



Appeal Decision

Site visit made on 25 April 2014

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 May 2014

Appeal Ref: APP/X0415/A/13/2208776

VW Sales Garage, Chalfont Station Road, Little Chalfont, Amersham, Bucks HP7 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Landmaze Ltd against the decision of Chiltern District Council.
 - The application Ref CH/2013/0945/FA, dated 3 June 2013, was refused by notice dated 4 September 2013.
 - The development proposed is the demolition of existing showroom and workshop, erection of 14 No. one and two bedroom flats with private parking, amenity and associated works.
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Preliminary matters

1. The description stated on the planning application form is 'The demolition of existing showroom and workshop, erection of 14 No. one and two bedroom flats with private parking, amenity and associated works'. That application form is date stamped 4 June 2013 and has a hand written application number of 13/0945/FA. This description of development is clearly not what is shown on the submitted plans.
2. The description of development on the decision notice is 'Redevelopment of site to provide a part four storey, part three storey building comprising 2 Use Class B1 Office units and 10 flats with cycle store, associated parking and landscaping and alterations to existing vehicular access. The appeal form describes the development in the same terms as the decision notice.
3. The design and access statement addendum refers to 10 no. dwellings spread across the first and second floors, comprising 6 no. 2 bedroom flats and 4 no. 1 bedroom flats with 2 no. B1 office spaces with associated staff areas. As such I will determine the appeal on the basis of the description stated in both the decision notice and the appeal form.

Decision

4. The appeal is allowed and planning permission is granted for the redevelopment of site to provide a part four storey, part three storey building comprising 2 Use Class B1 Office units and 10 flats with cycle store, associated parking and landscaping and alterations to existing vehicular access at VW Sales Garage, Chalfont Station Road, Little Chalfont, Amersham, Bucks HP7 9PN in accordance with the terms of the application, Ref CH/2013/0945/FA,

dated 3 June 2013, subject to the Schedule of Conditions attached to this decision.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the street scene.

Reasons

6. The appeal site is currently occupied by a large single storey car showroom situated centrally on the site, with workshops to the rear. The existing building is adjacent to the eastern boundary at the rear of the site. The appeal site is wider at the front than at the rear.
7. To the east of the site is Chalfont House, which has ground floor shops with residential accommodation above and parking to the rear. The appeal site is about 640mm higher than this adjacent plot. To the west is what appears to be an unused site beyond which is Chenies Parade which has ground floor shops with residential accommodation above, within a three story high building with a pitched roof running parallel to the road.
8. There are a variety of architectural styles and designs of buildings and a mix of commercial, retail and residential uses within the immediate area. The area incorporates a mix of building heights, including two, two and a half and three storey buildings. Whilst roofs are predominantly pitched there are some examples of flat roofs and the GE Healthcare office has mixed storey heights, pitched roofs, parapet roofs and mansard roofs. Terraced layouts are a feature in the area, and include parades of unified design and terraces composed of differing styles of building. There is no uniformity of spacing of buildings. The character of the surrounding area is derived from this variety.
9. An appeal¹ was dismissed in 2012 for the demolition of the existing showroom and workshop and the erection of 10 one bedroom and two bedroom flats with private parking and amenity and associated works including 2 ground floor offices with associated staff space on the current appeal site. The scheme comprised a part four storey, part three storey, part single storey building.
10. The current appeal proposes a predominantly three storey building with a set back access structure onto the roof terrace, incorporating the stair case, lift shaft, lobby and 'Landlord Cupboard' with the remaining area of roof being an amenity terrace. The terrace would be bounded by a means of enclosure set in from the edge of the roof. A total of 19 car parking spaces are proposed. Two spaces would be to the front of the building towards the south western exit and the remaining parking spaces would be accessed via the access drive along the eastern boundary. There would also be parking provision for 20 bicycles.
11. The siting of the proposed building is set behind the building line of Chalfont House and sits parallel with Chalfont Station Road. Drwg no FSW 10-760-205 demonstrates that the roof height of the third floor is slightly higher than the eaves level of Chalfont House but slightly lower than the eaves of Chenies Parade. As the land is rising from Chalfont House to Chenies Parade this step in heights would be appropriate. The set back fourth floor, which is set away from Chalfont House towards Chenies Parade, is only marginally higher than

¹ PP/X0415/A/12/2170637

- Chalfont House and lower than Chenies Parade. The proposed flat block would, to my mind, sit comfortably between Chalfont House to the east and Chenies Parade to the west.
12. The proposed building would retain visual separation from Chalfont House at ground floor level by the use of the pergola structure, which supports the second and third storeys, and the set back of those upper floors. The visual break this creates between the existing Chalfont House and the proposed building, together with the alignment of the building, would avoid a cramped form of development.
 13. Whilst spacing between Chalfont House and the proposed development is not extensive, it is to my mind adequate to respect the character of the area. The distance between the eastern first/second floor flank elevation of the proposed building and the flank elevation of Chalfont House is 4.587m at the front and 3.466m at the rear of the proposed building. The 2012 appeal scheme had a separation distance of 1.324m at the front and 1.203m at the rear. The spacing of the proposed building and its alignment to the road would not harm the character or appearance of the area. The scale and height of the proposed building is comparable to Chalfont House and Chenies Parade.
 14. I appreciate that the proposed building would be flat roofed, whereas both Chalfont House and Chenies Parade have pitched roofs. However the overall scale and height of the building would complement these existing buildings. In addition the alignment of the proposed building with Chalfont Station Road is different to that of the 2012 appeal building. Whilst the previous Inspector found that the siting and height of the previous proposal would project above the receding roof line of Chalfont House resulting in a visually awkward relationship and appearance, due to the alignment, siting and height of the current proposal this would not, to my mind, be the case with the present scheme.
 15. The proposed building would be between 1.995m and 3.195m from the western boundary. The articulation of this flank elevation together with the increased spacing to the boundary would create an acceptable relationship to the adjacent site. The flank elevation of the proposed building would be viewed when approaching from the west, above the means of enclosure of the adjacent site. This is not an unpleasant elevation and whilst it is deeper than the flank elevation of Chalfont House it would not result in harm to the character or appearance of the area.
 16. In conclusion, the appeal building is a well proportioned, well detailed building, which respects its setting and complements the character and appearance of the area. This complies with Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) (CS) and saved Policies GC1 and H3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) which require development to be of a high standard of design which reflects, respects and is compatible with the character of the surrounding area.

Other matters

17. The Council have referred to the adjacent site and their view that there is an opportunity to amalgamate the sites and create a unified scheme comprising a single building with gaps both sides. However, there is no substantiated

evidence that this is either probable or desirable. I have therefore determined the appeal on its merits.

18. The roof area is indicated to be a roof terrace/amenity area. Due to the lack of amenity space at ground floor level, it is necessary that this area is retained and accessible to all occupants of the proposed building. As such, I will impose a condition to achieve this.
19. Whilst I note the concerns of third parties in relation to parking provision and highway safety, the Highways Authority raises no objection to the proposal. On the evidence before me, I see no reason to disagree with this view.
20. Concerns have been raised about the effect of the proposed residential flats on the privacy of the future occupiers of the 'Donkey Field' Housing. This housing site is stated as being located directly behind the shops in Chenies Parade and has recently been approved. However, there is a mature tree screen around the site and, as such, I am satisfied that the proposed development would not result in an unacceptable loss of privacy to the Donkey Field Housing.
21. The ground floor offices would provide modern commercial premises and, as such, would comply with CS Policy CS16.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Conditions

23. I have considered the conditions suggested by the Council having regard to the advice in Planning Practice Guidance (planning guidance) which was published on 6 March 2014 and Annex A (the modal conditions) from Circular 11/95 *The Use of Conditions in Planning Permissions* which were retained following publication of the planning guidance.
24. In the interests of proper planning and for the avoidance of doubt it is necessary to impose a condition to require the development to be carried out in accordance with the approved plans.
25. I accept that details of external materials are required in the interests of the appearance of the area. In addition I will impose conditions to require the cycle parking, vehicle parking and circulation to be laid out in accordance with the submitted plans prior to the first occupation of the building.²
26. The Council has also suggested a condition requiring the submission of details, and the carrying out of works in accordance with the approved details, for off-site highway works in the form of amendments to the south western existing vehicular access. I note that the Highways Authority refer to re-modelling the entrance requiring an amendment to the Traffic Regulation Order as yellow lines at the entrance to Chenies Parade would need to be removed or altered. No other off-site works are referred to in the submitted evidence. However, a condition can not require works on land outside the application site or the

² The Highways Authority comments reported in the Officer's report refer to parking spaces being 4.7m in depth. On the plans submitted with the appeal the parking spaces measure 4.8m in depth. Furthermore, there is no reference to this matter in the Council's appeal statement. As such, I am satisfied that the parking spaces as shown on Drwg No FSW10-760-65 are adequate.

control of the applicant. Although I accept a negatively worded condition may, in certain circumstances, be imposed to ensure an approved development is not implemented until works off-site are carried out.

27. The extent of the appeal site (demarcated by a red line on Drwg no FSW 10-760-65) extends to Chalfont Station Road and some works to the south western access, at that point, are shown on that plan. The plan also indicates 2.4m x 90m visibility splay at that south western exit. As such, a condition requiring compliance with the submitted plans in relation to this layout would, to my mind, be adequate to ensure the development has an acceptable access and egress onto Chalfont Station Road.
28. Class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) is defined as a use as (a) an office (other than within class A2 (financial and professional services); (b) for research and development of products or processes, or (c) for any industrial process; being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The Council has sought a condition restricting the office units to that falling within use class B1(a) and for no other use other than any change to Class A1 (retail) of the UCS. However, there is no substantiated evidence that there are any exceptional circumstances to seek to restrict material changes of use which are permitted by the Town and Country Planning (General Development Order) 1995 as amended or use of the premises within any of the categories in Class B1. As such, the proposed condition has not been demonstrated to be necessary or justified.
29. The Council has sought the imposition of conditions in relation to investigation and mitigation of contamination. I accept that in the light of the existing use of the appeal site as a car showroom and workshops contamination may be present and therefore it is reasonable to impose conditions to address this in the interests of the health of construction workers, neighbours and future occupiers of the site and effects on other off site receptors.
30. The Council has sought a condition to provide either on site or off-site accommodation for operatives' visitors and construction vehicles loading, off-loading, parking and turning during the construction period. There is no substantiated evidence to demonstrate this condition is either necessary or reasonable.

Hilda Higenbottam

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg Nos FSW 10-760-50; FSW 10-760-55; FSW 10-760-60; FSW 10-760-65; FSW 10-760-70; FSW 10-760-100; FSW 10-760-105; FSW 10-760-110; FSW 10-760-115; FSW 10-760-150; FSW 10-760-155; FSW 10-760-160; FSW 10-760-165; FSW 10-760-205; FSW 10-760-280; FSW 10-760-285; and FSW 10-760-310.
- 3) No dwelling shall be occupied until the refuse store on Drwg No FSW 10-760-100 has been provided and it shall thereafter be used only in connection with the residential use of those dwellings.
- 4) No development shall take place until the vehicle entrance and exit have been laid out fully in accordance with the layout on Drwg No FSW 10-760-65.
- 5) The development hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation and signage of the entrance and exit points shown on Drwg No FSW 10-760-65 shall have been provided and they shall not be used thereafter otherwise than for the purposes approved.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No FSW 10-760-310 for 20 bicycles to be parked. These shall be retained.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.
- 9) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.