site has been submitted to and approved by the Local Planning Authority. The framework shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. The approved Travel Plan shall be implemented prior to the initial occupation of the development hereby approved.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

7 The development hereby approved shall not begin until provision has been made to accommodate all site operatives’, visitors’ and construction vehicles off-loading, parking and turning within the site during the construction period in accordance with a detailed schedule which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This provision shall thereafter be kept available for the duration of the construction.

Reason: To minimise danger and inconvenience to highway users.

8 Prior to the construction of the office building hereby permitted, detailed plans showing the proposed photovoltaic panels detailed within the submitted Energy Strategy received on the 2nd December 2011, shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the approved details prior to the occupation of the office building and shall thereafter remain operational.

Reason: To increase the proportion of energy requirements arising from the development from decentralised and renewable or low-carbon sources.

9 Prior to the commencement of any works on site, full details for the foundations and structure(s) of the building, or for any other structures below ground level within the application site, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

10 Prior to the commencement of development on site, full details of the bin stores, cycle stands and substation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full elevations and layouts of the structures and the materials to be used in the external construction. Prior to the first occupation of the office building hereby approved the cycle parking and bin stores shall be installed and be available for use in accordance with the approved details. The cycle parking and bin stores shall thereafter be retained in accordance with the approved details and shall be available for use in connection with the development hereby approved.

Reason: To ensure the development is not detrimental to the character of the area and to protect the amenities of neighbouring residential properties and in order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).
Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
i) A preliminary risk assessment which has identified:
- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.
ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the pollution risk to groundwater. The application site lies in Source Protection Zone 2, an area of protection for drinking water supply.

12 Prior to occupation (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure appropriate remediation has been carried out. The application site lies in Source Protection Zone 2, an area of protection for drinking water supply.

13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To reduce the pollution risk to groundwater. The application site lies in Source Protection Zone 2, an area of protection for drinking water supply.

14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the application site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: Drainage by infiltration has the potential to mobilise contaminants. The application site lies in Source Protection Zone 2, an area of protection for drinking water supply.

15 The scheme for parking and manoeuvring of vehicles indicated on the submitted plans shall
be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway in order to minimise danger, obstruction and inconvenience to users of the adjoining highway.

16 Prior to the occupation of the office building hereby approved, the existing means of access shall be altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council’s guide note ‘Commercial Vehicular Access Within Highway Limits’ 2001. No alterations shall take place thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

17 All planting, seeding or turfing comprised in the submitted Landscape Strategy and detailed on the submitted plans, Drg. Nos. 1034-001 Rev. B and 1034-002 Rev. A hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality.

18 The lighting shall only be installed in accordance with the details shown on the submitted plan ‘Proposed External Lighting Layout’ Drg. No. DRE9000001P6 received by the Local Planning Authority on 2nd December 2012 and the details within the submitted e-mail received by the Local Planning Authority on 14th March 2012. No alterations shall take place thereafter. Following the installation of lighting the luminance levels emitted shall not at any time exceed those shown on the submitted plan, Drg. No. DRE9000001P6.

Reason: To minimise the impact of the external lights upon the character of the locality and to protect the amenities of occupiers of nearby residential properties.

19 The building hereby permitted shall be used only for purposes falling within Use Class B1(a) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose whatsoever.

Reason: In order to maintain the character of the area and to protect the amenities of the properties near to the site.

20 Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the approved buildings shall not be extended internally or externally in any way without the prior written approval of the Local Planning Authority.

Reason: In the interests of the appearance of the development and the locality.

21 **AP01 Approved Plans**

**INFORMATIVES**

1 INFORMATIVE: The applicant is advised that it is an offence under Section 151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

2 INFORMATIVE: The applicant is advised that it is contrary to Section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway
or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

3 INFORMATIVE: The applicant is advised that, with regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. They can be contacted on 0845 850 2777.

4 INFORMATIVE: With regard to Condition No. 5, the applicant's attention is drawn to the comments of the District Council's Access Officer for the Disabled. When submitting details for the proposed access ramp, please ensure compliance with the requirements of Part M of The Building Regulations 2010 'Access to and use of buildings', please also take note of the requirements to provide disabled toilets on all floors of the building.

5 INFORMATIVE: With regard to the Travel Plan to be submitted pursuant to Condition 6, the applicant’s attention is drawn to the comments from the County Council’s Travel Planning section. Furthermore, the applicant is also advised that, the Travel Plan should be subject to an annual review. In addition, for the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator. Further information can be obtained from Buckinghamshire County Council Highways Authority.

6 INFORMATIVE: The applicant is advised that, with regard to Condition No. 9, the submitted details need to have regard to the location of the existing London Underground structures. The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting. London Underground Infrastructure Protection can be contacted on 0207 1262774 or at locationenquiries@tube.tfl.gov.uk.

7 INFORMATIVE: With regard to Conditions 10, 11, 12 and 13, information for Developers and guidance documents can be found online at www.chiltern.gov.uk/landquality.

8 INFORMATIVE: With regard to flood risk management, the applicant is advised that the main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not in crease flood risk either on-site or elsewhere. In this regard, due consideration should be paid to the inclusion of Sustainable Urban Drainage Systems (SUDS) when submitting details pursuant to Condition 4 for the type of hard landscaping materials to be used in the construction of the development. This requirement should be considered in conjunction with the requirements of Conditions 10 and 13. In accordance with Condition 10, it will ne necessary to carry out a site investigation scheme, and in areas where it can be demonstrated that there is no resultant unacceptable risk to controlled waters, SUDS technology should be incorporated into the hard landscaping scheme.
CH/2012/0030/FA
Case Officer: Mr Adam Ralton
Date Received: 11.01.2012
Decide by Date: 30.03.2012
Parish: Chalfont St Peter
Ward: Austenwood
App Type: Full Application
Proposal: Part two storey, part single storey front/side/rear extension and a front porch
Location: Aysgarth
60 North Park
Chalfont St Peter
Buckinghamshire
SL9 8JR
Applicant: Mr John Young

SITE CONSTRAINTS
Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Conservation Area
Heathrow Safeguard (over 45m)
Northolt Safeguard zone
Established Residential Area of Special

RELEVANT PLANNING HISTORY
CH/2012/0409/KA Felling of a sycamore tree within a Conservation Area. Not yet determined.

THE APPLICATION
This application proposes a part two storey, part single storey front/side/rear extension, and a front porch.

The proposed extension would project 5.3 metres beyond the flank elevation of the existing dwelling, with a maximum depth of 18.1 metres at ground floor level and 11.6 metres in depth at first floor level. It would have a pitched roof matching that of the existing dwelling, with a front gable approximately 0.2 metres higher than the main ridge. The single storey rear element would have a hipped roof with a flat crown 4 metres high.

The proposed front porch would measure 1.9 metres in width, 1 metre in depth and would have a flat roof 3 metres high.

The proposed vehicular access as detailed on the submitted plan benefits from permitted development rights under Class B of Part 2, and Class F of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. As such it does not require express planning permission from the Local Planning Authority.

The submitted plans also show alterations to fenestration within the existing dwelling. However, in this instance these do not constitute development and therefore do not require planning permission.

PARISH COUNCIL
No objection.

REPRESENTATIONS
Councillor Wertheim has requested this application be referred to the Council’s Planning Committee regardless of the Officers’ recommendation.

A Design and Access Statement has been submitted with the application.

One letter of objection received, making the following points (summarised):
- Proposal brings the building too close to the boundary with No. 58 which has living room windows facing the site. The proposal would result in a loss of view and light to the living room windows and first floor bathroom windows.
- Scale of the development will impact negatively on the conservation area, however a more modest development set 2 metres from the boundary would be more acceptable. Extension at No. 58 was set away from the boundary.

**CONSULTATIONS**
None relevant.

**POLICIES**


**ISSUES**
1. The application site is located in the built up area of Chalfont St Peter, wherein proposals for residential extensions are acceptable in principle subject to complying with the relevant Development Plan Policies. The site is also located within the North Park and Kingsway Conservation Area, wherein development should preserve or enhance the character or appearance of the conservation area.

2. The North Park Conservation Area is dominated by trees and hedges and is characterised by substantial detached housing built to a low density. The conservation area is also characterised by space about the dwellings at first floor level, and dwellings displaying typical design features. The application site contains a detached two storey dwelling, which includes a single storey side projection to the north west, and this property is clearly visible from North Park. The dwelling incorporates characteristic features prevalent in the conservation area, with a white painted finish, black painted beams to the front elevation, and a brown tiled roof. The proposed front porch and single storey rear element of the extension would be small in size and would not adversely affect the character or appearance of the area. The proposed two storey extension is designed with a gable feature that incorporates features typical of the conservation area, and the existing dwelling. The proposed gable would be wider than the existing gable on the southern side of the front elevation and would rise above the main ridge line of the dwelling by 0.2 metres. In addition, the extension would be broadly in line with the existing two storey front gable feature on the southern part of the dwelling, and the proposed two storey element would not project beyond the rear of the existing two storey element of the dwelling. Given its dimensions, it is considered that the proposed gable feature would result in the creation of a strong design element to the north west of the dwelling, and this would significantly increase the scale of the dwelling. The wall of the two storey extension would be 1.3 metres from the side boundary with No. 58 North Park, with the eaves overhang bringing the resulting dwelling closer to the boundary. As such, the resulting dwelling would appear as a substantial property that would fill the majority of the width of its plot at two storey level. Substantial properties are a typical feature of this conservation area, though these have generally been designed with a subordinate link to the side thereby creating space about the properties at first floor level. Furthermore, the conservation area appraisal document also notes that "the character is dominated by trees and hedges between which substantial dwellings are..."
glimpsed". Taking into account the above, it is considered that the extension would appear as a dominant feature and the resulting dwelling would appear cramped within its plot, reducing the spacious setting of this part of the streetscene. As such, the proposal would not preserve or enhance the character or appearance of this part of the North Park and Kingsway Conservation Area, and objections are raised with regard to Policies GC1, CA1, H11, H13, H15 and H16 of the Adopted Local Plan, and Policy CS20 of the Core Strategy for Chiltern District.

3. The proposed extensions would be set away from No. 62 North Park such that they would not adversely affect the amenities of the occupants of this neighbouring property. The neighbouring property to the north west, No. 58 North Park, has a two storey side projection set away from the common boundary with the application site. This neighbouring property has ground floor windows in the flank elevation facing toward the application site, however these are set away from the common boundary with the application site, and the room served by these has a rear-facing window which would not be adversely affected by the proposal. The proposed side extension would bring the massing of the application dwelling closer to this common boundary than the existing dwelling, however as a result of the distance between the two properties it is not considered that the proposed extension would appear overbearing or visually intrusive when viewed from No. 58. No windows are proposed to be inserted within the proposed extension at first floor level or above which would overlook the private amenity area to No. 58 North Park, and as such it is not considered that the proposal would adversely affect the amenities of the occupants of this neighbouring property.

4. The existing dwelling has a gross floor area greater than 120 square metres, and the parking area would have space for at least three vehicles to park in accordance with the Council’s parking standards. The proposal therefore has no parking implications and no objections are raised with regard to Policies TR11 and TR16.

5. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse Permission
For the following reasons:-

1 By virtue of its height, width and design, the proposed two storey extension would appear as a dominant feature when viewed from North Park. Furthermore, the resulting dwelling would fill the majority of the width of its plot at two storey level, such that it would appear cramped within its plot, and would reduce the spacious setting of this part of the streetscene. The proposal therefore fails to preserve or enhance the character or appearance of this part of the North Park and Kingsway Conservation Area and is contrary to Policies GC1, CA1, H11, H13, H15 and H16 of The Adopted Chiltern District Local Plan 1997 (including The Adopted Alterations May 2001 and July 2004), and Policy CS20 of the Core Strategy for Chiltern District – Adopted November 2011.

INFORMATIVES

1 INFORMATIVE: The submitted plans show alterations to fenestration within the existing dwelling. However, in this instance these do not constitute development and therefore do not require planning permission.

2 INFORMATIVE: The applicant is advised that notwithstanding the outcome of this decision, Conservation Area Consent is required for the demolition of the side and rear elements of the existing dwelling.

3 INFORMATIVE: The applicant is advised that the proposed vehicular access as detailed on the submitted plan benefits from permitted development rights under Class B of Part 2, and Class
F of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. As such it does not require express planning permission from the Local Planning Authority. The applicant is advised that the new means of access should be constructed in accordance with Buckinghamshire County Council’s guide note “Private Vehicular Access Within Highway Limits” 2001. In addition, a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence. Please contact the Area Manager at the following address for information:

Transport for Buckinghamshire
Wycombe, Chiltern and South Bucks Area Office
Easton Street
High Wycombe
Bucks
HP11 1NH
Tel: 0845 230 2882
CH/2012/0065/FA
Case Officer: Ms Laura Olson
Date Received: 17.01.2012
Decide by Date: 05.04.2012
Parish: Chalfont St Giles
Ward: Chalfont St Giles
App Type: Full Application
Proposal: Mobile home for occupation for a temporary period of 10 years (retrospective)
Location: The Small Holding
Nightingales Lane
Chalfont St Giles
Buckinghamshire
HP8 4SH
Applicant: Mrs P Lee and Mr & Mrs R Lee

SITE CONSTRAINTS
Article 4 Direction
Area Special Adv. Control
Within Chilterns AONB
Biological Site
Adj Biological Notif Site NC1
Within Green Belt other than GB4 GB5
Overhead Cables
Tree Preservation Order
Tree Preservation Order (A/G/W)
Adjoining Ancient Woodland
Ancient Woodland

RELEVANT PLANNING HISTORY
The following history relates to application site and the 'bungalow' referred to is the mobile home on site:
AM/2201/64 Bungalow. Refused: no requirement for two dwellings to serve a holding of under ten acres.

AM/746/73 Bungalow and garage for use with agricultural unit. Refused: no need, on information available, for further dwelling sufficient to override Green Belt policy.

AM/1886/73 Temporary bungalow. Outline permission, approved for five year period, subject to agricultural occupancy condition and legal agreement Reserved Matters approved under application CH/65/74 and implemented.

CH/1097/79 Retention of temporary bungalow (renewal of planning permissions AM/1886/73 and CH/65/74).
Temporary permission granted, subject to agricultural occupancy condition and legal agreement.

CH/631/84 Retention of temporary wooden bungalow for residential use (renewal of planning permission CH/1097/79).
Temporary permission granted, subject to agricultural occupancy condition and legal agreement.

89/1523/CH Retention of temporary wooden bungalow for residential use(renewal of planning permission CH/631/84).
Temporary permission granted until 30th June 1994, subject to restricted agricultural occupancy condition and legal agreement.
94/0311/CH  Retention of temporary wooden bungalow for residential use (renewal of planning permission 89/1523/CH).
Temporary permission granted until 30th June 1999, subject to restricted agricultural occupancy condition and legal agreement.

99/0880/CH  Retention of temporary wooden bungalow for residential use (renewal of planning permission 94/0311/CH).
Refused by reason that the retention of the temporary wooden bungalow constitutes inappropriate development which would cause demonstrable harm to the openness of the Green Belt, and would harm the scenic qualities of the AONB landscape. Enforcement Action authorised.

Enforcement Notice 99/0833/EN  Alleging breach of condition 1 of planning permission 94/311/CH in that the temporary wooden bungalow for residential use remained in situ and used for residential purposes.
The reasons for enforcement action reflect the refusal of the 1999 application. It was not considered that the personal circumstances of the owner amounted to very special circumstances to justify the grant of planning permission, however a period of 5 years was given for compliance.
The notice was to take effect on 7 December 1999, however an appeal was lodged against the enforcement notice although subsequently withdrawn by the applicant. The notice therefore took effect on 24 March 2000 and should have been complied with in March 2005. The bungalow and use however continue in breach of the Notice.

CH/2004/1701/FA  Replacement Bungalow on land to the north west the application site for application reference CH/2006/0013/OA.
Refused, buildings on the site do not comprise a habitable dwelling and are in advanced state of dereliction and disrepair such that this application is in effect a proposal for a new dwelling, such development being inappropriate in the Green Belt to the detrimental of its open and rural character and visual amenity of the AONB. A highway objection was initially raised but withdrawn prior to appeal.
Subsequent appeal dismissed, the Inspector supported reasons for refusal.

CH/2005/1542/EU  Application for certificate of lawfulness for existing uses relating to the use of land and buildings for paint spraying, storage of vehicles and storage of building materials.
Granted.

CH/2006/0013/OA  Detached dwelling outline to be located on the site of the "Smallholding".
Refused as this proposal, which would replace the existing temporary bungalow which is the subject of a valid enforcement notice, would prolong the visual intrusiveness of the current unlawful residential use. In addition, the likely continued use of buildings outside the application site as incidental to its residential use would clearly exacerbate the degree to which the residential use would be apparent, mindful of its impact on the Green Belt and the AONB. It is therefore considered that a permanent dwelling, together with the aforementioned outbuildings, would detract from the open and rural character of the area and the special landscape character of the locality.
Subsequent appeal dismissed, the Inspector supported reasons for refusal.

The planning history of neighbouring property Ponderosa, which is considered to comprise a single planning unit in its own right, is also considered to be of relevance as it was the original agricultural workers dwelling for this site and the agent's supporting statement makes reference to its planning history:

AM/1307/57 Bungalow for occupation together with smallholding. Outline permission, approved subject to agricultural occupancy condition. Reserved Matters approved under application AM/1679/59 and implemented.
CH/2011/2109/SA: Application for a Certificate of Lawfulness for a proposed operation relating to the erection of a single storey rear extension, insertion of two roof lights to the front and rear roof slopes to facilitate loft conversion, and a detached residential outbuilding. Granted.


CH/2012/0058/FA: Application for certificate of lawfulness for an existing activity relating to the occupation of the dwelling without complying with agricultural occupancy Condition 3 imposed on planning permission AM/1307/57. Currently under consideration.

THE APPLICATION
Planning permission is sought for a mobile home for occupation for a temporary period of 10 years solely by Mr & Mrs Lee and their daughter. This application is retrospective in so far as a mobile home has been in situ on this site for approximately 34 years, being unauthorised and subject to a valid enforcement notice since 2000.

PARISH COUNCIL
None received at time of drafting report.

REPRESENTATIONS
The applicant's agent has submitted a Planning Statement which provides information and background to this proposal and sets out a case for very special circumstances (summary):
- The Council have acknowledged that, should very special circumstances be justified and planning permission granted, a grant for permission to occupy this mobile home for a temporary period could over-ride the requirements of the enforcement notice.
- At present, Mr & Mrs Lee and their daughter reside in the mobile home referred to as The Smallholding. They have lived in this particular mobile home since 1997 and have lived together in a mobile home at the site since 1974. Mr Lee's elderly mother and sister live together in Ponderosa.
- It is Mr & Mrs Lee's intention to move into Ponderosa should they outlive Mr Lee's elderly mother and/or sister. However this is not a current option because the existing bungalow only consists of two bedrooms and is currently occupied by Mr Lee's mother and sister.
- Whilst Mr & Mrs Lee would be willing to accept a temporary permission with an expiry date, it should be recognised that they may move into Ponderosa sooner or later than a specified expiry date as Mr Lee does not wish to speculate as to his mother or sister's life expectancy. It is suggested that a personal planning permission would be more appropriate in this instance. As such it would in effect be a temporary permission of sorts.
- In addition, as a form of planning gain, Mr Lee is willing to demolish all other existing lawful buildings within the site and revoke the B2 and B8 employment uses within the site and restore this land back to grassland. Mr Lee is not currently required to remove any of these buildings or to revoke these business uses.
- Mr & Mrs Lee would be willing to enter into a Section 106 Legal Agreement if required.

Personal Circumstances
- Personal circumstances can constitute material planning consideration that can outweigh other policy considerations.
- It is requested that the Council take into account the length of time that the mobile home has been in existence, and the fact the Mr & Mrs Lee have lived in the current mobile home since 1997, this site has been Mr & Mrs Lee's home for most of their lives and their daughter's home for all of her life. The site has not been farmed for more than 30 years.
- Mr & Mrs Lee provide daily assistance to Mr Lee's mother and sister. Mr Lee's mother is the personal carer for Mr Lee's sister and effectively provides 24 hour care for her daughter who is registered disabled. The dwelling Mr Lee's mother and sister reside in is isolated and cannot be reached during periods of heavy snow. They are reliant on Mr _ Mrs Lee for everyday tasks and...
such care and assistance could not be provided if Mr & Mrs Lee were forced to move from the site.
- Mr Lee himself is in bad health, suffering from high blood pressure and diabetes. Being evicted from his family home and not being able to care for his mother and sister will only serve to worsen his health.
- Mr & Mrs Lee do not own another property and do not have the resources to rent privately within the vicinity. It is unlikely that they would be able to find any suitable accommodation within the vicinity of where they have lived for most of their lives.
- The existing mobile home is only likely to be suitable for habitable accommodation for a further 5-10 years as it is not of permanent construction. This serves to demonstrate that this proposal is a relatively short term solution.
- The granting of a personal permission would not give rise to the creation of a permanent unit and would not set precedent for the future development of the site.
- There are strong compassionate and personal grounds for granting a personal planning permission for a temporary building.

**Green Belt & AONB**
- Whilst it is accepted that the mobile home constitutes inappropriate development in the Green Belt, it is an exaggeration for the Council to state in the enforcement notice that the mobile home encroaches on the Green Belt or that it is harmful to the openness or rural character of this part of the Green Belt or the AONB.
- A mobile home was originally granted permission on this site in 1973 on the basis that it was required for agricultural purposes. The agricultural enterprise ceased operations in the late 1970s, however the Council continued to grant temporary permissions for a mobile home until 1994. In 1994 the Council considered that the personal circumstances of the applicants were sufficient for a further 5 year temporary permission. At no point from 1973 to 1994 did the Council state that the previous (larger) mobile home was of detriment to the openness or rural character of the Green Belt or the AONB. It is pointed out that the mobile home is sited immediately adjacent to the existing bungalow and is not visible from outside the site.
- The Council's lack of action within the last 6 years serves to demonstrate the lack of any actual harm to the Green Belt or AONB other than it constitutes inappropriate development within the Green Belt which is by definition harmful.
- The extent of buildings within the western part of the site and lawful business area do represent significant encroachment into the countryside, reduces openness, and have a harmful visual appearance. These buildings and use are lawful, however as a form of planning gain Mr Lee is willing to remove all of these buildings from the site and to revoke the lawful business use and return the land back to its original condition.
- In dismissing the appeal for a replacement dwelling (on the site of the mobile home) the Inspector did not consider that the planning gain of removing these buildings and business uses would outweigh the harm to the Green Belt from a permanent building. However, the Inspector did state there would be benefit in clearing the site. Moreover, the Inspector was considering the proposal in relation to a permanent dwelling rather than for the retention of the existing mobile home for what is effectively a temporary period. The main difference between the current proposal and the previous appeal decision is that the site will eventually be entirely cleared apart from the lawful bungalow (Ponderosa) whereas the appeal proposal would have resulted in two permanent dwellings.
- Ultimately, should this application be refused, the existing lawful buildings and business will remain in situ. The existing mobile home and other residential paraphernalia will be removed, but a far greater level of built form will continue to exist within the site and in terms of openness and rural character there will only be a marginal improvement.
- The personal circumstances of the applicants together will the planning gain set out above constitute exceptional very special circumstances which justify the granting of a personal planning permission.

**Fallback Position**
- Separate applications for planning permission and for a Certificate of Lawfulness for various extensions have been made to extend the existing bungalow, Ponderosa, although the applicants
would rather not extend Ponderosa and indeed cannot readily afford to do so. If carried out, these extensions and new outbuilding would provide an additional 135.5 square metres of built form, compared to the existing footprint of the existing mobile home which measures only 85 square metres.

- It is clear that the application proposal would offer a vastly significant improvement on the fallback position.
- The applicants would be willing to revoke any planning permission and certificate of lawfulness granted, as well as their permitted development rights.

A letter from the Disability and Carers Service (Department for Work and Pensions) has been submitted and sets out that Mr Lee's sister is unable to walk and that she requires personal care to assist with daily tasks such as getting in and out of bed, dressing and washing.

CONSULTATIONS
None relevant

POLICIES
Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS26

ISSUES
1. This application is for a mobile home for occupation for a temporary period of 10 years. It is located within the open Green Belt wherein, in accordance with Development Plan policies that Central Government guidance, residential development is considered to be inappropriate and there is a general presumption against such development. In certain circumstances, where it can be demonstrated that such residential accommodation is essential to the operation of an established agricultural holding or to enable the establishment of such for other essential workers, temporary residential accommodation of the nature proposed can be considered appropriate. This application has not put forward an argument that this mobile home is essential for the establishment of an agricultural holding and therefore this proposal amounts to inappropriate development in the Green Belt against which there is fundamental objection in principal. In addition, the site forms part of the Chiltern's Area of Outstanding Natural Beauty (AONB) and it is considered that allowing a new residential unit in this location, which amounts to inappropriate development in the Green Belt, would ultimately be detrimental to the special landscape character and scenic quality of the locality. These objections are also reflected in reasons for issuing Enforcement Notice 99/0833/EN which requires the removal of the unauthorised mobile home currently in situ, and it is not considered that the changes to policy that have occurred since this notice was issued affect the basis of these objections.

2. Given the inappropriate nature of this proposal and the concerns raised above, the onus is on the applicant to demonstrate that very special circumstances exist that are sufficient to outweigh the harm arising from the inappropriateness of this residential development, and any other harm. To this end, the applicant's agent has submitted a reasoned justification to make the case for very special circumstances. The applicants' case centres around three main aspects, namely: the personal circumstances of the applicants and the unique planning history of this site; the potential planning gain that could be achieved by the removal of various buildings and structure and the cessation of lawful commercial uses on site; the implications for the fallback position if planning permission was not forthcoming for this proposal. It therefore remains to be considered if these arguments amount to very special circumstances that would justify setting aside national and local plan policies which are designed to safeguard the Green Belt.

3. Personal Circumstances
3.1 It is understood that Mr & Mrs Lee and their daughter have resided in the mobile home in question for a number of years and that this family has a long history with this site. In particular, the proximity of The Lees to neighbouring Ponderosa, which is home to Mr. Lee's elderly mother and disabled sister, allows them to be on-hand to assist in their daily care and support. Mr Lee himself is in poor health and the current arrangement is clearly convenient for this particular family. It is accepted that, if permission were to be granted for this proposal, it could be ensured via conditions and/or legal agreement that only Mr & Mrs Lee and their daughter could occupy the mobile home in question and that they would vacate the unit and remove it from the site once either Mr Lee's mother and/or sister living in Ponderosa passed away. Such means of controlling the occupation of the mobile home have been put forward by the applicant's agent in the light of the family's personal circumstances.

3.2 In assessing the weight to give these particular personal circumstances, consideration must also be given to the fact that the residential occupation of this mobile home has been occurring in breach of Enforcement Notice 99/0833/EN which was issued in October 1999 with an exceptionally long period for compliance, namely 5 years to take into account the personal circumstances advanced by the owners at that time. An appeal was lodged against the enforcement notice but for reasons which unclear, the applicant's agent withdrew the appeal and the notice came into effect with compliance required by March 2005. Obviously compliance with the Enforcement Notice is now well overdue, and the mobile home remains in situ and in residential use in breach of the enforcement notice.

3.3 In the intervening years Officers have sought, through negotiation, to secure compliance with the enforcement notice mindful that as a result of compliance with the Notice the Council would be making the family homeless. Given the personal circumstances and ill health of occupants Officers have allowed the family time to explore other options and to make alternative arrangements on the distinct understanding that the owners would cease the residential use and remove the temporary building. In May 2005 Mr Lee, one of the applicants met with the Council's Planning Officers and Housing Officer to discuss compliance with the Notice. The Housing Officer arranged for alternative housing accommodation and the Council's records indicate that accommodation in Seer Green was offered to the applicants but they declined to accept it as they claimed that it did not suit their needs.

3.4 The owners then instructed a planning agent to act on their behalf to seek permission for a permanent dwelling on the site and thereby seek to override the requirements of the enforcement notice. There were some low key business activities on site and the agent sought to submit an argument that the removal of these inappropriate uses in the Green Belt together with other outbuildings would be a sufficient planning gain to allow for a new dwelling. An application ref CH/2005/1542/EU for a certificate of lawfulness for existing uses relating to the use of land and buildings for paint spraying, storage of vehicles and storage of building materials was submitted to establish that the uses were lawful, which the Council accepted. The owners then submitted an outline application for a new dwelling on the site of the Smallholding namely application CH/2006/0013/OA. This application was refused and appeal dismissed in April 2007. The Appeal Inspector noted the benefits from clearing the appeal site and wider area of various paraphernalia that exists but also noted that the existing enforcement notice should secure the removal of many of the structures and objects on the holding. The Inspector also noted that the limitations set by the lawful development certificate were such that the level of commercial use was relatively low. It had been agreed with the owners' agent that if their appeal was unsuccessful the owners would concede that there was no possibility of a permanent dwelling on site and undertake to comply with the Enforcement Notice. Notwithstanding this, after the appeal, no such steps were taken. This application has been received as a result of Officers further attempts to secure compliance with the notice. In the light of this background information, it is considered that the applicants' submissions in relation to the length of time the Notice has been outstanding and the discretionary 'grace period' which has been provided, as part of an argument of very special circumstances to allow the
applicants to remain on site even longer is disingenuous.

3.5 As part of their argument the applicant's agent also points out that Council granted a further temporary planning permission in application reference 94/0311/CH for the occupation of the mobile home on the basis that the personal circumstances of the applicant amounted to "very special circumstances". This is indeed correct and came about after Central Government guidance had made clear that planning permission should not be continually renewed, and further applications should be looked at on the basis that a permanent building is sought. As the agricultural operations on the site had by this time ceased it could not be demonstrated that the occupation of the mobile home remained essential. However, ultimately the Planning Committee took into account how these changes in employment circumstances and the personal situation of the occupiers and decided that these amounted to very special circumstances to justify an exception to Green Belt policy and granted a further 5 year permission to order that the owners could make arrangements to address these issues. It was evident that consideration was given to the fact that this decision may have been unexpected by the occupiers due to the change to Central Government guidance and their business enterprise. With regard to the occupation now proposed, it is clear that the applicants have know for many years that their continued occupation of this unit was not acceptable and that they would need to vacate the unit and remove it from the site.

3.6 In conclusion, whilst it is clearly convenient for the applicants to have family close by, it is not considered that this is a particularly unique or exceptional situation. Furthermore, whilst it is accepted that this arrangement has been on-going for a number of years, the applicants have exacerbated the stress of the situation by failing to pro-actively make other arrangements and indeed declining offers of alternative accommodation. It is therefore not considered that the personal circumstances of the applicants and the lengthy planning history of the site is sufficient to amount to very special circumstances that would justify the grant of this proposal.

4. Green Belt & AONB
4.1 It is the view of the applicant's agent that there is a planning gain to be had due the applicants' willingness to remove some lawful structures that have a commercial use and to agree to cease the lawful use of the site, given its location with the open Green Belt and the Chilterns AONB. As indicated in issues 3.4 above, a lawful development certificate pursuant to application CH/2005/1542/EU was issued in 2006 in respect of the use of land and buildings adjacent to The Smallholding mobile home for paint spraying, storage of vehicles and storage of building materials. This application relates only to a very small area of the site and the level of commercial activity arising from the use is very low key. Furthermore, whilst it is acknowledged that there could be some intensification of the use, this is curtailed by the extent of the area which can be used for these purposes and the number of vehicles lawfully allowed.

4.2 It should be noted that such proposal for a 'planning gain' was also made by the applicants in respect of applications reference CH/2004/1701/FA and CH/2006/0013/OA, both of which proposed permanent dwellings. In assessing both of these applications the Inspectors concluded that this argument was not sufficient to amount to very special circumstances, and indeed in relation to the 2006 application the Inspector pointed out that the overall scale of the site and its limitations set by the lawful development certificate lead him to conclude that the affect would be limited. Furthermore, it is noted that the removal of the ancillary residential buildings that are currently on site is covered by the terms of the enforcement notice.

4.3 It should also be noted that arguments relating to the removal of unsightly buildings and structures are not unique or site specific and can all too easily be repeated they are not therefore considered to amount to very special circumstances.

5. Fallback position
5.1 The agent has stated that, if the proposal is not granted planning permission, the extensions recently approved for neighbouring Ponderosa, as well as those that could be constructed under
"permitted development" at Ponderosa, could be constructed in order to accommodate the applicants and Mr Lee's sister in a single property. It is suggested that this would ultimately result in more built form in the Green Belt and AONB than if permission was granted for the mobile home for only a temporary period. The applicants are willing to forgo the permission for the approved extensions and their permitted development right, however as Ponderosa has not been included as part of the planning unit for this application it would not be possible to control this by any condition imposed on this application. Notwithstanding this offer, it is not considered that this would amount to a case for very special circumstances necessary to justify the retention of the mobile home. Ponderosa is a single storey dwelling that benefits from planning permission and it, along with the approved extensions, will continue to amount to development that is not inappropriate in the Green Belt, whilst the issue at hand relates to the harm caused by the occupation of an unauthorised mobile home that amounts to inappropriate development in the Green Belt. The extension were subordinate in size and scale to the original dwelling, even taking into account works that could be done as "permitted development". It is therefore not accepted that this justification amounts to very special circumstances and furthermore, given the agricultural occupancy condition that remains in effect at Ponderosa, the offer of Mr and Mrs Lee moving into this property would only result in a further breach of planning control until or unless the agricultural occupancy condition is removed or agreed that the lawful use of the property is as a dwelling without such condition.

6. The above assessment is considered to support the view that there is no justification to allow the occupation of a mobile home, even for a temporary period, given that this would be contrary to both Green Belt and AONB policies. Indeed, discussions between the Council and the applicants in relation to this mobile home have been on-going for a number of years and similar arguments have been put forward and considered before. Therefore, whilst the case now made for very special circumstances has been duly assessed, it has been concluded that a fundamental objection remains to this proposal.

7. Notwithstanding the objections to this application in terms of Green Belt and the AONB policies raised above, there is no objection to this proposal with regard neighbour amenity or parking provision.

8. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse Permission
For the following reasons:-

1 The site lies within the open Green Belt wherein most development is inappropriate and there is a general presumption against such development. In particular residential development in the Green Belt will not be permitted unless it is demonstrated that such residential accommodation is essential to the operation of an established agricultural holding or to enable the establishment of such or for other essential workers. There is no argument that this dwelling is essential for the establishment of an agricultural holding and therefore there is a fundamental objection in principle to this development in terms of Green Belt policy and the harm to the open and rural character of the area. Whilst mindful of the planning history of this site and the personal circumstances submitted by the applicant, their proposals to provide a 'planning gain' removing lawful buildings and structures and ceasing the lawful commercial use at this site, as well as their likely actions if this permission is not forthcoming, it is not considered that these amount to "very special circumstances" necessary to override the harm to the Green Belt by reason of inappropriateness and the additional harm to the open and rural character of the area.

The mobile home and its associated residential paraphernalia results in inappropriate form
of residential development resulting in encroachment, consolidation of sporadic
development in the open countryside and a reduction in the openness of the Green Belt to
the detriment of the area's rural character and appearance. The development is further
considered to detract from the Chilterns Area of Outstanding Natural Beauty where the
fundamental aim is to conserve the natural beauty of the area and where there is a
presumption against development that does not conserve and enhance its special landscape
qualities and protect its setting. The application is therefore considered to be contrary to
Policy CS22 of the Core Strategy for Chiltern District - Adopted November 2011, and
Policies GB2 and LSQ1 of the Adopted Chiltern District Local Plan - 1997 (including The
Adopted Alterations May 2001 and July 2004) and central Government Advice in Planning
Policy Guidance Note 2.
CH/2012/0067/FA
Case Officer: Sally Davis
Date Received: 17.01.2012 Decide by Date: 29.03.2012
Parish: Chesham Ward: Hilltop And Townsend
App Type: Full Application
Proposal: Two storey rear extension and replacement roof incorporating front dormer windows to facilitate accommodation within the roofspace and erection of front porch
Location: 9 Linington Avenue Chesham Buckinghamshire HP5 1XP
Applicant: Mr S Dunn

SITE CONSTRAINTS
Adjacent to Unclassified Road
Area Special Adv. Control
Bovingdon Technical Radar Zone
Within Green Belt other than GB4 GB5
Within 500m of SINC NC1
On/within 250m rubbish tip
GB settlement GB5,6,12,23,H7,13,19

RELEVANT PLANNING HISTORY
No recent history.

THE APPLICATION
The application proposes a two storey rear extension and a replacement roof incorporating front dormer windows to facilitate accommodation within the roofspace and the erection of a front porch.

The proposed two storey rear extension would have a maximum width of 10.1 metres and a depth of 4 metres. A replacement roof would extend over the existing dwelling and the proposed rear extension and has been designed with a pitched roof with a maximum ridge height of 6 metres and a flat roofed rear box dormer structure with a maximum width of 9.1 metres, a depth of 4 metres and a height from ground level of 5.5 metres. Two dormer windows are also proposed within the front elevation which would both have a maximum width of 1.8 metres, a depth of 2.9 metres and a pitched roof with a height of 1.7 metres.

The proposed front porch would have a maximum width of 2.2 metres, a depth of 1.2 metres of 3.1 metres.

TOWN COUNCIL
The Town Council Committee recommends refusal of this application on the grounds that the proposal would be overbearing and out of character within the existing street scene and would set a precedent for further inappropriate dormer windows within the Avenue.

REPRESENTATIONS
Councillor Pirouet has requested this application be referred to the Planning Committee regardless of the Officers’ recommendation.

Head of Health and Housing:
The application site is located within 250 metres of a historical landfill site. Therefore, the land quality informative is required on any permission granted.
One letter of support received from the applicant stating the following:
- No. 9 Linington Avenue is the smallest property in the close, unchanged in over 50 years and now looks out of place with other neighbouring properties which have recently been extended. The existing property is set lower than the road and is lower in height compared to the surrounding dwellings.
- The proposal is not to turn a bungalow into a house, but to extend the existing roof structure to a similar height and in keeping with the other properties in the close. The additional roof pitch will enable a loft room to be incorporated; this will reside predominantly over the rear of the property. The dormer windows to the front of the proposed extension would be for simple light and ventilation purposes and will not make the property look like a house stuck between bungalows.
- The proposal would not set an adverse precedent, other properties in the street scene already have loft conversions, resulting in an enhanced street scene.

CONSULTATIONS
Building Control - Access Officer for the Disabled:
Consideration should be given to providing a toilet for use by disabled people.

POLICIES


ISSUES
1. The application site is located within a designated Green Belt settlement to the east of Chesham, wherein the extension of an existing dwelling is acceptable in principle subject to complying with the relevant Development Plan Policies.

2. Linington Avenue is a residential cul-de-sac of detached bungalows and two storey dwellings of a variety of designs. The land levels decrease from north to south along Linington Avenue and the built form varies in height accordingly along the street. The application property is located to the western side of Linington Avenue to the end of the cul-de-sac and comprises a modest gabled bungalow. The application proposes a rear extension and a replacement roof over the existing and proposed footprint to facilitate first floor accommodation. The proposed replacement roof would increase the height of the resultant dwelling by approximately 1.4 metres. Whilst this would increase the scale of the property, when viewed from the front, the gabled roof design of the existing dwelling would be retained. Furthermore, the proposed front dormer windows are modest in overall scale, set below the ridge line of the resultant dwelling and would respect the scale and proportions of the roofslope within with they would be located. In addition, it is noted that other nearby properties have benefitted from roof alterations/extensions such that no objections are raised in respect to the impact of this part of the proposal on the character and appearance of the streetscene. However, the proposed rear extension has been designed with a large flat roofed dormer structure dominating the rear portion of the dwelling. This rear dormer structure, by reason of its width, height, depth and overall scale, would appear bulky and would fail to respect the scale and proportions of the hipped rear roofslope of the main dwelling. Furthermore, it would visually be akin to a two storey flat roofed extension. Local Plan Policy H15 makes clear that two storey flat roofed extensions will not be permitted unless the proposal is surrounded by existing pitched roofs on the existing dwelling, is subordinate to the main roof of the existing dwelling and is not prominent within the street scene or locality. The proposed rear extension incorporating the dormer roof structure would fail to comply with these criteria as the extension would appear clearly visible and prominent within the street scene particularly when viewed from the north of Linington Avenue. As such, this part of the proposal would have a detrimental impact upon the character and
appearance of both the application property and the locality and objections are raised with regard to Local Plan Policies GC1, H13, H15 and H18 and Core Strategy Policy CS20.

3. Notwithstanding the above objection, the proposed front porch is modest in size and scale and would represent a modest and unobtrusive addition to the application property which would not appear prominent within the street scene of Linington Avenue. No objections are, therefore, raised to this element of the proposal.

4. In terms of neighbouring amenity, the existing application property is sited approximately 4 metres away from the common boundary with the neighbouring property to the north, No. 10 Linington Avenue. It is noted that there are two large ground floor windows within the southern flank elevation of this neighbouring property facing the application site. These windows are large and are the sole windows serving a kitchen/utility area. It is also noted that there are outbuildings which lie between the two dwellings to the rear. Given the scale of the proposal, the distance between the two dwellings and the existing relationship of built form, it is not considered that that proposed rear extension and replacement roof would appear overbearing or visually intrusive when viewed from the flank windows and rear private amenity area of No. 10 Linington Avenue. Furthermore, no windows are proposed at first floor level within the northern flank elevation such that the proposal would not result in a loss of privacy for the occupants of this neighbouring property. With regard to the neighbouring property to the south, No. 8 Linington Avenue, it is noted that this property has recently benefitted from a large rear extension which extends at an angle away from the application site. Given the existing relationship of built form, it is not considered that the proposed extension would adversely affect the residential amenities or privacy of this neighbouring property. No objections are, therefore, raised with regard to Local Plan Policies GC3 and H14.

5. The existing dwelling has a gross floorspace of less than 120 square metres and currently benefits from sufficient parking space to accommodate three parked vehicles. The proposal would increase the gross floorspace of this dwelling to in excess of 120 square metres and sufficient parking space would remain within the curtilage of this dwelling to accommodate three parked vehicles, in compliance with the Council’s Parking Standards. As such, no objections are raised with regard to Local Plan Policies TR11 and TR16.

6. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse Permission
For the following reasons:-

1. By reason of its width, height, depth and overall scale, the proposed flat roofed rear dormer structure would appear bulky and would fail to respect the scale and proportions of the hipped rear roofslope of the main dwelling. Furthermore, the proposed box-like dormer structure would visually be akin to a two storey flat roofed extension, and would not respect the overall form of the existing dwelling. As such, the proposed rear extension incorporating the flat roof dormer structure would have a detrimental impact upon the character and appearance of the application property and would appear clearly visible and prominent within the street scene, particularly when viewed from the north east of Linington Avenue. Therefore, the proposal fails to comply with Policies GC1, H13, H15 and H18 of the Chiltern District Adopted Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).
CH/2012/0085/FA
Case Officer: Mr Ben Robinson
Date Received: 19.01.2012
Decide by Date: 15.03.2012
Parish: Chesham
Ward: Vale
App Type: Full Application
Proposal: Part two storey, part first floor side extension
Location: 101 Vale Rise
Chesham
Buckinghamshire
HP5 2BG
Applicant: Mr and Mrs Peter Michael

SITE CONSTRAINTS
Adjacent to C Road
Adjacent to Unclassified Road
Bovingdon Technical Radar Zone
Within 500m of SINC NC1
Thames Groundwater Prot Zone GC9

RELEVANT PLANNING HISTORY
None relevant.

THE APPLICATION
The application proposes a part two storey, part first floor side extension.

The extension would measure 3.6 metres in width by 7 metres in depth and would have eaves and ridge height to match that of the existing dwelling.

TOWN COUNCIL
The Committee recommends refusal of this application on the grounds of bulk and its effect on the existing street scene.

REPRESENTATIONS
Councillor Pirouet has requested this application be referred to Planning Committee regardless of the Officers’ recommendation.

CONSULTATIONS
None relevant.

POLICIES


ISSUES
1. The application site is located within the built up area of Chesham where residential extensions are acceptable subject to compliance with the relevant policies of the Local Plan.

2. The application property is located at the corner of Vale Rise and Vale Road. The proposed first floor extension would be located, in part, over the existing ground floor side projection such that it would increase the two storey width of the existing dwelling by approximately 3.6 metres.
The extension is designed with a hipped roof to match that of the existing dwelling such that it would integrate satisfactorily and respect the scale and proportions of the existing dwelling. It would not project forward of the host dwelling towards Vale Rise and therefore would maintain the character and appearance of Vale Rise. The extension would project closer to the boundary with Vale Road at first floor level, but there would still remain a gap of approximately 2.5 metres between the resulting dwelling and the boundary with Vale Road. As such the resulting dwelling would not appear cramped within its plot. However, given the location of the application site on the junction between Vale Road and Vale Rise, the extension would be clearly visible when approaching the site along Vale Road. It is noted that Vale Road is mainly characterised by rows of terraced properties and the resulting dwelling would remain set further back from the carriageway than the rows of terraced properties to the north and south of the application site. As such, it is not considered that the resulting dwelling would appear overly prominent or out of character within streetscene of Vale Road. As such it is considered that the proposal would not have a detrimental impact on the character and appearance of the area.

3. The extension would be set away from neighbouring residential properties such that it would not have a detrimental impact on any neighbouring amenities.

4. The existing dwelling has a gross floor space of less than 120 square metres and there is currently space available on the driveway for two cars. The proposed extension would increase the floor space of the dwelling above 120 square metres, such that, to meet the Council's parking standards, an additional off-street parking space should be provided within the application site. However, there is limited space within the front garden to provide any further parking spaces such that it would not be possible to provide a further space. It is therefore necessary to assess the parking implications for the proposal on this basis. It should be noted that the Council's parking standards were changed in 2007 so they no longer represent a minimum requirement and this reflected the Central Government approach to parking standards. In addition, the site is located on the junction between Vale Road and Vale Rise and along both sections of these roads there are parking restrictions which prohibit vehicles parking close to the junction. Any additional parking is therefore unlikely to take place in the immediate vicinity of the road junction, and indeed, as the enforcement of such parking restrictions lies outside the control of the local planning authority, an objection based on the parking of vehicles on a restricted parking section of road outside the application site could not be substantiated and cannot be used to justify a reason for refusal based on the shortfall of one parking space. As such, no objections are therefore raised with regard to the parking implications arising from this proposal.

5. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Conditional permission
Subject to the following conditions:-

1. C108A General Time Limit
2. C431 Materials to Match Existing Dev
3. AP01 Approved Plans
CH/2012/0114/FA

Case Officer: Mr Adam Ralton
Date Received: 24.01.2012
Parish: Little Chalfont
App Type: Full Application
Proposal: Erection of replacement dwelling and detached double garage
Location: Jocelyns Harewood Road Little Chalfont Chalfont St Giles Buckinghamshire HP8 4UA
Applicant: Manorgroves Homes (UK) Ltd

SITE CONSTRAINTS
Article 4 Direction
Adjacent to Unclassified Road
Established Residential Area of Special

RELEVANT PLANNING HISTORY
None relevant.

THE APPLICATION
This application proposes the demolition of the existing dwelling and associated outbuildings, and the erection of a replacement two storey dwelling and detached double garage.

The proposed dwelling would measure a maximum of 22.3 metres in width by 24.8 metres in depth at ground floor level, and 17.8 metres in width by 15.1 metres in depth at first floor level. It would have a hipped roof 9.3 metres high, with front hipped projections with a lower ridge height. It incorporates a single storey rear-projecting element.

The garage would measure 6.1 metres in width by 6 metres in depth, and have a pyramidal roof 4.4 metres high.

PARISH COUNCIL
The Parish Council objects. The site is in an area of special character. The proposed new building represents an overdevelopment of the site.

REPRESENTATIONS
Councillor Martin has requested this application be referred to the Planning Committee if the Officers' recommendation is for approval.

A Design and Access Statement has been submitted with the application.

An Arboricultural Implications Assessment and Method Statement, and Arboricultural Survey, have been submitted with the application.

A bat survey has been submitted as part of the application.

One letter of concern has been received which notes that there is an ash tree in the curtilage of The White House adjacent to the application site and the owner would not be responsible for any damage caused by the ash.
One letter of objection has been received, making the following points (summarised):
- Proposal is an overly prominent replacement
- Concern that the rear aspect bay window has a window angled toward Broomleaf, and request this window be obscurely glazed.
- Rear balcony is out of keeping, unnecessary and would unfairly overlook Broomleaf.
- Plans do not correctly show the side boundary area, and the specified distance to the boundary is not the narrowest point [Officer Note: The agent has responded to this point, advising that the position of the proposed dwelling is accurately shown to the legal boundary of the site. Land ownership issues are not covered by planning legislation, and the consent of the owners of any land should be obtained prior to any works taking place on that land.]
- Request all boundary hedging be maintained, and a condition restricting weekend working.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust: No objections, subject to condition

One letter of additional information received from the applicant’s agent, making the following points (summarised):
- The rear elevation has a shallow curved element, and the rear bay window will not cause any overlooking.
- The amount of rear fenestration is commensurate with neighbouring dwellings.
- Neighbouring properties all have rear-facing balconies.
- It is the applicants intention to retain all boundary hedging.

CONSULTATIONS
Buckinghamshire County Highway Authority: No objections, subject to condition.

Head of Building Control - Fire Fighting Access: None received at time of drafting report.

Head of Building Control - Access Officer for the Disabled: No comment.

District Tree and Landscape Officer: The application includes an Arboricultural Survey and an Arboricultural Implications Assessment and Method Statement. The proposed replacement house has a similar siting to the existing house but is larger. The trees towards the front of the site are shown retained and the existing access towards the northern corner of the site is shown removed, which should in the longer term benefit the nearby trees. The tree survey omits two shaped cypresses, about 3m in height, which would be lost. The proposed double garage would be partially within the root protection area of the Norway maple T1 but the effect on the tree should not be significant, especially since a pad and beam foundation is proposed and there is the existing drive in this vicinity. There is a group of Lawson and Leyland cypresses about 16m in height just within the adjacent property, Magnolias, to the side of the proposed house. These would be fairly close to the proposed house and would suffer some root damage but this should not have a significant effect on the trees. In the rear garden five apple trees, all about 5-6m in height, and a flowering cherry about 12m in height are shown for removal but these are not considered to be important. Overall I have no objections to the application provided there is adequate protection for the retained trees including the measures in the Arboricultural Method Statement.

County Ecology Advisor: As evidence of bats have been observed, a European Protected Species licence will be required. Considering the proposals provided for mitigation in the bats survey report, I believe it would be possible to meet test 3 (of the Conservation of Habitats and Species Regulations 2010). However, evidence of mitigation measures being incorporated into the development must be provided prior to the determination of the application, in order to be satisfied the scale of mitigation is sufficient to meet test 3.

Officer Note: Following the receipt of the above advice from the County Ecology Officer, further information was received from the applicant’s agent, setting out the position within the site of
proposed bat boxes, and bat roost ridge tiles to the dwelling. Further comments from the County Ecology Adviser are as follows:

Considering the proposals provided for mitigation in the bat survey report, I believe it would be possible to meet test 3, subject to a condition requiring the mitigation measures to be carried out.

POLICIES


ISSUES
1. The application site is located within an Established Residential Area of Special Character and the built up area of Little Chalfont wherein the provision of a replacement dwelling is acceptable subject to it complying with the criteria of Policy H4 as well as the other relevant Local Plan Policies. Policy H4 has specific regard to the plot size and width, frontage to the highway, the positioning of the dwelling within the plot, its height, scale, form and external appearance, and other important features which are characteristic of the street scene and the locality.

2. Harewood Road is characterised by large detached houses, set back from the road in spacious plots. Although the dwellings are generally two storeys in height, and maintain spacing at and above first floor level between the flank elevations and the side boundaries of the curtilage, there is a considerable variety of architectural styles. Criteria (i), (ii) and (iii) of Local Plan Policy H4 state that the plot size of any proposed dwelling should not be significantly at variance with other existing plots in the vicinity. Each proposed plot should also have an existing frontage to an existing road and the width across each plot frontage to the existing road should be closely similar to other plot widths in the same road in the vicinity of the site. This application proposes no changes to the size and shape of the plot and therefore no objections are raised in this respect. Criterion (iv) of Local Plan Policy H4 requires the position of a new dwelling and the spacing between dwellings to be in accordance with the prevailing character of the locality whilst criterion (v) requires that the building line should be maintained and the height of any dwelling should not exceed the general height of the houses in the vicinity. In addition, criterion (vi) requires the form of the existing residential development to be maintained in terms of dwellings being detached, semi-detached or terraced and criterion (vii) states that the size, design and external appearance of each new dwelling should be compatible with the character of the area. The application proposes a detached dwelling which would front onto Harewood Road and is of a design that would not be out of character with other houses in the area. The main two storey element of the proposed dwelling would be sited in a comparable location to the existing dwelling and would be set back from Harewood Road. In addition, the width of the proposed dwelling and the distances between the flank elevations and the boundaries of the site would reflect the general pattern of development in the area. The application site has a shallow gradient which slopes down to the rear, and it is considered that this sloping land would help to reduce the visual massing of the dwelling when viewed from the front. The depth of the dwelling would be screened in part by the neighbouring property to the south east, with the entire depth not clearly visible from the north west due to the substantial mature trees located in the rear garden area of The Magnolias. Subject to the use of appropriate facing and roofing materials (which can be reasonably controlled by condition) it is considered that the size, design, siting and external appearance of the proposed dwelling are acceptable and that development would not appear prominent or intrusive within the street scene, and would not adversely affect the character or appearance of the locality, in accordance with criteria (iv), (v), (vi), and (vii) of Policy H4.

3. Criterion (viii) of Local Plan Policy H4 requires important features within the street scene to be retained, such as trees, shrubs and hedges. The siting of the built form would result in the loss of
two shaped cypresses, and the garage would need to be constructed with a pad and beam foundation. The District Tree and Landscape Officer raises no objections to this, and also notes the longer term benefits to nearby trees arising from the removal of the access in the northern corner of the site. In addition, it is considered both reasonable and necessary to require a replacement hedge to be provided to fill the resultant gap where the existing northern access is closed up. No concerns are raised with regard to Criteria viii of Policy H4. For the reasons stated above it is considered that the proposed development would accord with the provisions of Local Plan Policy H4 and that it would have an acceptable appearance within the Established Area of Special Character.

4. The application site would have a rear garden length in excess of 50 metres, which is considered adequate for, and appropriate to, the size of the dwelling proposed. As such, no objections are raised with regard to Local Plan Policy H12.

5. The proposed detached garage would be located forward of the proposed dwelling. However, this would be set back from the front boundary of the curtilage of the application site, and as a result of the ground levels would be set at a slightly lower level, and be partially screened by the front boundary fencing. As a result of its size, with a maximum height of 4.4 metres, its pyramidal roof design, and position within the plot, it is not considered that the proposed detached garage would adversely affect the character or appearance of the street scene or the locality.

6. The proposed replacement dwelling would be located adjacent to the neighbouring property to the south east, Broomleaf. This neighbouring property has a single storey side element adjacent to the common boundary with the application site, with its first floor flank elevation set away from the boundary with the application site. One window is located at first floor level in the flank elevation of this property which faces the application site, however this window serves a bathroom. Given the distance between Broomleaf and the proposed dwelling, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from Broomleaf. The neighbour at Broomleaf has raised issues regarding potential overlooking from the rear bay window and balcony. The rear bay window would be visible from parts of the rear garden area. However, given the relationship between the two properties, it is not considered that it would result in an unacceptable level of overlooking. It is noted that the proposed rear balcony would project rearward beyond this rear bay window projection, and may introduce views toward the rear garden at Broomleaf. However, the provision of a 1.8 metre screen to the side of the proposed balcony would reduce these views and it is considered reasonable and necessary to require a screen to be constructed by condition. It is also necessary to attach a further condition requiring the windows at first floor level in the south east flank elevation of the proposed dwelling to be obscurely glazed. Given the above, it is not considered that the proposal would adversely affect the privacy of the occupants of Broomleaf. The proposed replacement dwelling is set away from all other neighbouring properties such that it would not adversely affect the amenities of the occupants of any neighbouring property.

7. The proposed replacement dwelling would have a gross floor area greater than 120 square metres. Sufficient space would be provided on the proposed driveway and within the proposed detached garage for at least three off-street parking spaces to comply with Local Plan Policy TR16.

8. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION: Conditional permission**

Subject to the following conditions:-

1. C108A General Time Limit

2. Before any construction work commences, named types and samples of the facing materials
and roofing materials to be used for the external construction of the development hereby
permitted shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the external appearance of the development is not detrimental to the
character of the locality.

3 Prior to the commencement of development hereby permitted, details of a replacement
hedge to the north east side (front) of the site in the position of the vehicular access to be
stopped up shall be submitted to and approved writing by the Local Planning Authority.
These details shall include the proposed species, planting size and distribution of plants
along this boundary. All planting comprised in the approved details shall be carried out in
the first planting season and seedling seasons following the closing of the vehicular access
and any plants which within a period of 5 years from the completion of the works die, are
removed or become seriously damaged or diseased, shall be replaced in the next planting
season with others of similar size and species, unless the Local Planning Authority gives
written consent to any variation.
Reason: In order to maintain, as far as possible, the character of the locality.

4 Prior to the commencement of development hereby permitted, full details of the method of
disposal of the excavated soil, including any distribution of soil within the site or its
removal from the site, resulting from the development hereby approved shall be submitted
to and approved in writing by the Local Planning Authority. Any distribution of soil within
the site or its removal from the site shall take place prior to any building works hereby
permitted commencing above ground level. The submitted details shall also include details
of the likely number of traffic movements associated with the removal of any soil from the
site. The development shall then be implemented in accordance with the approved details.
Reason: To ensure that the development is not detrimental to the character of the locality or
the amenities of any neighbouring dwelling.

5 Prior to the commencement of any works on site, detailed plans, including cross section as
appropriate, showing the existing ground levels and the proposed slab and finished floor
levels of the dwelling hereby permitted shall be submitted to and approved in writing by the
Local Planning Authority. Such levels shall be shown in relation to a fixed datum point
normally located outside the application site. Thereafter the development shall not be
constructed other than as approved in relation to the fixed datum point.
Reason: To protect, as far as is possible, the character of the locality.

6 C415 Landscaping Tree Protection

7 Prior to the first occupation of the dwelling hereby permitted, the bat boxes as shown on the
submitted site plan, Drawing No. 12 JOC SP1 Rev B received by the Local Planning
Authority on 6 March 2012, and the bat roost ridge tiles as shown on the submitted
elevations, Drawing No. 12 JOC E01 Rev C received by the Local Planning Authority on 8
March 2012 shall be constructed and installed as shown on the approved plans. These
mitigation measures shall be retained thereafter.
Reason: In order to provide sufficient mitigation against the impact of the proposed
development on bats.

8 Prior to the first occupation of the dwelling hereby permitted, the area of hardstanding as
shown on Drawing No. 12 JOC SP1 Rev B, received by the Local Planning Authority on 6
March 2012, shall be laid out in accordance with this approved plan and shall be retained
thereafter for the parking of vehicles.
Reason: To ensure adequate provision is made for parking of vehicles within the curtilage
of the dwelling.
9 Within one month of the remaining vehicular access being brought into sole use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the grass verge and highway boundary to the same line, level and detail as the adjoining boundary.
Reason: To limit the number of access points along the site boundary, for the safety and convenience of highway users.

10 Before the first occupation of the dwelling hereby permitted the windows at first floor level in the south east flank elevation shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.
Reason: To protect the amenities and privacy of the adjoining property.

11 Notwithstanding the details shown on the submitted drawings, prior to the first occupation of the dwelling hereby approved, a solid 1.8 metre high screen shall be attached to the south east side of the balcony in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and this screen shall remain in place thereafter.
Reason: To protect the privacy and amenities of the occupants of the neighbouring property.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the south east flank elevation of the dwelling hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property.

13 The lightwells serving the basement hereby approved shall only be constructed in accordance with the details shown on the approved plans. The lightwells serving the basement shall not thereafter be altered or extended in any way and no additional lightwells or external accesses to the basement hereby approved shall be constructed at any time.
Reason: To ensure that the development is not detrimental to the character of the locality or the amenities of any neighbouring dwelling.

14 The proposed detached garage shall only be constructed using a pad and beam foundation.
Reason: In order to minimise root damage to the trees adjacent to these parking spaces.

15 AP01  Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places require a licence from Natural England. All species of bat and their breeding sites or resting places (roosts) are protected under Schedule 10 of The Conservation of Habitats and Species Regulations 2010 and Schedule 5 of the Wildlife and Countryside Act 1981. It is an offence for anyone intentionally to kill, injure or handle a bat, to possess a bat (whether live or dead), disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England via Batline on 0845 1300228. Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and
vigilance should be taken when roof tiles are removed. Undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

2 INFORMATIVE: The applicant is advised that it is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

3 INFORMATIVE: The applicant is advised that the new means of access should be constructed in accordance with Buckinghamshire County Council’s guide note “Private Vehicular Access Within Highway Limits” 2001. In addition, a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence. Please contact the Area Manager at the following address for information:
Transport for Buckinghamshire
Wycombe, Chiltern and South Bucks Area Office
Easton Street
High Wycombe
Bucks
HP11 1NH
Tel: 0845 230 2882

4 INFORMATIVE: The applicant is advised that it is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

5 INFORMATIVE: The applicant is advised that no vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
CH/2012/0225/FA
Case Officer: Mrs Rosie Foreman
Date Received: 09.02.2012 Decide by Date: 05.04.2012
Parish: Amersham Ward: Amersham Common
App Type: Full Application
Proposal: Detached dwelling with single garage and triple garage block to serve Nos. 53, 59 and 61 Hillside Gardens
Location: Plots 11 and 12
Land To The Rear Of 75-87 Stanley Hill and 51-65 Quarrendon Road
Amersham
Buckinghamshire
Applicant: Leywood Estates Ltd

SITE CONSTRAINTS
Article 4 Direction
Tree Preservation Order
Tree Preservation Order (A/G/W)

RELEVANT PLANNING HISTORY
CH/2004/1854/CH 13 Houses and Car ports served by extension to Hillside Gardens. Refused: Overbearing appearance and loss of privacy and quiet enjoyment to properties on Quarrendon Road. Appeal allowed. Implemented. Seven of the dwellings sited on the eastern side of Hillside Gardens have been constructed and are occupied, and there remains a further three along this side of Hillside Gardens to be constructed. The permitted scheme also includes three dwellings to be located on the western side of Hillside Gardens, one pair of semi-detached dwellings (Plots 11 and 12) and one detached dwelling (Plot 13), which have not been constructed yet.


THE APPLICATION
The application proposes the erection of a detached dwelling and detached single garage served by a vehicle access from Hillside Gardens. The dwelling would measure, at its maximum points, 11.3 metres wide by 8.6 metres deep with eaves height to the front at 4.5 metres and to the rear at 3.6 metres. The ridge line would have a height of 7.2 metres. The dwelling would be served by a single garage measuring 3 metres wide by 5.6 metres deep with a ridged roof to 3.8 metres.

A detached triple car port is also proposed to serve existing dwellings at 53, 59 and 61 Hillside Gardens. The car port would measure 8.8 metres wide by 5.3 metres deep with a hipped roof to 4.5 metres.

The planning application site relates to land solely on the eastern side of Hillside Gardens, and this land comprises part of the application site which forms part of the development permitted under planning permission CH/2004/1854/FA. Under the 2004 planning permission, the land subject to the current application would be able to accommodate the built form of the above mentioned pair of semi-detached dwellings (Plots 11 and 12), part of a pergola style car port which would house three vehicles, and part of the front garden to the permitted detached dwelling (Plot 13).

However, land to the rear of the dwellings at Nos. 57 and 67 Quarrendon Road, which was included within the red line associated with the 2004 planning permission, is no longer available for the developer. As such, the red line of the current planning application does not include this land. When comparing the current planning application with the 2004 scheme, the first difference is the
reduced amount of land on the eastern side of Hillside Gardens available for development. In addition to this, the current scheme replaces the pair of semi-detached dwellings (Plots 11 and 12) with a single dwelling, removes the permitted pergola style car port, and relocates the parking area, including a new solid-roofed car port for Plots 53, 59, 61 and 79.

**TOWN COUNCIL**
None received at time of drafting report.

**REPRESENTATIONS**
Councillor Shepherd has requested that this application is referred to the Planning Committee, regardless of the Officers’ recommendation.

A Design and Access Statement has been submitted with the application, which includes the following points:
- Some landowners are not willing to sell their land to enable the development as permitted by CH/2004/1854/FA to be completed.
- Proposal enables new dwellings to be delivered within the applicant’s ownership.
- Hillside Gardens and Black Acre Close have been constructed in phases over the last 25 years as land has become available.
- Proposed dwelling is in the position of a permitted pair of semidetached dwellings.
- Separation to neighbouring dwellings is improved in comparison to permitted scheme.
- Dwelling has been designed to reduce the ridge line and roof bulk in comparison to the permitted scheme.
- Propose materials in accordance with those previously approved on Hillside Gardens (Michelmersh Hampshire Stock Octagon Blend for the main brick, Marshalls Terracotta for the feature brick and Huguenot Phalempin Weathered roof tiles).
- Do not propose removal of any more trees than those previously agreed under the extant permission.
- Hardsurfacing would be permeable to reduce runoff.
- Permitted pergola car ports were found to be unpopular in the early phases of Hillside Gardens and have been substituted by pitched tiled roof car ports.
- Parking arrangement has altered in comparison to previous scheme.
- No affordable housing contribution is proposed, as this is an amendment to an extant and partially implemented permission.

Five letters of objection have been received by the Council, which include the following points:
- Proposal makes insufficient parking provision for existing dwellings.
- No grit box is provided.
- Concern regarding loss of trees on site.
- There are enough new build dwellings in the area.
- Insufficient parking for the proposed dwelling.
- The proposed parking spaces for existing dwellings are insufficient in width for occupant’s cars and are unlikely to be fully utilised as a result.
- No refuse and recycling storage area provided for existing dwellings.
- No parking for delivery vehicles.
- Concern that increased on-street parking will cause danger for children living in the road.
- Lack of visitor’s parking spaces.
- There is no guarantee of obtaining the land for plot 13.

**CONSULTATIONS**
Building Control- Fire Fighting Access:
No comment.

District Tree and Landscape Officer:
The trees along the rear boundaries of original gardens of the houses in Stanley Hill and Quarrendon Road are covered by an area Tree Preservation Order made in 1988. This protected band cuts across the middle of the application site. There were a large number of trees within this defined area but many were small or of poor quality and some have now been removed.

The current proposal is an adaptation of the earlier proposals CH/2004/1854/FA and CH/2005/0861/FA but uses a smaller application site.

The proposed dwelling would involve similar tree loss to that previously approved and this includes two goat willows, a Eucalyptus, some hawthorns and some small cypresses. A young sycamore (190) about 10m in height is shown to be retained but it would be fairly close to the house and a parking space.

The proposed triple garage would require the additional loss of an apple (191) about 8m in height and a large evergreen shrub (186). It would be very close to a small laburnum (185) about 5m in height in the adjacent garden, which may be lost.

Trees 91 and 92 are shown retained close to the proposed parking spaces for No 79 but these trees have already been removed and replaced by new landscaping.

No important trees would be lost so I have no objections to the application provided there is appropriate protection for the retained trees particularly the sycamore (190) and cherry (139).

POLICIES


 ISSUES
1. The application site is located within the built-up area of Amersham, wherein applications for residential development are acceptable in principle, subject to compliance with the relevant Development Plan Policies. In this case, the site forms part of an identified housing site and therefore Policy H2 is applicable, which sets out that identified housing sites should achieve the density of development set out in the Policy (33 dwellings per hectare for this site) and should not be used for any purpose other than housing. There is an area Tree Preservation Order running along the rear boundaries of the dwellings on Quarrendon Road.

2. This application follows CH/2004/1854/FA, which permitted 13 houses and associated parking, including car ports. The proposal seeks an amended layout for permitted Plots 11 and 12 and the parking areas for existing Nos. 53, 59, 61, and 79 Hillside Gardens, to take account of the applicant’s current and anticipated land ownership. The former Plots 11 and 12 have been replaced with a single dwelling. Although this results in a decrease in the number of units being provided, the limitations of the applicant’s ownership mean that the site area is reduced in comparison to the approved scheme and therefore, although the building comprising permitted Plots 11 and 12 could be constructed on land within the applicant’s control, there would be insufficient garden area to satisfactorily serve two units. As such, no objection is raised to the reduction in the number of units in this case.

3. The proposed replacement dwelling would be of a similar architectural style to the existing dwellings on Hillside Gardens and is set back from the turning head a similar distance to the permitted building. The dwelling would be orientated to face Hillside Gardens, and would be
clearly visible forward of the fencing associated with the retained rear garden at No. 59 Quarrendon Road. However, the northern elevation of the dwelling would incorporate design features that help break up the mass and bulk of the dwelling, and add interest to its appearance when viewed along Hillside Gardens. As such it is not considered that the proposed dwelling and garage would detract from the character and appearance of Hillside Gardens.

4. The proposed dwelling would be sited further from the boundary with Nos. 61 and 63 Quarrendon Road than the permitted building and therefore would not appear overbearing or visually intrusive when viewed from these neighbouring properties. The dwelling would be adjacent to the retained garden at No. 59 Quarrendon Road, and a first floor bedroom window would overlook the rearmost part of the garden. However, as it would not have direct views of the rear garden immediately to the rear of No. 59 Quarrendon Road, the window in the northern elevation would not result in a loss of privacy to occupiers of this dwelling. It is noted that the permitted scheme incorporated a single obscure glazed first floor window within the side elevation facing the rear gardens of Nos. 61 and 63, and given the type of glazing and the size of the window, its presence would not cause any unacceptable loss of amenity. In comparison, the proposed dwelling would introduce five rooflights facing these neighbouring properties, and it is considered that given their height in the roofslope and the relationship to the rear garden areas of Nos. 61 and 63 Quarrendon Road, the windows would give rise to the opportunity for overlooking into these rear garden areas. The rooflights serving bedroom 1 are the sole windows serving that room and would be sited about 8.5 metres from the boundary with the rear garden of No. 63 Quarrendon Road. As these are the sole windows for this room, the glazing for at least one of them would have to remain clear glazed, and this would therefore result in direct overlooking to the neighbouring rear garden. The rooflight in the middle of the rear elevation serves a bathroom and the two remaining ones are secondary bedroom windows. As such, it would be possible to attach a condition to these three rooflights requiring them to be obscure glazed and non-opening below the height of 1.7 metres above the floor level of the room. However, while this would remove the concern regarding overlooking from these windows, the continued presence of five rooflights in the rear elevation would also give rise to the perception of overlooking. As such, the proposal would result in harm to the amenity of occupiers of Nos. 61 and 63 Quarrendon Road.

5. The proposed car port serving existing Nos. 53, 59 and 61 would be sited entirely adjacent to the end of the 13 metre deep rear garden of No. 57 Quarrendon Road. The car port would be sited slightly down slope from the dwelling at No. 57 and would have a flank wall to a height of 1.6 metres, with a gap left to eaves at 2.3 metres and a fully hipped roof to 4.5 metres. The proposed car port would dominate the rear boundary of the remaining rear garden of No. 57, harming the amenity of neighbouring occupiers. In addition, the proposed car port would be sited a minimum of three metres from the front of the bay window of permitted plot number 13, resulting in an overbearing and visually intrusive appearance when viewed from the front of Plot 13.

6. The proposed car port has been sited in this location as a consequence of an inability to assemble the land required to construct the development permitted by CH/2004/1854/FA. This has necessitated the car port to serve existing Nos. 53, 59 and 61 being re-sited hard up to the boundaries with Nos. 57 and 59 Quarrendon Road and with the permitted Plot 13. This relationship would result in the car port appearing as a cramped and enclosed structure, which would not integrate well with the existing and proposed street scene thereby detracting from the more open and spacious setting of this part of Hillside Gardens.

7. The permitted scheme CH/2004/1854/FA allowed for two parking spaces per dwelling, with three spaces for the dwelling on Plot 13. Condition 8 of that application required the approved parking and manoeuvring areas to be laid out prior to the occupation of the dwellings. Clearly, this has not happened as some of the dwellings are occupied. However, there are hardsurfaced areas provided for existing occupiers to park on in the interim period prior to completion. Notwithstanding this, it is noted that objections have been received raising concern regarding the
size of parking spaces provided for existing residents. However, both the permitted and proposed car ports had internal measurements of about 2.4 metres wide, and the parking layout forming part of this planning application provides two spaces for Plots 53, 59 and 61, and three spaces for Plot 79. As such, refusal on the grounds of lack of parking for existing dwellings would be difficult to substantiate. The proposed dwelling on Plot 11 is over 120sqm in floor area and therefore the standard provision for a dwelling of this size is three off-street parking spaces. Only two are provided. However, the proposal site is a cul-de-sac where there are no on-street parking restrictions and there is an off-street visitor’s space provided, despite the remainder of the development meeting the parking standards. As such, it is considered that refusal based on lack of parking for Plot 11 would be difficult to substantiate.

8. The application results in a net increase of one unit over and above that existing at the site, but proposes an amendment to an extant permission for a greater number of units. As there is a net decrease in the number of dwellings, in this instance, no affordable housing contribution is required as part of the current planning application.

9. There are a number of existing trees within the site, some of which are covered by the area TPO running along the rear of gardens fronting Quarrendon Road. There was some felling permitted by CH/2004/1854/FA to which the District Tree and Landscape Officer raised no objections, having assessed the quality of the trees. The District Tree and Landscape Officer raises no objection to the current scheme, subject to protection of the retained trees during construction.

10. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse Permission

For the following reasons:-

1. The proposed dwelling, by reason of the close proximity of the first floor windows facing the rear gardens of Nos. 61 and 63 Quarrendon Road, would result in overlooking and the perception of overlooking to neighbouring residents, harming their privacy and residential amenity. In addition, the proposed detached triple car port, by reason of its height, width and proximity to the boundary with the rear garden of No. 57 Quarrendon Road, would have an overbearing and visually intrusive appearance when viewed from this neighbouring dwelling. Furthermore, the proximity of the car port to the permitted and extant dwelling at Plot 13, and would result in an overbearing and visually intrusive appearance when viewed from the ground floor front windows of this dwelling. The proposal would therefore harm the amenities of existing occupiers and would fail to provide a good standard of amenity for future occupiers and is contrary to Policy GC3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004).

2. The proposed car port would be sited hard up to the boundaries with Nos. 57 and 59 Quarrendon Road and with the permitted Plot 13. This relationship would result in the car port appearing as a cramped and enclosed structure, which would not integrate well with the existing and proposed street scene thereby detracting from the more open and spacious setting of this part of Hillside Gardens. As such, this part of the proposal is contrary to Policies GC1 and H3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).
CH/2012/0241/FA
Case Officer: Mrs Rosie Foreman
Date Received: 13.02.2012
Parish: Chesham Bois
App Type: Full Application
Proposal: First floor rear extension
Location: Birchlands
7 The Ridings
Chesham Bois
Buckinghamshire
HP6 5LL
Applicant: Mr and Mrs Philip Kendall

SITE CONSTRAINTS
Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Bovingdon Technical Radar Zone
Conservation Area
Within 500m of SINC NC1
Adjoining Public Amenity Open Space

RELEVANT PLANNING HISTORY


THE APPLICATION
The application proposes a first floor rear extension that would measure, at its maximum points, 8.2 metres wide by 2.6 metres deep. The eaves height would match that of the existing dwelling and it would have a double pitch, both with hipped roofs, to a maximum of 7.7 metres high.

The plans also show the insertion of new windows at ground and first floor level in the south western side elevation, but these do not require planning permission as it is located in a wall of the existing dwelling.

PARISH COUNCIL
No objections.

REPRESENTATIONS
None received at time of drafting report.

CONSULTATIONS
None relevant.
POLICIES


ISSUES
1. The application site is located within the built-up area of Chesham Bois wherein applications for residential extensions are acceptable in principle, subject to compliance with the relevant Development Plan Policies.

2. The proposed extension would be sited above the existing single storey rear extension. It integrates well with the existing dwelling and is of an acceptable design. As such, the proposal would not result in harm to the character and appearance of the dwelling or locality.

3. The extension would be mainly screened from No. 9 The Ridings by the existing two storey side/rear section to the northern side of the dwelling and would therefore not affect the amenities of occupiers of this dwelling. To the opposite side, the extension would project beyond the rear of No. 5 The Ridings, but the extension is off-set from the common boundary by over 5 metres and the dwelling at No. 5 is set at an angle in its plot, such that its rear elevation faces slightly away from the application site. No. 5 is also set at a slightly higher level than the application dwelling. Given the relationship between No. 5 and the application dwelling, it is considered that the proposal would not result in harm to the amenity of occupiers of No. 9. However, it is considered reasonable and necessary to attach a condition to the planning permission that restricts the insertion of windows into the side wall of the extension at first floor level, thereby preventing possible overlooking into the rear garden of No. 9.

4. The floorspace of the application dwelling already exceeds 120sqm and therefore no additional parking is required as part of this proposal. The existing parking arrangements remain unaltered, such that no objections are raised in relation to car parking provision.

5. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Conditional permission
Subject to the following conditions:-

1. C108A General Time Limit
2. C431 Materials to Match Existing Dev
3. C174A No additional windows in first floor x - south western side
4. AP01 Approved Plans

INFORMATIVES

1. INFORMATIVE:- The applicant is advised that the additional windows at ground and first floor level in the south western side elevation of the existing dwelling do not require planning permission as they do not materially alter the appearance of the building.

The End