CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 10th December 2015

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The Lee

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Proposal: Erection of detached dwelling, demolition of existing garage and alterations to vehicular access
Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement.
Decision delegated to Head of Sustainable Development

Prospect Cottages, 1 Oxford Street, Lee Common, Buckinghamshire, HP16 9JP

Amersham

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Proposal: Redevelopment of site to provide three residential dwellings with new accesses, landscaping and hardstanding
Recommendation: Refuse Permission for the reasons set out in the report and authorise the Head of Sustainable Development in consultation with Head of Legal Services to negotiate, enter into and complete any necessary Legal Agreement.

The Dacha, 118 Chestnut Lane, Amersham, Buckinghamshire, HP6 6DZ

Penn

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Proposal: Reconfiguration of internal layout of retail and residential space, two storey side extension, single storey front extension, single storey rear extension and first floor rear infill extension
Recommendation: Conditional permission

34 Hazlemere Road, Penn, Buckinghamshire, HP10 8AD

Amersham

CH/2015/1799/FA  Ward: Amersham Town
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Proposal: First floor front rear extensions to existing flat to create additional dwelling, change of use from retail showroom to create two new dwellings, roof alterations, fenestration alterations, external works to include car parking bin storage, bike store
Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement.
Decision delegated to Head of Sustainable Development

3 - 5 Station Road, Amersham, Buckinghamshire, HP7 0BQ
REPORT OF THE
HEAD OF SUSTAINABLE DEVELOPMENT

Main List of Applications
10th December 2015

CH/2015/0459/FA
Case Officer: Mark Knighting
Date Received: 12.03.2015
Parish: The Lee
App Type: Full Application
Proposal: Erection of detached dwelling, demolition of existing garage and alterations to vehicular access
Location: Prospect Cottages
1 Oxford Street
Lee Common
Buckinghamshire
HP16 9JP
Applicant: Mrs Nicholle Phillips

SITE CONSTRAINTS
Article 4 Direction
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 GB4, GB6, GB12, GB23, H7, H13 and H19

RELEVANT PLANNING HISTORY

THE APPLICATION
The application site comprises a two storey semi-detached dwelling with side garden land in the village of Lee Common. It is located by the junction of Oxford Street and Princes Lane amongst a small grouping of pre-twentieth century dwellings sited towards the front of their plots.

It is proposed to subdivide the application site to provide a new two-storey detached dwelling with revised parking arrangements and boundary treatment for the site. The proposals also include the removal of an existing wooden garage, reduction in size of an existing brick barn and the infilling of a bedroom window on the existing dwelling.
Amended plans have been received during the period of assessing this application which includes a slight re-positioning of the dwelling away from the front boundary and siting of the newly created parking spaces to a central point in along the site's frontage.

**PARISH COUNCIL**

The Parish Council oppose the application due to its siting on a dangerous bend in the road and opposite a road junction, whilst this section of road is crowded at school drop-off/pick-up times. The proposal is also over-development because of its size and position within the plot, and the development would give an urban feel that is not in keeping with surrounding buildings.

**REPRESENTATIONS**

Councillor Rose has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

The applicant has submitted a Design and Access Statement with the application which includes the following points:-
- The proposed dwelling has been designed to integrate well within the streetscene and not appear prominent or visually intrusive.
- It does not appear incongruous relative to the size of adjoining buildings in the street or appear cramped within the existing street scene as the siting of the dwelling within its wide plot and generous street frontage avoids giving the impression of excessive infilling
- It respects the height of neighbouring properties.
- The proposed dwelling and garden/plot sizes are consistent with properties found within the wider vicinity.
- In subdividing the plot, a smaller private amenity space is proposed for the modest semi-detached dwelling at 1 Prospect Cottage than it currently enjoys. However, the amount provided for makes very efficient use of the available land given it is rectangular in shape with its semi-detached dwelling abutting its eastern boundary.
- The proposed dwelling is modest in size so not overbearing, and is set a sufficient distance away from its closest neighbouring properties - Bake House, Bugle Cottage, Amber Cottage and Cornerways, so as to not adversely affect their private residential amenities.
- The siting, scale and appearance of the dwelling has been carefully conceived to be respectful of the local vernacular traditions of the area and maintain the attractive character of dwellings in this vicinity.
- The proposed dwelling has been designed to ensure that it meets the highest standards of design and pays strong adherence to as many aspects of the Chiltern Design Guide SPD as may be appropriate for a Chiltern plateau village such as Lee Common.
- It is proposed to utilise local materials comprising red clay "light multi" bricks and unknapped field flints from a local brickmaker, coupled with natural grey slate roof tiles. The aim is to ensure that the appearance of the neighbourhood and locality is enhanced and it assimilates well with the traditional buildings surrounding it.
- This proposal would increase visibility at this location due to removal of the existing high hedge and substitute this with low level planting along the site's highway boundary.
- Vehicles would continue to reverse in which would be in conformity with the majority of neighbouring properties in the vicinity of the proposal Site along Oxford St, where no road safety issues have arisen.

Four letters of objection have been received from neighbouring residents, which are summarised as follows:-
- The development is contrary to planning policy in that it would be infill and contribute to the urbanisation of Lee Common.
- The majority of properties in the village stand in well-proportioned gardens.
- There would be a lack of amenity space for the residents of the new and existing dwelling.
- Reptiles and bats are known in the locality and a variety of birds are commonly found.
- The site is on a dangerous bend and just over 40m from the gate of Lee Common School. This section of the road can be very congested with vehicles and pedestrians at school drop-off/pick-up times.
- The roof line would be higher than no. 1 and 2 Prospect Cottages.
- Building new houses in an AONB is not allowed in this area of the Chilterns.
- The dwelling would dominate the street scene and appear overbearing.
- The proposal is ostensibly for a 3 bedroom dwelling but this the upstairs study could be converted into a fourth bedroom.
- The proposed development would impact on privacy and light to Amber Cottage (views of the eastern and southern aspects cited).
- The screening between the two properties would be reduced in winter months and there would be no lasting obligation to retain this.
- The siting of refuse bins, an oil storage tank, an exterior boiler and cycle storage at the western end of the property may impact on the privacy and enjoyment of Amber Cottage.
- The manoeuvring into and out of spaces is a road safety hazard.
- There have been two serious motor vehicle accidents in the close vicinity of the development within recent memory.
- The public transport availability case in the proposal is overstated. The bus service to Chesham currently runs only three times per week.
- Concerned with the impact of building works on the rooting systems of trees and plants along the site's boundaries.
- The green gaps between properties in the village create a sense of space and hint at the countryside beyond.
- The Planning Inspector report for Rodwells, Oxford Street (ref. CH/2011/1703/FA) comments that: "The additional house would intensify the built development; the gap would be filled and the undeveloped nature of the site would be ended; the historic character of Lee Common would be eroded and potential links with the surrounding countryside and the very attractive landscape setting that it provides for the village would be lost".
- The new build would break up a continuity of period properties and erode the character of the street scene.
- Concerned that this would set a precedent.
- Three parking spaces should be provided for no. 1 Prospect Cottages.

Any further consultation responses that may be received as a result of the latest round of public consultation on the amended plans shall be verably reported at the Planning Committee meeting.

CONSULTATIONS
Buckinghamshire County Council Highway Authority:
The proposed site plan now demonstrates a new access in the centre of the site, directly opposite the junction with Princes Lane with parking for 3 cars shown in a linear arrangement. Visibility splays of 2.4m x 25m which were previously accepted by the Highway Authority can be achieved from all of the parking spaces in both directions.

I can confirm that the proposed site layout is now acceptable in highway terms subject to recommended conditions.

Building Control
No comments.
POLICIES


Affordable Housing Supplementary Planning Document - adopted 21 February 2012.

ISSUES

Principle of development
1. The application site lies within an existing row of dwellings in the Green Belt as defined on the Local Plan Proposals Map. Policy GB4 states that in these defined rows of dwellings, limited "infilling" is acceptable in principle. Infilling is defined as the construction of one or two dwelling(s) in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road, and (i) the width of the development site is closely similar to the widths of existing adjoining sites as measured along the row of dwellings and other substantial buildings; and (ii) the curtilage for each dwelling is of a size and shape comparable to existing adjoining development; and (iii) the siting, scale and appearance of each dwelling is compatible with the character of existing dwellings in the vicinity of the development site. The National Planning Policy Framework (NPPF) also states that limited infilling in defined villages can be acceptable (paragraph 89), as an exception to the established presumption against inappropriate development.

2. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve and, where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the area in line with Local Plan Policy LSQ1 and Core Strategy Policy CS22. All other relevant local and national planning policies should also be complied with unless there are material considerations that indicate otherwise.

Green Belt / infilling
3. The site lies within a grouping of mainly residential properties comprising a varied mix of detached and semi-detached dwellings. The proposed dwelling would be constructed in a gap within an existing row of dwellings along Oxford Street, thus the proposal would constitute infilling for the purpose of applying Local Plan Policy GB4. In assessing the development against the criteria set out in Policy GB4, the width of the proposed plot along the road frontage, and that of the resultant plot for the existing dwelling on site, would be similar to other properties in the immediate area. It is also considered that the resultant size and shape of the newly formed plots would be comparable to some of its immediate neighbours (Bake House, Bugle Cottage and No. 2 Prospect Cottages), and the siting of the new dwelling some 2.7m-3m from the road frontage would also be in keeping with the built form around the junction of Oxford Street and Princes Lane. As such the proposal complies with the criteria set out in Policy GB4 and constitutes infilling, although it is also necessary to ensure it complies with all other relevant Development Plan policies.

Character and appearance
4. Lee Common is a rural village in the AONB and is mainly set along Oxford Street, with some development off side lanes and behind other houses. The street scene along Oxford Street is varied, but the central part of the village is intimate in character as the buildings are set close to the

Classification: OFFICIAL
road and there is an absence of footways. The Chilterns Buildings Design Guide classifies the various types of settlements that are found in the Chilterns. Lee Common displays the characteristics of a plateau village as it is located on the dip slope of the Chilterns. The Chilterns Buildings Design Guide states that plateau villages have a vulnerability to excessive infilling, which can break the visual links with the countryside. In this case, the site is located near the central part of the village and given the pattern of built form within the immediate vicinity of the site, the development of this plot would not interrupt the visual links with the surrounding countryside. The setback of the new house from the road is similar to others in the vicinity. In terms of scale, the proposed dwelling would be comparable to a number of neighbouring two-storey buildings; most notably Amber Cottage and the existing dwelling on site which the new dwelling would be located between. Whilst the new dwelling would have a greater presence in the street scene than its immediate neighbours given its different orientation, this in itself need not be considered harmful. The width of its roadside elevation is comparable to other two-storey dwellings in the immediate locality (e.g. The Bugle), whilst the shape of the plot and its relationship with both Amber Cottage and the host dwelling lends well to the dwelling fronting Oxford Street rather than a side boundary. The appearance of the dwelling reflects the advice set out in the Chilterns Buildings Design Guide, namely the pitch of the roof, prominent chimney, use of brick and flint and the window design. Although the front hedge would be removed, there are opportunities for replacement, native, planting and the backdrop of trees would remain. As such, the layout, scale, appearance and landscaping of the proposal is considered to conserve the natural beauty of the AONB and would not adversely affect the character of this rural street scene.

Amenity of neighbouring properties
5. The proposed dwelling would retain a reasonable degree of spacing to neighbouring properties, with minimum distances of 11.5m to Amber Cottage, 11.8m to Bugle cottage and 16m to No. 1 Prospect Cottages. It would not therefore appear overbearing or visually intrusive when viewed from any neighbouring properties or gardens. There would be no upper floor windows in the rearward section of the eastern flank elevation to overlook the side garden of no. 1 Prospect Cottages. Moreover, the two windows in the upper section of the western flank wall would either be obscurely glazed or high-level type. It is not considered that any windows would directly overlook the rear of Amber Cottage to the west, given the siting of the proposed dwelling and its window arrangement and the spacing between the properties. As such, the proposal would not result in an unacceptable loss of privacy for any neighbouring occupiers. The proposal would not therefore adversely affect the amenities of any neighbouring properties.

Amenity of future occupiers
6. Local Plan Policy H12 states that new dwellings should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The general standard expected will be a minimum rear garden depth of about 15 metres, although an exception is identified in the policy where average garden lengths in the vicinity of the development site are significantly less than this. The policy also sets out that the retained garden land to the existing dwelling should also be afforded similar consideration. The garden for the proposed dwelling would be located to its side. This is currently the case for the existing dwelling and would continue to be the case, albeit a smaller garden. The arrangement of gardens along Oxford Street varies due to the layout of the plots which has evolved over time. Some gardens are set to the rear of buildings and others are to the side or constrained by neighbouring buildings. With this in mind, the proposed garden areas for the proposed and existing dwellings are considered to be of an adequate size and layout. Space for bin storage is also provided to the side of the new dwelling.
Highway safety and parking
7. The parking standard set out in Policy TR16 is three spaces per dwelling (proposed and existing). Bus services are limited and it is therefore important to ensure a reasonable level of parking provision, as occupants would be largely reliant on the private car. The new dwelling is provided with three spaces off Oxford Street and the existing dwelling would have its existing provision of three spaces reduced to two. However, the parking for the existing dwelling currently suffers from very poor visibility due to vegetation and an outbuilding. The vegetation would be replaced by low level planting along the frontage of the site and the outbuilding would be reduced in size. This would mean the parking areas for the new and existing dwellings would have much better visibility and is a highway gain. The Highways Authority raises no objection to this layout in terms of highway safety.

8. The comments of local residents with regard to the siting of the new dwelling at a point where the roads bends and near to Lee Common Primary School have been noted. The case officer has visited the site at both school drop-off and pick-up times and notes that there is more vehicular traffic at these times than other points in the day. However, and similar to the assessment of the Highways Authority, vehicular speeds have been observed as being relatively slow at these and other times, likely due a combination of the curvature and varying widths of the road near to the application site and its meeting with Princes Lane. Hence, where suitable visibility can be formed and retained, no objection is raised with regard to the revised parking arrangements for the site.

Trees
9. A number of trees would be removed to accommodate the new dwelling and its parking spaces, although a Tree Survey submitted with the application indicates these to be low quality specimens (category C). Measures to protect those trees to be retained on site during construction works and to ensure satisfactory landscaping of the site will be secured by condition.

Flooding
10. The site lies within Flood Zone 1 (low risk) such that no harm has been identified in this regard.

Ecology
11. A wildlife survey of the site has been undertaken by an assessor with protected species licenses. The accompanying report did not find any protected species on site and determines that the site has a low habitat value for birds.

Affordable Housing
12. The Gross Internal Area of the dwelling is measured at 121sqm, such that an off-site affordable housing contribution of £15,125 would be required in line with Core Strategy Policy CS8 and the Council’s Affordable Housing Supplementary Planning Document (£125 per sqm). The applicant has indicated a willingness to enter into a legal agreement to secure this sum, and subject to it being completed, no objections are raised in relation Policy CS8.

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

RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Sustainable Development
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.

3 Before any construction work commences, named types and samples of the facing bricks and roofing tiles to be used in the external construction of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall only be constructed using the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

4 Before any construction work commences, a sample flint panel measuring one metre square shall be constructed on site for inspection by the Local Planning Authority and approved in writing prior to any further flint being constructed. The flint work shall only be implemented in accordance with the approved details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

5 **C406** Landscaping Scheme to be Submitted

6 **C407** Landscaping Scheme to be Implemented

7 The dwelling hereby approved shall not be occupied until the new means of access and altered access have been sited and laid out in accordance with the approved plans.

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

8 Within one month of the new vehicular access being brought into use, the existing vehicular access shown to be stopped up on the submitted plans shall be stopped up by reinstating the highway boundary to the same line, level and detail as the adjoining highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user and in order to maintain, as far as possible, the character of the locality.

9 The dwelling hereby approved shall not be occupied until the visibility splays shown on the approved plans have been provided on both sides of the new access and the area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway (with the exception of any overhanging eaves to the barn as shown on approved plan no. 2210-A-2105-B).

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

10 The proposed scheme for parking as indicated on the approved plans shall be laid out prior to the first occupation of the new dwelling hereby approved and thereafter these parking spaces shall not be used for any other purpose.
Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

11 The dwelling hereby approved shall not be occupied until the window to bedroom 1 in the north-west elevation of the existing dwelling on site (known as No. 1 Prospect Cottages) has been removed and the opening blocked up as shown on approved plan no. 2210-A-2201-B. Reason: To protect the amenities and privacy of the future residents of the dwelling hereby approved.

12 Prior to the commencement of any other works on site, a one metre high chestnut pale fence, or other suitable barrier, shall be erected around the outer limit of crown spread of all trees on site that are shown to be retained on the approved plans. This fencing shall be retained in this position until the development is completed. During this period no materials whatsoever shall be stored, fires started or service trenches dug within these enclosed areas, without the prior consent in writing of the Local Planning Authority. Reason: To ensure that the existing trees to be retained are safeguarded during building operations.

13 This permission is granted on condition that none of the trees or hedges on the site at the date of this permission (other than those specified to be removed on the plans hereby approved), shall be felled, topped, lopped or uprooted without the prior approval in writing of the Local Planning Authority for a period of five years from the date of implementation of this permission. Furthermore, the existing soil levels around the boles of the trees so retained shall not be altered. Reason: In order to maintain, as far as possible, the character of the locality.

14 AP01 Approved Plans
CH/2015/1620/FA
Case Officer: Mr Ben Robinson
Date Received: 25.08.2015
Parish: Amersham
App Type: Full Application
Proposal: Redevelopment of site to provide three residential dwellings with new accesses, landscaping and hardstanding
Location: The Dacha
118 Chestnut Lane
Amersham
Buckinghamshire
HP6 6DZ
Applicant: Refined Homes Ltd

SITE CONSTRAINTS
Article 4 Direction
Adjacent to Unclassified Road
Area Special Adv. Control
Bovingdon Technical Radar Zone
Adjoining Public Amenity Open Space
Established Residential Area of Special

RELEVANT PLANNING HISTORY
None.

THE APPLICATION
The application proposes the demolition of the existing detached dwelling and redevelopment of the site to provide three residential dwellings with new accesses, landscaping and hardstanding

The site would be subdivided into three plots. The proposed dwellings would consist of a pair of semi-detached houses (Plots 1 and 2) and a detached house (Plot 3). The dwellings on Plots 1 and 2 would each have four bedrooms. The semi-detached building would measure a maximum of 15.8 metres in width by 14 metres in depth with each of the dwellings having a width of 6.9 metres (Plot 1) and 8.9 metres (Plot 2) respectively. The land levels around the building would be altered such that it would slope downwards towards the rear and the rooms to the rear (southern) end of the building would have a lower floor level than those to the front of the building. When viewed from the front the building would have a maximum height of 9.2 metres and from the rear it would have a maximum height of 10.5 metres.

The dwelling on Plot 3 would have four bedrooms. It would measure a maximum of 10.8 metres in width by 16 metres in depth. As with the other proposed units the land levels around the building would be altered such that it would slope downwards towards the rear and the rooms to the rear (southern) end of the building would have a lower floor level than those to the front of the building. When viewed from the front the building would have a maximum height of 9.1 metres and from the rear it would have a maximum height of 9.6 metres when measured from the lower ground floor level.
PARISH COUNCIL
Members consider the proposals to be an overdevelopment of the site and out of character in this Established Residential Area of Special Character. They also have concerns regarding the overlooking of the amenity space of No. 30 Parkfield Avenue from the 2nd floor windows of Plots 2 and 3.

REPRESENTATIONS
Councillor Walsh and Councillor Shepherd have requested that this application be referred to the Planning Committee regardless of the Officers' recommendation.

A Planning Statement and Arboricultural and Planning Integration Report have been submitted to accompany this application.

Six letters of objection have been received. The main points are summarised as follows:
- The application site is within the Established Residential Area of Special Character. The mix of spacious plots and privacy enjoyed by these properties is a precious characteristic of this area. The density of the proposed site is out of character and thereby creating an imbalance with existing dwellings in the surrounding area.
- The overall design and appearance of the new dwellings are not in character with the area.
- The development is not in scale with its surroundings as The Dacha is surrounded by detached properties of a spacious character.
- The height of the new buildings does not conform to the height of the surrounding buildings.
- The depth and width of the new properties will increase considerably compared to the existing dwelling and this will make them appear cramped in the plot.
- The building line of the new properties will not be maintained.
- This infilling could set a precedent that will ruin the character of the surrounding area.
- The height of the proposed development is over bearing in comparison with existing dwellings in the vicinity.
- The existing property and neighbouring properties are two storey whereas the proposed are three storey.
- Three dwellings is excessive.
- There are no semi-detached properties in the immediate vicinity of the site (i.e. next to or opposite in either Chestnut Lane or Parkfield Avenue)
- The rear windows and terrace of the proposed dwellings will impact on the privacy of the neighbouring properties on Parkfield Avenue.
- The proposed rear terrace will result in the overlooking of No. 120 Chestnut Lane.
- The proposed ridge height of the new buildings is higher than existing and that of the neighbouring properties.
- Concerns about safety due to the proximity of Plot 2's driveway to the junction of Parkfield Avenue and Chestnut Lane.
- The addition of two further driveways to the top of Parkfield Avenue is of concern particularly given the parking on Chestnut Lane by commuters.
- No traffic report has been included in the application.
- Concerns regarding smell, fumes and noise resulting from the new driveway and garage on the boundary with No. 30 Parkfield Avenue.

CONSULTATIONS
Buckinghamshire County Highways Authority
Proposals include the redevelopment of site to provide three residential dwellings. This would equate to a net gain of 2 dwellings on site. These two additional dwellings would be served via two
new access points from Parkfield Avenue, whilst the existing access onto Chestnut Lane is to be reused to serve the remaining dwelling.

As Parkfield Avenue is subject to a speed restriction of 30mph, visibility splays of 2.4m by 43m are applicable, commensurate with current Manual for Streets guidance. Having reviewed the submissions, I am confident that adequate visibility splays are achievable from both access points onto Parkfield Avenue.

With regard to trip generation, I would expect the proposed development to generate in the region of 8-12 additional vehicular movements when compared with what could be reasonably expected of the site at present. I am confident that this increase can be safely accommodated onto the local highway network in this location.

Mindful of the above, I have no objection to the proposal, subject to conditions.

**District Tree and Landscape Officer:**
The application includes an Arboricultural and Planning Integration Report.

The access to Plot 3 uses an existing access and the plans show most of the hedge on the Chestnut Lane frontage retained. The hedge along this boundary consists of cypresses planted at a spacing of over a metre that have been heavily topped many years ago and have now developed into a thick wide hedge about 3m in height. The plans suggest that part of this hedge would be removed in front of Plots 2 and 3 leaving a narrower hedge. This would not be possible as to create the hardstanding areas shown on the plans it would be necessary to removal all the hedging in front of the two plots leaving only the two tall hollies, which may be just within Chesham Bois Common. There should be no-dig construction for the hardstanding within the root protection areas of these hollies.

Plots 1 and 2 would use new accesses through a 2m high beech hedge on the Parkfield Avenue boundary. The front access to the plots would be within the root protection area of an important street lime tree and the access shows some no-dig construction to reduce root damage. However this access would also be adjacent to the front boundary hedge, which consists of quite large cypresses. As these would have root protection areas of about 3m in radius the no-dig area should be extended further back to allow for this hedge unless it is proposed to replace the whole hedge on this boundary. Three trees have been removed recently in the corner of the garden where the access is proposed. This seems to have occurred after the first draft of the Arboricultural and Planning Integration Report was prepared as the tree numbers listed in Section 6.1 for retention are not compatible with the tree survey schedule.

The access to the garage for Plot 1 would also involve the loss of a small beech about 6m in height. Immediately behind the access is a topped cypress about 4m in height that is not shown on the tree survey. This would be lost along with some adjacent rhododendron and a fig. No-dig construction is shown for the access drive. The Proposed Site Layout plan shows the loss of part of a line of cypresses on the boundary with 30 Parkfield Avenue but these are all shown retained on the Tree Protection Plan.

Within the site various other shrubs and small trees are shown to be removed including laurel hedging beside the existing access, some holly, some rhododendron and a tall thin hawthorn. A group of apple trees within the garden is shown to be retained.

Part of the building of Plot 1 would be within the root protection area of the street lime tree in Parkfield Avenue but this is a relatively small proportion of the area and should not involve significant root damage, especially if the proposed ground protection measures are implemented.
Overall no important trees are shown to be lost but the Arboricultural and Planning Integration Report should be revised to correct Section 6.1, to clarify the proposals for the boundary cypress hedges and to amend the no-dig construction areas. I have no objections to the proposal provided there is adequate protection for the retained trees and hedges.

**POLICIES**


National Planning Policy Framework (NPPF)

**ISSUES**

**Principle of development**

1. The application site is located within the built up area and within an Established Residential Area of Special Character (ERASC) wherein there is no objection in principle to the replacement of existing dwellings subject to them maintaining the special character of the area and the criteria set out in Local Plan Policy H4. Other relevant Development Plan Policies should also be complied with.

**Design and impact on the character and appearance of the area**

2. The application site occupies a corner plot at the junction of Chestnut Lane and Parkfield Avenue. The area surrounding the site is characterised by detached and semi-detached dwellings. The dwellings are generally of an Arts and Crafts style, with traditional roof forms incorporating ridged roofs without flat crowns. The dwellings in the immediate vicinity are also set back from the roadway and also away from their respective side boundaries with well landscaped gardens giving the area a spacious character.

3. Local Plan Policy H4 contains a number of criteria with which a proposal for a new dwelling in an ERASC should comply. Criterion (i), (ii) and (iii) of Local Plan Policy H4 require 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. Criterion (iv) of 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 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. Criterion (viii) requires that important features, such as trees, shrubs, hedges and walls, which are characteristic of the street scene in the vicinity of the site should be retained.

4. The existing dwelling would be demolished and the site would be subdivided into three plots. The plots would be narrower than those of the properties to the west, although they would be comparable to those of dwellings to the east. The proposed dwellings would consist of a pair of semi-detached houses (Plots 1 and 2) and a detached house (Plot 3). The pair of semi-detached houses (Plots 1 and 2) are designed such that the principle elevation of Plot 1 would face Parkfield

Classification: OFFICIAL
Avenue and that of Plot 2 would face Chestnut Lane. The detached dwelling on Plot 3 would also front Chestnut Lane.

5. Both buildings have large deep frontprints, would be taller than the general height of houses in the vicinity and project significantly forward of the neighbouring buildings on Chestnut Lane and Parkfield Avenue. The buildings would have hipped roofs with large bulky flat crowns and gable projections to the front. Their roof pitches would also be slightly steeper than is generally the case for dwellings in the vicinity. The dwellings would therefore be larger and have a much more bulky design than is the case for the more traditional ridged roof houses that predominate in this area.

6. The proposal would incorporate alterations to land levels within the site. This would facilitate a drop in the slab level of the dwellings towards the rear with the rooms to the rear of the building being at a lower level to those at the front. This drop in floor level would be more pronounced for the detached dwelling on Plot 3 which would be achieved through the creation of a partly exposed basement level to the rear. This dwelling would also incorporate a raised terrace at the rear of the property to provide access to the 'first floor'. The drop in levels towards the rear would be partly reflected in the roof forms of the dwellings with the flat crown elements dropping in height towards the rear of the buildings. There would however, be no corresponding drop in the height of the eaves levels. In terms of the building on Plots 1 and 2 this would result in the rear (southern) roof element having a disproportionately shallow and squat appearance that would also be dominated by large flat roof dormers. The rear eaves level would also be uncharacteristically high in relation to the windows below and would be around 7 metres above the ground level to the rear of the building. The rear eaves level of the dwelling on Plot 3 would also be well above the windows below and its rear roof element would be dominated by two large flat roof dormers. The position of the ground floor and first floor in relation to the surrounding land levels and the addition of the proposed terrace would also appear incongruous with the more traditional appearance of dwellings in the area.

7. Given the above, the height, depth, overall scale and design of the proposed dwellings are considered to be out of keeping with the character of the area and would result in the development having an over-dominant and prominent appearance within the street scenes of both Chestnut Lane and Parkfield Avenue. The siting of the dwellings forward of the neighbouring properties on Chestnut Lane and Parkfield Avenue further exacerbates this prominent and dominating impact. The proposal would therefore have a detrimental impact on the character and appearance of the area and is contrary to Local Plan Policies H3 and GC1 and Core Strategy Policy CS20.

Impact on Trees

8. The comments of the District Tree and Landscape Officer, as set out in the Consultation section above, are noted. He raises no objections to the impact of the proposal on trees within the site subject to adequate protection for the retained trees and hedges, which can be secured by a condition if permission were to be granted.

Neighbouring amenity

9. Plot 1 would adjoin No. 120 Chestnut Lane. This neighbouring property does not have any windows in its side elevation facing the application site and the proposed dwelling would not project significantly beyond the rear elevation of No. 120. The occupiers of No. 120 have raised concerns regarding the proposed raised terrace and the potential for the overlooking of their property. The plans show that there would be a screen to the side of the terrace facing No. 120. However, the proposed screen would not prevent overlooking from the forward most part of the terrace or the stairs leading up to it. Furthermore, any additional screening would add clutter to the rear of the building and further impact on the character and appearance of the area. As such, the
proposed rear terrace and stairs would result in the overlooking of the rear garden of No. 120 Chestnut Lane to the detriment of the amenities of this property. As such the proposal would be contrary to Local Plan Policy GC3.

10. It is noted that concerns have been raised in respect of the impact on the neighbouring properties to the south on Parkfield Avenue. However, the proposed dwellings would be sited approximately 17 metres from the southern boundary of the site shared with No. 30 Parkfield Avenue and it is considered that this is sufficient distance to ensure that the proposal would not have a detrimental impact on the amenities of this property.

11. It is also considered that the dwellings would be a sufficient distance from other properties in the vicinity such that it would not impact their amenities.

12. All the proposed dwellings would have rear gardens to a depth of around 17 metres and this would provide adequate amenity space for future occupiers. There would also be sufficient space within the proposed gardens to provide for waste and recycling storage, full details of which could be secured by way of a condition.

Parking and Highways
13. All three of the dwellings would have a parking standard of three spaces. The dwellings on Plot 2 and 3 would be served by integral garages and areas of hardstanding to the front of the dwellings to accommodate at least three spaces. The dwelling on Plot 1 would have a garage and area of hardstanding at the rear end of its garden which would also sufficient to accommodate three spaces. The comments of the County Highway Engineer are also noted and no objections are raised in respect of highway safety. The proposal therefore complies with policies TR11 and TR16.

Affordable Housing
14. Policy CS8 of the Core Strategy requires that on sites which result in a net increase of 1 to 4 dwellings, a financial contribution is required for each new dwelling towards the provision of affordable housing elsewhere in the District. In this case, the scheme proposes a net increase of two dwellings and, based on the floor areas and the calculations set out in the Affordable Housing SPD, a financial contribution of £50,000 is required to be secured for off-site affordable housing. Such a financial contribution would need to be secured by way of a Legal Agreement. However, no Legal Agreement has been completed and there is currently no means in place to secure the required affordable housing. The proposal is therefore contrary to Policy CS8.

Sustainable Development
15. Policy CS4 sets out sustainable development principles for new development. The application site is within a relatively sustainable location within the built up area and would make use of previously developed land. The submitted Planning Statement also indicates that the proposal would exceed insulation standards and would be energy efficient. Water efficiency measures would also be utilised including Grey Water recycling systems. However, the NPPF states that are three dimensions to sustainable development: an economic role, a social role and an environmental role. It also states that these roles should not be undertaken in isolation, because they are mutually dependent. The proposal would provide a social role by increasing the supply of housing. However, it would fail in its environmental role as it would constitute a poor form of development which would be detrimental to the character and appearance of the area. Given this, the proposal would not contribute to the achievement of sustainable development.

16. 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 reasons set out in the report and authorise the Head of Sustainable Development in consultation with Head of Legal Services to negotiate, enter into and complete any necessary Legal Agreement.

For the following reasons:-

1. By reasons of their height, width, depth, overall scale and design the proposed dwellings would appear out of keeping with the character of the area and would result in the development having a dominating and prominent appearance within the street scenes of both Chestnut Lane and Parkfield Avenue. The siting of the dwellings forward of the neighbouring properties on Chestnut Lane and Parkfield Avenue would further exacerbate this unacceptable impact. The proposal would therefore have a detrimental impact on the Character and Appearance of the area and is contrary to Policies GC1 and H4 of the Adopted Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS20 of Core Strategy for Chiltern District (Adopted November 2011) and the National Planning Policy Framework.

2. Policy CS8 of the Core Strategy for Chiltern District requires that for proposals involving the creation of 1 to 4 new dwellings, a financial contribution is required towards the provision of affordable housing elsewhere in the District, to contribute to an identified need for such dwellings. Such a financial contribution would need to be secured by way of a Legal Agreement. In this case, the proposed development involves a net increase of two dwellings and a financial contribution of £50,000 must be secured by way of a Legal Agreement. No such Legal Agreement has been completed and there is therefore no mechanism to provide the required affordable housing contribution. As such the application is contrary to Policy CS8 of the Adopted Core Strategy for Chiltern District (Adopted November 2011).

INFORMATIVES

1. INFORMATIVE:- The Applicant is advised that if they are minded to appeal this decision, the second reason for refusal (above) can be addressed through the submission of a satisfactorily completed Legal Agreement/Unilateral Undertaking at the appeal stage. The financial contribution, based on the number and size of the dwellings is £50,000. In order to ensure that such an agreement is enforceable and satisfactory in all other respects, the applicant is advised to liaise with the Council regarding the wording of the Agreement prior to the submission of an appeal. Please note that the applicant will need to bear the Council's legal costs in the preparation of any such Agreement.
CH/2015/1712/FA

Case Officer: Melanie Beech
Date Received: 10.09.2015
Parish: Penn
App Type: Full Application
Proposal: Reconfiguration of internal layout of retail and residential space, two storey side extension, single storey front extension, single storey rear extension and first floor rear infill extension

Location: 34 Hazlemere Road
Penn
Buckinghamshire
HP10 8AD
Applicant: Mr A & N Juneja

SITE CONSTRAINTS
Article 4 Direction
Adjacent to A and B Road
A and B Roads
Within 500m of SINC NC1

RELEVANT PLANNING HISTORY
CH/2014/1531/PNR - Prior Notification under Class IA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended - Change of use from mixed use comprising retail and residential to one residential unit (Use Class C3) - Refused 13 October 2014.

THE APPLICATION
The application site is located on a corner plot situated to the west of Hazlemere Road and to the south of West Avenue within the built up area of Tyler's Green, close to the boundary of Chiltern District with Wycombe District. The existing site consists of a two storey dwelling with a retail unit on part of the ground floor, currently occupied by a butchers which sells a range of products in addition to meat, including fruit and vegetables, cheese and bread. There is also a single storey storage shed to the side of the property and a gravelled parking area to the front.

The applicant firstly seeks planning permission for a two storey side extension with a pitched roof, single storey infill rear extension, first floor rear extension and small single storey front extension to provide an extended hallway. Internal alterations create a study, hallway and extended kitchen/diner on part of the ground floor and 5 bedrooms with family bathroom and an en-suite on the first floor.

Secondly, the proposal retains a retail element on the ground floor to include a shop floor, preparation area, freezer and w/c.

The storage shed, currently used for storage for the existing shop, will be demolished and replaced with a storage shed of the same size but positioned slightly further to the north. It will continue to be used ancillary to the ground floor A1 use. The rear garden and parking area to the front will be retained.
Following concerns raised by the case officer, the applicant submitted amended plans which were received on 30 October 2015 to make revisions to the proposed shop frontage.

PARISH COUNCIL
"Strong objection to this proposal which would mean a very valuable community asset would have to close for a long period during building and would be unlikely to survive. We hope that Policy S13 of the District Local Plan will provide sufficient protection. There has been widespread and active local support for the retention of the shop".

In response to the amended plans:
"The proposed amendment does not affect our earlier objections which still stand. We note with concern the separation of shop and residence which makes it easier to let them separately and prevents easy access between the two. There will be less parking available".

REPRESENTATIONS
Councillor Hardie has requested that this application be referred to the Planning Committee regardless of the Officer's recommendation.

Councillor Burton and Councillor Titterington have requested that this application be referred to the Planning Committee if the Officers' recommendation is for approval.

456 responses have been received from members of the public and organisations. Their comments are summarised below:
- Loss of Gleeson's Butchers, a valued, well established community shop, particularly at Christmas. Joe Gleeson is a valued butcher providing great personal service, advice, and money/meat for charity and local events, serving a wide area, including home delivery
- Butchers would have to close during construction works and may not re-open
- Loss of customers during closure who may not return
- Family would have to move out of home during construction works
- Increased cost of rent/overheads would force business to close
- Size, cost and location of new retail space would make it difficult to find a new tenant, except perhaps a large chain which the community does not need
- Proposed retail unit has a less conventional layout, reduced freezer space, reduced preparation area and reduced area of retail display
- Proposed cold area/freezer is not conveniently located for service or deliveries
- Proposed layout does not allow for additional storage required at Christmas/Easter
- Insufficient bin storage out of view of customers
- Large shop would be out of character with the area and would lead to parking problems and highway safety issues, and amenity problems if it was open all hours
- London property company does not have community in mind
- It is not an affordable house
- The existing shop is not vacant or derelict
- Existing shop acts as a village noticeboard and social point of contact for elderly
- Proposal is detrimental to other local businesses, will effect local employment
- 3 other butchers have closed in the area
- This should be equal to protecting a listed building
- Quality of goods sold cannot be matched by any other supermarket or local alternatives
- Alternative shops are too far away and require car/bus transport which is not always convenient, is less sustainable, and less healthy
- Butchers reduces waste as customers can buy exact quantity required
- Elderly population and disabled people rely on Gleeson's (including home deliveries)
- Council policy is to support local business (CS15, CS29, S13 and NPPF)
- Intention of developer to lose shop entirely in future, this application is a cynical way to get permission for a large house
- This is a residential property masquerading as a business - no large shop window, no cover for waiting customers, no place for fruit and veg
- Application is misleading to include 'Gleeson's Butcher shop'
- Loss of Butchers would lead to parking problems at alternative shops (eg Crossroads)
- Honourable thing to do would be to wait until Joe Gleeson retires before developing
- This level of objection should not be ignored, in accordance with the Statement of Community Involvement
- What pre-application was given and was Joe Gleeson consulted?
- Applicant has not contacted current leaseholder and not responded to his enquiries
- Applicant in 2014 states that the size and location of the premises mitigates against other A1 uses
- this has not changed
- Extensive building work on the site will result in severe traffic congestion and highway danger
- Extensions are inappropriate, out of keeping with the area, overshadowing/overbearing for neighbours and unnecessary
- Loss of privacy for 25 Hazlemere Road
- Extension will exceed building line and restrict views from 1a West Avenue and 36 Hazlemere Road
- Reduced car parking area
- Increased rainwater runoff
- Possibility of Gomm Valley development makes this shop even more invaluable

A petition signed by 46 parents and staff from the Village Pre-School has been received, objecting to the application.

Letters of objection have been received from the following organisations:
- Alde House Residential Home for the Elderly
- Penn and Tyler's Green Residents Society
- Councillor Katrina Wood, leader of Wycombe District Council and councillor for Tylers Green and Loudwater Ward
- Chepping Wycombe Parish Council
- Chiltern Society

A letter of objection has been received from the current occupier, Mr Gleeson (who's comments are included in the summary above), accompanied by a letter from Philip Marsh Collins Deung Chartered Surveyors outlining the viability of the scheme. The letter states that the existing combination of living accommodation and business are integral uses and would not be viable as separate units. This balance of uses is rare and it would be difficult to find a similar property elsewhere. The application places significant emphasis on the residential over the shop use and the proposed layout of the shop is 'sub-optimally' and inefficiently laid out. It is unlikely that a small business would be able to afford the larger residential property and/or the retail unit. A single large dwelling would attract a higher rent than the split of a residential property and a business. The letter concludes that the butcher's is under threat from the current application.

Other comments:
- No objection to visual aspect of the application
- If application is approved, request conditions to safeguard existing business
- We should be cognisant of the needs of the freeholders
- Renovation to property is good for economy and jobs

Classification: OFFICIAL
- Gleesons will be able to find alternative sites not too far away

Wycombe District Council have no objection to the proposal. In response to the re-consultation on the amended plans, 13 responses have been received, primarily commenting that the revisions do not remove previous objections raised. No additional reasons for objecting (other than those summarised above) have been made.

CONSULTATIONS

Health and Housing:
The application site is opposite a former petrol station and therefore an informative relating to land quality is required.

Planning Policy
"From our discussions and looking at the plans for this proposal, the main issue in this case appears to relate to the existing A1 retail use and the proposed replacement retail A1 provision.

The most relevant policy is Local Plan Policy S13, Policy S13 covers small scale retail uses outside of identified retail centres and in areas excluded from the Green Belt. The policy seeks to allow new small scale retail uses where there is a local need for such a facility and also to protect existing retail uses, where these exist, seeking to retain such retail uses unless a retail use is shown to be no longer viable when residential re-uses may be permitted.

The application site involves a house with an attached retail unit - currently and for a lengthy period in the past a butchers shop. My understanding is that the butcher lives in the attached house although the plans show no direct connection from the shop unit to the residential use.

The development proposed is an extension to the house necessitating the demolition of the existing shop but a replacement shop unit of a similar size and scale is proposed.

As such the retail unit is being retained although in a revised location and I can see no reason to object under policy S13. Note this principle was followed in CH/2015/0002/FA where a terrace of existing shop units with residential above was proposed to be demolished and re-built with less retail units but a similar floor space and additional residential units above.

Govt policy as set out in the NPPF states that (para 70) planning policies and decisions should ensure that established shops … are able to develop and modernise…and retained for the benefit of the community. This proposal retains the shop unit in a new modern premises.

Whilst there may well be other issues related to this proposal they fall outside the terms of the policy, as such I will not comment further."

POLICIES


ISSUES

1. There are two main issues to consider in determining this application. The first is the impact of the proposal on the existing shop and whether the retail element proposed under the current scheme retains a viable A1 use. Class A1 includes all uses considered to fall under the category 'shops' and can include a range of uses such as a post office, hairdressers, dry cleaners or more conventional shops selling goods. The second is the impact of the proposed extensions on the character of the existing property, the character of the area and the amenities of neighbouring properties.

Impact on the existing A1 Use

2. The NPPF states that "the planning system can play an important role in facilitating the social interaction and creating healthy, inclusive communities" (paragraph 69). It states that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, and plan proactively for the provision of community facilities such as local shops. Local Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs". Decisions should "ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community" (paragraph 70).

3. Core Strategy Policy CS29 aims to only permit the loss of a community facility in exceptional circumstances and Local Plan Policy S13 states that "in the case of existing shops, existing class A1 uses should be retained and changes of use or redevelopment for any other purpose will not be permitted, apart from changes to residential use where it can be shown that a retail shop, particularly one selling convenience goods, is no longer commercially viable".

4. In accordance with these policies, the Council seeks to retain the A1 use, which is the same aspiration of the community and the applicant. Based on the number of comments received from members of the public, it is clear that the existing butcher's is a well-used and valuable asset, as well as a viable business. Many of the comments refer to the community spirit that the current occupier provides and it is acknowledged that if the butchers were to close permanently, it would be a loss for the community.

5. However, policies CS29 and S13 are land use policies which cannot protect individual businesses but do safeguard A1 uses and community facilities. Therefore, an assessment must be made as to whether the proposed A1 unit is a viable space to continue being used for any A1 use. One of the factors to consider in the viability of an A1 use is the amount of floorspace. The current scheme proposes a floorspace of 45.54sqm to include a shop floor, preparation area, freezer and w/c. This is approximately 3sqm more than the existing commercial floorspace. The storage shed, which is used in connection with the shop, will be replaced with a storage shed of a very similar size (approximately 1sqm smaller). Given that the proposed commercial floorspace is similar to the existing commercial floorspace (which clearly supports a viable business) it is considered that the proposed A1 use is a viable space in terms of its floorspace.

6. It has been suggested that the internal layout of the proposed shop is not convenient and will not create a viable space to operate an A1 use. It should be noted that the internal layout shown on the plans is indicative only and if planning permission was granted, the internal layout could be altered without the need for a further permission. The overall floorspace is large enough to create a viable A1 use and therefore the internal arrangement is not a factor that can be included in any reasons for refusing the application.
7. Another key factor in ensuring a successful and viable shop is the visibility and attractiveness of the shop from the street. The existing shop has a visible frontage with a shop window, signage and canopy on the front elevation. Initially the scheme proposed a shop frontage with a smaller sign and shop window, which was considered to reduce the visibility and prominence of the shop frontage. In order to overcome this concern, the applicant amended the plans so that that the proposed signage and front window are similar in size to the existing. The shop door was also moved to allow more of the window to be used for display space.

8. The existing shop frontage is 12m from the street and although has clear signage, is not particularly prominent from the street scene. The proposed shop frontage is 10m from the street and is not considered to be any less visible than the existing.

9. With regard to the relationship between the residential part of the building and the commercial part of the building, this is not altered by the current application in so far as there is no physical link between them under the existing layout or proposed. Currently the same tenant occupies the house and the shop, which could continue to be the case following the development if planning permission is granted. Alternatively, there could be two separate tenants occupying the house and the shop. Subject to a viable A1 unit being provided, the tenancy arrangements are not a planning matter that can be considered under this application.

10. Numerous comments have been received relating to the closure of the existing business during construction, the intentions of the developer to convert the whole property to residential in future, and the anticipated increase in rent. Unfortunately these are not material planning matters and therefore cannot be taken into account in the determination of this planning application. The human rights of Mr Gleeson in terms of his home, business and lease agreement are civil matters that will need to be resolved between the freeholder and the lessee.

11. To conclude this section on the A1 use, it is not considered that this application can be refused on the loss of an A1 use or community facility because a replacement A1 unit is being provided of a similar size and prominence. As such, the proposal complies with policies S13, CS29 and the provisions of the NPPF.

**Impact of the proposed extensions**

**Impact on the existing property**

12. The application site is within the built up area of Tyler's Green where extensions to existing dwellings are acceptable in principle provided there would be no significant detriment to the amenities of neighbours and there is no adverse impact on the character and appearance of the street scene and locality.

13. The proposed extensions are considered to be proportionate additions which respect the character of the existing property. The ridge and eaves height and roof pitch of the new gable match the existing property and the proposed materials also match the existing. The front elevation of the new gable is in line with the existing front gable and the detail of the windows has been replicated.

14. Inevitably the extended dwelling will cover more of the plot than the existing property. However, there is still a gap of 3.6m to the side boundary, 10m to the front boundary and 10.8m to the rear boundary. As such, the new dwelling sits comfortably within the plot and is not considered to adversely affect the character of the existing site.
Impact on the character of the area
15. The area is primarily residential, aside from the existing butchers and a garage on the opposite side of West Avenue. There are a range of residential properties within the vicinity, and given the acceptable scale of the extensions, it is not considered that the proposal will adversely affect the character of the area. The site is located on a corner plot but as stated above, the property is set in from the side and front boundaries, and therefore the enlarged dwelling appears less dominant than it otherwise would if it were built right up to the boundaries.

Impact on the amenities of neighbouring properties
16. The side extension is on the northern side of the existing property and therefore the neighbouring property to the south (no. 32 Hazlemere Road) will not be directly affected by the proposals. The site borders West Avenue to the north and on the opposite side of that road is a commercial garage and no. 36 Hazlemere Road. It is noted that the occupiers of no.36 Hazlemere Road are concerned that the new development will affect their view but this is not a material planning factor. Their property is approximately 19m away from the proposed extension and this is considered to be a sufficient distance to avoid causing an overbearing impact on their property.

17. The side wall of no. 1a West Avenue is situated approximately 11.4m away from the rear elevation of the application property to the south. There is only one first floor window in the side elevation of no. 1a West Avenue and the proposed windows in the rear elevation of the application property are not considered to cause an increased loss of privacy over and above the existing window in the rear elevation. The occupier of no. 1a West Avenue has commented that the extension will block their view. A personal view is not something that can be protected under planning legislation but nonetheless, the position and scale of the extensions are not considered to restrict the view from the neighbouring property to cause an overbearing impact or highway safety issue.

18. The property on the opposite side of Hazlemere Road (no. 25) is approximately 38m from the application property. This is considered to be a sufficient distance to avoid any loss of privacy for the occupiers of that property.

Highway and Parking issues
19. Policy TR16 requires 3 car parking spaces for residential dwellings which exceed 120sqm in floorspace, and 1 space per 30sqm of retail space for shops of less than 1000sqm. As such, five car parking spaces are required and it is considered that there is sufficient space in front of the property to meet this standard. The proposed shop does not include any external display areas and therefore there is no requirement for a further car parking space. However, if external display space was reintroduced at a later stage, there is sufficient space to accommodate six spaces on the hardsurface to the front of the property.

20. Although the floor area of the A1 use will slightly increase under this proposal, it is not of a scale which would increase traffic generation to such an extent to cause an impact on the highway network.

21. 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 The A1 unit hereby permitted shall only be used for purposes within Use Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987, as amended, and shall not be reduced in size from that shown on approved drawing number PL-B-02 A. Reason: In order to ensure that the A1 use is retained.

4 The land to the front of the property shall be permanently reserved for parking purposes and not used for any other purpose or obstructed for such use. Reason: To ensure that adequate parking facilities are provided within the curtilage of the site and to avoid danger and inconvenience to highway users.

5 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the site lies opposite a former petrol station and therefore if any contaminants are identified on site, please contact the Council's Health and Housing Division for further advice. Information for Developers and guidance documents can be found online at www.chiltern.gov.uk/landquality
**CH/2015/1799/FA**

**Case Officer:** Mark Aughterlony  
**Date Received:** 23.09.2015  
**Decide by Date:** 17.12.2015  
**Parish:** Amersham  
**Ward:** Amersham Town  
**App Type:** Full Application  
**Proposal:** First floor front rear extensions to existing flat to create additional dwelling, change of use from retail showroom to create two new dwellings, roof alterations, fenestration alterations, external works to include car parking bin storage, bike store  
**Location:** 3 - 5 Station Road  
Amersham  
Buckinghamshire  
HP7 0BQ  
**Applicant:** Woodley & Hart

**SITE CONSTRAINTS**
Article 4 Direction  
Adjacent to A and B Road  
Adjacent Listed Buildings  
Adjacent Public Footpaths and Public ROW  
Critical Drainage Area  
A and B Roads  
Within 500m of SINC NC1  
Thames Groundwater Prot Zone GC9

**SITE LOCATION**
The application site relates to Nos. 3 and 5 Station Road. No. 5 is a detached 2-storey dwelling and No. 3 is a retail showroom with ancillary workshop, with a residential flat at first floor level above the majority of the showroom. An area of hard-standing is located to the front of the subject building providing an informal parking layout for both Nos. 3 & 5.

To the immediate south (RHS) of the retail unit is a vehicular access that leads to the workshop element and two further ancillary single storey out buildings at the rear. Between this access and No. 3 Station Road, a detached two storey dwelling located to the south-west (LHS), is a public footpath that runs north-west to south-east. To the immediate front (west) of the application site is the zebra crossing located at the bottom of Station Road.

**RELEVANT PLANNING HISTORY**
CH/2013/1738/FA relating to "First floor front and rear extensions, replacement roofs to existing single storey front and rear sections, conversion of first floor to provide two flats and of part of ground floor to provide two dwellings, demolition of one existing outbuilding, conversion of remaining outbuilding to provide bin storage, erection of detached cycle store and provision of car parking" was refused on 30 April 2014 for the following reasons:

1. The proposal would appear as a poorly planned layout that would give rise to potential areas of conflict between the retail unit and the residential units arising from the access, parking, servicing and bin storage arrangements. The proximity of the proposed dwellings Plots 1 and 2 to the parking and turning area serving the development would result in an
unacceptable level of disturbance. In addition, the inability to provide sufficient and separate parking, manoeuvring and servicing areas for the residential and retail elements results in highway safety issues, as this separation would not allow for sufficient turning space within the site, and is symptomatic of a poor layout arising from the constraints of the site. The development would also result in the creation of four small residential units, and given the size of these dwelling it is important to ensure adequate and effective amenity is incorporated into the scheme. In this case, three of the four units have only small private amenity areas and there is one poor quality and inconveniently located communal amenity area at the end of the site, such that the level and quality of outdoor amenity is not commensurate to the type and number of residential units. Furthermore, the layout fails to incorporate important sustainability principles and thereby would not achieve or represent a good form of sustainable development. The proposal is therefore contrary to Policies GC1, GC3, H3, H12, TR2 and TR3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2011 and July 2004), CS4, CS20, CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011) and the Buckinghamshire County Local Travel Plan 3.

2. Policy CS8 of the Core Strategy for Chiltern District and the Affordable Housing Supplementary Planning Document sets out that for developments involving a net increase of up to 4 dwellings, a financial contribution towards off-site provision of affordable housing must be provided, which must be secured by way of a Legal Agreement. No such Legal Agreement has been completed and the proposal is therefore contrary to Policy CS8 of the Core Strategy for Chiltern District (Adopted November 2011) and the Affordable Housing Supplementary Planning Document (February 2012).

The following informative was also attached to the reasons for refusal:

"The Applicant is advised that if they are minded to appeal this decision, the reason for refusal (above) relating to Policy CS8 can be addressed through the submission of a completed Legal Agreement at the appeal stage. In order to ensure that such an agreement is enforceable and satisfactory in all other respects, the applicant is advised to liaise with the Council regarding the wording of the Agreement prior to the submission of an appeal. Please note that the applicant will need to bear the Council's legal costs in the preparation of any such Agreement".

A subsequent appeal was dismissed in December 2014 on the grounds that the proposed parking layout was considered to be inadequate such that it would compromise highway safety. Furthermore, the scheme did not make adequate provision for off-site affordable housing due to the lack of a planning agreement. A copy of the appeal decision letter is appended to this report, see Appendix A.

THE APPLICATION

The application proposes both front and rear extensions at first floor level to facilitate the reconfiguration of the first floor to accommodate two 2-bed flats, the replacement of existing flat roofs to the single storey front and rear sections with crown roofs, the conversion of part of the single storey rear section to provide two 2-bed dwellings, the demolition of an existing outbuilding, the modification of an existing outbuilding to provide a bin store and the erection of a covered bicycle store.
A ground floor showroom and office element would be retained, essentially within the front part of the building, and would total approx. 200 square metres.

The first floor front extension would measure 6.2 metres wide by 4 metres deep with eaves to match existing and a ridge to 6.5 metres. The first floor rear extension would measure, at its maximum points, 10.6 metres wide by 5.4 metres deep with eaves to match existing and a double ridge to 7.5. The extensions would incorporate front and rear balconies to serve the two new first floor flats. The existing flat roofs to the single storey front and rear sections would be replaced by crown roofs to 3.6 metres. Each flat would comprise 2-bedrooms, kitchen/living room and bathroom/en-suite accommodation.

It is proposed to covert the existing single storey rear workshop into two 2-bed dwellings, with a shared communal garden/amenity area formed through a combination of the subdivision of the existing rear garden of No. 5 Station Road and an area to the rear of the workshop building, currently used for external ancillary storage of refuse. Each flat would comprise 2-bedrooms, kitchen/living room and bathroom/en-suite accommodation.

The existing parking area to the front of the site would be reconfigured whereby 5 spaces would be provided to serve the retail unit whilst a sixth space would be provided to the immediate front/side of No.5 Station Road. The existing parking area to the rear would also be reconfigured whereby an existing corrugated outbuilding (and a shipping container) would be removed in order to provide a further 5 spaces whilst a sixth would be provided to the front of an existing brick outbuilding, which would be retained and adapted to provide covered bin storage. A new turning area would consequently be provided at the rear between the parking spaces and the bin store building.

A new open fronted timber bicycle store would be provided to the immediate rear of the (converted) workshop measuring 6m x 3m

TOWN COUNCIL
Amersham Town Council recommends that the application be refused, and have made the following comments:

"Whilst Members are supportive of the development in principle they believe the previous issues for refusal have not been fully addressed, in that the proposed dwellings are out of keeping and unsuitable for the site. They also consider that there is still insufficient parking and manoeuvring space".

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

A letter has been received from the proprietor of 'Ambers' commenting that they hope a two storey building will not overlook and dominate a fifteenth century building, one of the oldest in Old Amersham.

CONSULTATIONS
Buckinghamshire County Council Highway Authority:
Buckinghamshire County Highway Engineer raises no objection to the scheme subject to the imposition of two conditions and a number of informatives.
POLICIES


Affordable housing SPD (Adopted February 2012)

National Planning Policy Framework (NPPF)

ISSUES

Principle of residential development/site history
1. The application site is located within the built-up area of Amersham where residential development is considered acceptable in principle, subject to compliance with the relevant Policies of the Development Plan.

2. Policy H3 accepts the principle of residential development in the built up area, but also requires such development to respect the general density, scale, siting, height and character of buildings in the locality of the application site as well as existing features. Whilst the previous application (2014/0399/FA) was refused, and subsequently dismissed at appeal, this was not for reasons of principle, scale, design, character or residential amenity. Rather, it was refused for matters of detail relating to highway safety and the lack of an affordable housing contribution.

3. Therefore, save for these two matters of detail, the scale, form, design and character of development proposed is (still) not considered to be objectionable and therefore in accordance with relevant development plan policies and guidance contained in the NPPF.

Implications, including parking & servicing, for the reduction in retail floor space.

4. Whilst policy S13 seeks to retain Class A1 uses other than where it can be shown that a retail shop is no longer commercially viable it was accepted as part of the consideration of the previous application that the loss of retail floor space to facilitate the conversion of part of the ground floor into residential accommodation was not considered objectionable. The smaller, retained, retail element would remain in use by the applicant, with their manufacturing and workshop element currently being located elsewhere at a commercial site near Chesham. As such, no objection is therefore raised in respect of the reduction in size of the retail premises.

5. The reduced floor area of the retail unit would also be accompanied by a reduced amount of land surrounding the unit that would be for the exclusive use of the retail unit and associated facilities such as servicing and waste storage.

6. Five off street parking spaces are proposed to the immediate north of the retail unit for their use. Furthermore, it is proposed that the existing access along the side of No. 3 would culminate in a turning head to the rear, to be provided between the retained bin storage building and a row of five parking spaces (to serve the proposed residential units). The provision of the turning head to the rear of the building(s) would therefore allow service vehicles to turn and leave the site in a forward gear, thus avoiding any potential for conflict to arise between users of the access and highway users in general.

7. Overall, in respect of the retail unit, there is no objection in principle to the reduced floor area.
Outbuildings/Bin storage
8. The current proposal seeks to utilise and adapt an existing permanent outbuilding that located on the south-western boundary of the site adjacent to the public footpath, to provide covered bin storage. It is also proposed to remove an existing corrugated outbuilding (and an unauthorised shipping container) from the far, rear part of the site in order to provide the five parking spaces and turning head. As was the case previously, this is arrangement is considered to be acceptable as it will consequently increase the prominence of vegetation on the southern boundary and thus improving the setting of the hard surfaced area.

9. The comments of the District Council's Waste Management team are awaited in respect of the proposed arrangements. However, the location of a bin storage area for the shop use is as existing, adjacent to the southern side of the building. Bin storage for the residential units would be provided in the existing outbuilding to be adapted, located to the immediate south west.

Residential Amenities for the proposed and existing residential units
10. The previous reason for refusal No.1 made reference to a poor level and quality of outdoor amenity space that was not considered to be commensurate to the type and number of residential units. However, the Appeal Inspector at paragraph 9 of his decision letter stated "The council's reasons for refusal say that the proposal would not provide sufficient outdoor amenity space, but in their appeal statement they say that the level of amenity space, whilst limited, would be proportionate to the size of the small residential units, a conclusion with which I concur".

11. The proposed arrangements for each of the proposed new units are therefore considered to be acceptable, whereby each of the two ground floor flats would be provided with their own small garden totalling approx. 40 Sq. m accessed from French doors. Furthermore, a shared/communal amenity area totalling approx. 190 Sq.m would be provided to the rear (east) of the site. It should be noted that the submitted layout plan refers to the proposed balcony for the first floor front unit as being a 'shared amenity space', however, this is totally impractical as it could only be accessed internally by others via the flat itself. The existing dwelling at No.5 would as a result of these proposals retain a rear garden with a depth of approx. 15m when measured from the rear of the two storey element. This element (of the wider proposal) was not considered to objectionable previously and as there have been no change on circumstances in the intervening period it is (still) considered acceptable.

12. In conclusion therefore it would only be the rear first floor flat that would not have its own private amenity space/area. However, the shared/communal amenity area to the rear of the site would be within close proximity such that the scheme is considered to accord with Policy H12.

Parking Provision for the residential units
13. Given the size of the residential units, each totalling approx. 60 Sq. m, the parking standard for each would be two spaces; therefore the parking standard for the proposed two new dwellings and flats is 8 spaces. The side/rear yard will provide 6 parking spaces to serve the two dwellings and two flats.

14. This therefore results in a deficiency of two spaces for the development of 4 units. However, given the sustainable location of the site close to local services in Amersham and public transport routes, the resulting level of parking - eight spaces - is considered acceptable. In addition, and as acknowledged above, the proposal provides for a total of six parking spaces to the front of the site for use by the retained retail unit and the occupiers of No. 5 Station Road, which maintains the status quo. Members should note that no specific reference was made to this deficiency as part
of the consideration of the previous application, nor the subsequent appeal decision. This provision is therefore considered to be acceptable.

**Highway Issues**

15. BCC Highways previously expressed concerns relating to the proposed access and turning arrangements and therefore, from a highway safety perspective, they raised objections to the development.

16. In respect of the current proposal, BCC Highways summarised comments are as follows:

"I note that this application follows CH/2014/0399/FA, which, in a response dated the 9th April 2014, the Highway Authority recommended refusal based on an inadequate turning area. This application seeks to overcome these previous concerns.

The proposed development would be served by the retention of the existing access off Station Road. Station Road is classified as the A416, links Amersham and Chesham, and to the south of the application site joins the A355. In the vicinity of the site, the road is subject to a 30mph speed limit. The centre of the carriageway is marked by hatched road markings indicating that drivers should not overtake by passing through the marking unless safe to do so. Footpaths are present on both sides of the carriageway as is street lighting, and directly to the north of the access is a pelican crossing.

As stated above, the existing access is to be retained, with adequate visibility achievable commensurate with the 30mph speed limit in force. The existing access would serve a parking area to the western boundary of the site, comprising 6 spaces. Five parking spaces are provided to the rear of the site, with another single space provided mid-way between these two areas. This parking space, numbered 6 on the submitted plan, does not benefit from any manoeuvring area and could lead to vehicles reversing from the space over an extended distance into the front parking area. It could be argued however, that the vehicle could travel further into the site to perform their manoeuvres and use the turning area to the rear of the site; therefore I do not believe that I could recommend a refusal based on this reason.

The access road travelling through the site is approximately 3.4m wide, and I have concerns over the lack of width for accommodating simultaneous two-way vehicle flow. If a vehicle were attempting to enter the site whilst a vehicle attempted to exit the site, this could lead to vehicles reversing over extended distances of approximately 25m. In most cases, this lack of width would lead to a recommendation for refusal, however, given that this situation already exists on site, and in addition to the extended dropped kerb to the front of the property I would expect vehicles to be able to pull clear of the highway whilst waiting for vehicles to exit the site. I am aware that in some instances this may cause conflict with vehicles using the front parking area; however I do not believe I could sustain a recommendation for refusal for this reason.

The submitted Highways Report includes a swept-path analysis showing turning movements at the front of the site for a 10m long rigid vehicle and a removal van. Whilst these turning movements appear tight, I do not believe that I could substantiate a reason for refusal based on this.

Mindful of the above, I have no objection to the proposals, subject to the imposition of conditions being included on any planning consent that you may grant"

**Affordable Housing**

17. The proposal involves a net increase of three residential units and therefore, a financial contribution towards off-site provision of affordable housing is required in accordance with Policy
CS8, which must be secured by way of a Legal Agreement. In this case, the contribution equates to £23,438 for this development of. The applicant has confirmed in writing that he is willing to enter into a s106 agreement for the provision of an affordable housing contribution in this amount. The proposal therefore accords with Policy CS8.

**CONCLUSION**

18. The NPPF encourages good design and recognises that this is fundamental to sustainable development. The current use of the site is as a mixed use comprising retail and a residential unit. The retail/residential mix would remain but the number of residential units would increase from two (one at each of Nos. 3 and 5) to five, whilst there would be a subsequent reduction in the floor area associated with the retail unit.

19. It is the case that previously objections were raised by CDC in respect of the unacceptable impact on the amenity for occupiers of No. 5 Station Road and the future occupiers of the units to be provided within the converted building, in association with the proposed highway arrangements. The Appeal Inspector concurred with this view, stating at paragraph 10 of his decision letter

"...In my opinion the proposed development would not be out of character with its surroundings so long as it could provide appropriate parking and turning arrangements, to ensure safety on the highway and a sufficient level of amenity for the future occupiers."

20. Having regard to the above paragraphs it is therefore considered that the scheme satisfactorily overcomes the previous reasons for refusal.

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

**RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Sustainable Development**

Subject to the following conditions:-

1. C108A General Time Limit

2. The scheme for parking and manoeuvring 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 to minimise danger, obstruction and inconvenience to users of the adjoining highway.

3. No part of the development shall be occupied until an area has been laid out within the site for vehicles to turn in accordance with the approved and that area shall not thereafter be used for any other purpose.
   Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway.

4. C431 Materials to Match Existing Dev

5. Prior to the initial occupation of the first of the newly created residential units hereby approved both the bin and bike storage buildings as shown on the approved drawings shall be provided and made available for use by the occupants of the development.
   Reason: In order to ensure that adequate bicycle and refuse storage are adequately provided on the site.

Classification: OFFICIAL
6 The development hereby permitted shall not be occupied until the boundary treatment indicated on the approved plans has been constructed/erected. It shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority. 
Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the development hereby permitted. 
Reason: To protect the amenities and privacy of the adjoining property.

INFORMATIVES

1 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

2 The application is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.

3 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.

4 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.

The End