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## Appeal Decision

Hearing held on 15 April 2015

Site visits made on 14 & 15 April 2015

**by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 04 June 2015**

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**Appeal Ref: APP/X0415/W/15/3003534**

**28 and 32 Oval Way, Gerrards Cross, Buckinghamshire SL9 8QB**

- 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 Ortus Homes Ltd against the decision of Chiltern District Council.
  - The application Ref CH/2014/1540/FA, dated 22 August 2014, was refused by notice dated 25 November 2014.
  - The development proposed is: Erection of detached building comprising 10 age exclusive apartments including basement parking, revised accesses and landscaped grounds.
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### Decision

1. The appeal is dismissed.

### Procedural Note

2. The Council's decision notice listed four reasons for refusal. The fourth reason related to the lack of a legal agreement to secure a financial contribution towards the provision of affordable housing. The Council accepted that a contribution was not viable, based on the appellant's financial appraisal, but sought an obligation that would, in effect, seek to recover a contribution if viability of the scheme altered in future.
3. However, within its hearing statement, the Council stated that it no longer wished to pursue the fourth reason for refusal, having regard to published advice on viability in the Planning Practice Guidance (PPG), and a recent appeal decision. The parties agreed that the matter was not in dispute within the signed statement of common ground that was submitted at the Hearing. I see no reason to depart from that agreed position and have considered the appeal on that basis.

### Main Issues

4. In view of the above, the main issues in relation to the appeal are:
  - i) Whether the Council is able to demonstrate a five year supply of deliverable housing land and the extent to which the proposal would contribute towards the supply of housing, taking account of the contribution of the existing permitted use as a care home;

- ii) The effect of the proposal on the character and appearance of the area, and whether the proposal would affect the setting of the Gerrards Cross Conservation Area;
- iii) The effect of the proposal on the living conditions of all existing and future residents, with particular regard to the relationship between the proposed development and number 34 Oval Way; and
- iv) Whether the development of the site for purposes other than a residential care home would be acceptable, having regard to the requirements of the development plan and other material considerations;

## **Reasons**

### *Whether the Council is able to demonstrate a 5-year supply of deliverable housing land*

5. Paragraph 47 of the National Planning Policy Framework (the Framework) requires, amongst other things, that Councils should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs (OAN) for market and affordable housing within the housing market area. It also requires Councils to identify a supply of deliverable sites sufficient to meet 5 years worth of housing against their housing requirements, with an additional buffer of 5% to ensure choice and competition, rising to 20% where there is a record of persistent under-delivery. Paragraph 49 makes clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
6. The Council maintains that it can demonstrate between 8.4 and 9.9 years supply based upon the housing requirements of the Core Strategy for Chiltern District, which was adopted in November 2011 (the CS). The appellant disputes those figures and considers that the demonstrable supply amounts to 4.6 years, when set against the requirements of the CS. However, the housing requirement within the CS was a constrained figure that did not seek to meet the needs of the district in full, as required by the Framework. Neither is the CS housing requirement based upon an up-to-date OAN.
7. In his letter to the Council, dated 24 November, the examining Inspector in relation to the Delivery Development Plan Document for Chiltern District concluded that the absence of a recent OAN to support the housing requirement within that plan was a fundamental weakness. He also noted evidence that suggested a significant amount of unplanned housing need, in the region of 4,000 dwellings. As such, he concluded that the targets within the CS were not soundly based or compliant with the requirements of the Framework. Having accepted this conclusion, the Council withdrew the Delivery Development Plan Document.
8. Consequently, there is little merit in concluding on whether a 5 year supply exists, when set against the housing requirements of the CS. For the reasons set out in the examining Inspector's letter, those requirements are out of date and do not relate to the OAN for the area, as required by paragraph 47 of the Framework. Both parties accepted this point at the hearing. In the absence of an up-to-date OAN it is not possible, from the evidence before me, to calculate

- a housing requirement against which a five-year supply can be set. Such an exercise would be beyond the scope of a section 78 appeal and the evidence base in relation to the OAN for the area will need to be properly examined through the Local Plan process.
9. Therefore, on the evidence presented, the Council is unable to demonstrate a five-year supply of deliverable housing land, in accordance with paragraph 47 of the Framework. Moreover, in accordance with paragraph 49, any policies for the supply of housing should be considered up-to-date.
  10. The Framework aims to boost significantly the supply of housing. In the absence of a demonstrable five-year supply the benefit of the proposal to the local supply of housing is a matter that weighs positively in support of the proposal. The age-specific apartments would replace a single dwelling and the disused care home which had bedrooms to accommodate 13 people. The Council contend that the loss of accommodation within the care home should be weighed against the number of dwellings proposed when considering the net contribution of the proposal to the supply of housing. The Planning Practice Guidance (PPG) states that local planning authorities should count accommodation falling within Use Class C2 *Residential Institutions* against their housing requirements<sup>1</sup>. It also states that the approach taken in this regard should be set out in the Local Plan.
  11. No methodology for assessing the contribution of C2 bed spaces is included within the CS and the Council acknowledge that this is a matter that will need to be examined through the Local Plan process. In the absence of such a methodology it is extremely difficult to calculate how the 13 bed spaces in the former care home should be apportioned into an equivalent number of dwellings. The Council suggests a one to one equivalent on the basis that people living in care will free up accommodation elsewhere in the district. On that ratio, the proposal would result in a net loss of dwellings, over and above the existing permitted use.
  12. However, I am not satisfied that this approach is reflective of the nature in which care is provided in residential institutions. As suggested by the appellant, care beds may commonly be occupied by one of an elderly couple, with the other remaining at home; by people who previously lived with caring relatives; or by people whose main home is outside the district<sup>2</sup>. To my mind, each of these scenarios is perfectly plausible and the suggestion that each occupant within a care home would free up a dwelling within the district appears unrealistic and over-emphasises the contribution that individual bed spaces would make to local housing supply.
  13. Furthermore, I am also mindful that the care home at Stowe Lodge has been closed for approximately 5 years and has been sold by the previous owners; Buckinghamshire County Council, following a review of facilities provided under 'Project Care'. The current owners have no intention of using the building as a residential institution and consider that it is too small to function adequately as an extra care facility. Consequently, there would appear to be no immediate prospect of re-use as a residential institution within Class C2. Therefore, in terms of the supply of housing, having regard to footnote 11 to paragraph 47

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<sup>1</sup> Paragraph 37 Reference ID: 3-037-20150320

<sup>2</sup> Paragraphs 3.12 and 3.13 of the Town Planning Assessment *Housing Land Availability in Chiltern District* prepared by Sedgwick Associates, produced at Appendix 4 of the Appellant's statement

of the Framework, it seems to me that the unit is not presently available for use within C2, notwithstanding any arguments regarding local planning policies that seek to protect community facilities.

14. In view of the lack of a clear mechanism for establishing how the contribution of care beds towards local supply should be calculated, and the current ownership of the building, I conclude that the proposal would contribute a net gain of 9 dwelling units towards housing supply, taking account of the loss of the existing bungalow.
15. Moreover, it is common ground between the parties that there is substantial unmet need for age-specific accommodation for the elderly, as evidenced within the report submitted at Appendix 5 of the appellant's statement<sup>3</sup>. Whilst interested parties have pointed to a number of apartment developments within the surrounding area, and the prevalence of 'for-sale' signs outside those developments, that does not amount to evidence of an over-provision of age-related accommodation. The fact that a unit is for sale does not indicate that it is unoccupied or unneeded and no evidence has been provided to suggest that the nature of existing accommodation would appeal specifically to older age groups, unlike the proposal before me which has clearly been designed to meet that specific demographic.
16. Paragraph 50 of the Framework identifies that local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community, including older people. This aim is reinforced within the PPG, which identifies a 'critical' need for housing for older people, including suitable forms of housing for those who are not in need of care. The proposal is specifically designed to cater for the ageing population. Whilst no specific condition or obligation has been put forward that would impose control over the age of future occupants, the appellant forms part of the McCarthy and Stone group which has a long history in providing specialist forms of accommodation. The scheme is described as age-exclusive accommodation and I have no reason to doubt that the proposal would cater for that market, should planning permission be granted.
17. Therefore, whilst the numerical contribution may be small when set against the overall housing supply for the district, in the absence of a demonstrable 5-year supply, the aim of the Framework to achieve a significant boost in housing numbers, and the agreed need for age-related accommodation, the contribution that the scheme would make to local housing supply is a matter to which I attach considerable weight.

*The effect of the proposal on the character and appearance of the area and whether the proposal would affect the setting of the Gerrards Cross Conservation Area*

18. In a planning policy context, the site lies within an *Established Residential Area of Special Character* (ERASC), as defined by policy H4 of the Chiltern District Local Plan (1997) (the Local Plan). The Townscape Character Assessment (2011) identifies that the site falls within Character Area 10: North Park. This identifies that the area has a high sensitivity of townscape character, with large houses, set within large plots, with a range of distinctive architectural styles and details and an attractive leafy streetscape. I find this to be an accurate

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<sup>3</sup> Appendix 5: Contact Consulting report, dated December 2014 and paragraph 3.12 of the SoCG

- assessment of the immediate vicinity of the appeal site where the individual and varied design of dwellings and the mature landscaping, within private and public realm, combine to create a verdant and attractive suburban environment.
19. The site is close to the administrative boundary between Chiltern District and South Bucks District Council; the neighbouring authority. The boundary follows an irregular line, cutting across Oval Way to the south of the site, with little to distinguish the change in local authority area when viewed on the ground. The properties on Oval Way within South Bucks District fall within the Gerrards Cross Centenary Conservation Area. The northern extent of that Conservation Area is up to the boundary between the two authorities and the site, along with other properties immediately to the north of the administrative boundary fall outside the designated heritage asset.
  20. However, in terms of the baseline character of the area, the properties at Oval Way, and Latchmoor Avenue, immediately to the north of the designated boundary are consistent with the layout, style and appearance of those dwellings within the Conservation Area immediately to the south. The Conservation Area Appraisal undertaken by South Bucks District Council summarises the special interest of the area noting, amongst other things, the Arts and Crafts influence, the aesthetic value and pleasing appearance of buildings, the relationship between houses and gardens and the over-riding 'garden village' character. The Appraisal also notes the scale of houses which are nearly all of two storeys, with occasional attic storeys. To my mind, No 24 Oval Way (immediately to the south of the appeal site), Stowe Lodge, No 34 Oval Way, Nos 21-27 Oval Way (on the opposite side of the carriageway) and the dwellings at the junction between Latchmoor Way, share these characteristics, being individually designed properties in the Arts and Crafts style, fitting into the garden village character. There is no readily apparent change in character between the designated and non-designated areas.
  21. I acknowledge that Chiltern District Council could have considered Conservation Area status, working jointly with the neighbouring authority. It is not for me to consider the merits of that course of action or to speculate as to why that did not occur at the time of designation. The site falls outside the designated boundary and I must judge the proposal accordingly, applying the relevant statutory tests. Nonetheless, regardless of the designated status, the site falls within an extremely attractive residential suburban environment; a townscape that is highly sensitive, as defined in the Townscape Character Assessment.
  22. Given the close proximity to the Conservation Area boundary, and the consistency in style and layout, it is clear that the site falls within the setting of the designated asset. The English Heritage document *The Setting of Heritage Assets* describes setting as the surroundings in which a heritage asset is experienced. Whilst the photograph representations provided by the appellant are useful indicators of fixed viewpoints they do not reflect how the Conservation Area is experienced. That experience is not static but more likely to be gained by those moving through the area, be it on foot, bicycle or in vehicular transport; whether for recreational purposes, or as part of a more general routine. By moving through the area one can appreciate the variety in housing style, the wider ambiance of the area and the importance of trees and landscaping.

23. In its existing form I consider that the site contributes positively to the character of the area and the setting of the Conservation Area. Although extended unsympathetically to the rear, Stowe Lodge retains a domestic scale with a strong Arts and Crafts influence set amongst mature planting. Its scale is commensurate with the prevailing pattern of two-storey, detached, dwellings. The relatively modern bungalow is not in keeping with the prevailing two-storey Arts and Crafts theme but mature landscaping helps to reduce its prominence. The domestic scale of the respective plots of the bungalow and Stowe Lodge are broadly consistent with the surrounding dwellings. As one moves along Oval Way to and from the Conservation Area the appeal site, particularly Stowe Lodge, has a positive influence by maintaining the prevailing theme of attractive detached dwellings. Whilst falling outside the designated asset it forms part of the same broad character area.
24. In contrast, the scale of the proposed development would fail to reflect the domestic scale of this established pattern. The amalgamation of two plots into one would create a plot size that would be at odds with that domestic scale, as is clearly depicted in the proposed figure and ground plan at page 14 of the Design and Access statement.
25. Furthermore, the width, depth and height of the building would be substantially greater than the scale of neighbouring dwellings and the prevailing pattern of two-storey properties. The ridge height across the full span of the building would be 2.6 metres above that of the existing building at Stowe Lodge, having the scale of the third storey. The rear wings of the building would extend far deeper into the rear garden than any neighbouring property. The scale of the building would be fully appreciated as one moved across the frontage of the site and the butterfly plan would not disguise the depth of the rear wings which would be visible through gaps in the vegetation.
26. Consequently, whilst the building would sit within substantial grounds, its overall scale would not be consistent with the pattern of residential development in the immediately surrounding area. The proposal would not appear as a large dwelling but the overall scale would reflect the proposed function as a substantial apartment block. Whilst there are examples of larger structures in the vicinity, notably the school and apartment blocks adjacent to Packhorse Road, those examples do not reflect sympathetic forms of development that justify a departure from the prevailing scale and form of development at the appeal site.
27. The site is within a run of dwellings on a stretch of Oval Way that assimilates seamlessly with the scale of dwellings within the Conservation Area. The scale would be out of kilter with the prevailing pattern and the structure would appear incongruous as a result. I acknowledge that a great deal of care has been taken in the design detail of the proposal, to reflect the Arts and Crafts style. However, sympathetic detailing would not off-set the harm caused by the inappropriate scale of the proposal. The Council acknowledged that their case was very simple; that the building was too large for the surrounding context. I find the case no less convincing for its simplicity and fully concur with that view. Accordingly, I consider that the proposal would cause significant harm to the character and appearance of the area.
28. It would also have an adverse effect upon the setting of the Gerrards Cross Centenary Conservation Area. The significance of the Conservation Area lies

within its origins as a domestic 'garden village', as described in the Conservation Area Appraisal. The appeal site contributes to the setting and significance of the asset by virtue of its close proximity and the harmony in scale and design to the wider pattern of development. That harmony would be substantially eroded as a result of the proposal which would have a substantial and dominant presence on the approach to the designated asset. The appeal site forms part of the same suburban environment, albeit slightly outside the designated area. The development of the site in a manner that is substantially out of proportion to the adjacent dwellings would cause harm to the legibility of the Conservation Area and the way it is interpreted by those passing along Oval Way.

29. In the terms defined by the Framework, the harm to the setting of the designated asset would be less than substantial; the proposal would affect the approach to one aspect of the Conservation Area and would not cause harm to the significance of the asset in its entirety. Where any harm would be less than substantial, paragraph 134 of the Framework requires that harm to be weighed against any public benefits. I have considered that exercise as part of my overall assessment of the planning balance, set out later in my decision.
30. For the above reasons I consider that the proposal would cause considerable harm to the character and appearance of the area, contrary to the design related criteria within saved policies GC1 (a, b, c and d) and H4 (i, ii, iii, iv, and vii) of the Local Plan and saved policy CS20 of the Core Strategy. The Framework places great importance on good design which is a key aspect of sustainable development. The proposal would not accord with that aim for the reasons set out above.
31. Paragraph 58 requires that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area, based on an understanding and evaluation of its defining characteristics. Despite their age, policies GC1 and H4 are comprehensive policies aimed at guiding development, as considered appropriate at a local level. Whilst both policies contain specific and detailed criteria I can find nothing to suggest that this is contrary to the aims of the Framework or to preclude innovation for any given scheme. Consequently, in accordance with paragraph 215 of the Framework I am satisfied that the policies remain consistent with national policy and afford them weight accordingly.
32. Furthermore, the proposal would also conflict with the requirements of policy H6 of the Chalfont St Peter Neighbourhood Plan (the Neighbourhood Plan), a document that both parties agree can be afforded substantial weight, given the advanced stage in preparation, and endorsement through a recent referendum.

#### *Effect on the Living Conditions*

33. The rooms on the south facing side of No 34 are dual aspect, having windows to the front and to the side; overlooking the boundary with the existing bungalow at No 32. At ground floor level, the side facing lounge and dining room look onto the side facing boundary at relatively close proximity, such that the outlook is relatively restricted. Given the proximity of the existing boundary to those windows, outlook across the appeal site is limited and the presence of the proposed development would not significantly affect the outlook or living conditions enjoyed within those rooms.

34. However, at first floor level the front and rear bedrooms contain side windows with an open aspect looking onto the flat roofed extension to the rear of the bungalow. Whilst this is an unusual arrangement, No 34 was clearly in existence prior to the erection of the bungalow and the south facing outlook is part of the established environment within the dwelling. The bay window to the front bedroom was clearly designed to take in the southerly aspect and benefit from afternoon sunlight, as was in evidence at the time of my site visit. Although the room is dual aspect, the bay window is a prominent feature.
35. The bay window serving the kitchen area in the closest units (the ground and first floor flats in the north-west corner) would be just over 13 metres from the bay window of the front bedroom of No 34. Whilst the angle of view would be off-set to a degree, the nature of the bay windows is such that occupants benefit from a relatively wide field of view. The respective windows in these rooms serve habitable spaces where residents could reasonably expect a high degree of privacy. In my view, the separation distance would not be sufficient to prevent overlooking between rooms to a degree that would have an unacceptable impact upon residents in the respective unit units, particularly those of No 34 who are presently accustomed to a relatively private outlook. In that respect, I consider that the overlooking would not simply be 'perceived' as alleged by the Council but that a real loss of privacy would occur. The relationship of windows to the rear bedroom would be less direct and at a greater distance such that privacy in that room would be adequately protected.
36. Furthermore, given the height of the building, its proximity to the side of No 34, and its orientation, directly to the south, the structure would have a dominant and oppressive outlook from upper floor windows, in contrast to the open outlook that exists at present. This loss of outlook would cause harm to the living conditions for residents of No 34. I have taken account of the butterfly plan of the dwelling which would result in the building being splayed away from the adjacent dwelling but this would not be sufficient to overcome the overbearing impact of the structure stemming from the overall bulk and proximity.
37. For these reasons, I find that the proposal would harm the living conditions of the residents of No 34, and provide unacceptable levels of privacy for future residents of the closest units within the proposed development, contrary to the aims of saved policy GC3 of the Local Plan and a core principle of the Framework which is to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings.

*Whether the development of the site for purposes other than a residential care home would be acceptable, having regard to the requirements of the development plan and other material considerations*

38. Stowe Lodge, which occupies part of the appeal site, was last in use as a home for the rehabilitation of adults with learning difficulties before closing in 2010, as part of a restructure of local residential care arrangements under the banner of *Project Care*, a partnership between Buckinghamshire County Council, Housing Solutions, and the Freemantle Trust. As part of this reorganisation, Stowe Lodge was deemed surplus to requirements and was subsequently sold to a private developer by the County Council.
39. Policy CSF2 of the Local Plan states that planning permission will not be granted for the loss of a community service or facility unless a number of



criteria are satisfied. The preamble to the policy, at paragraph 12.14 makes clear that residential care homes fall within the definition of community facilities for the purposes of the policy. The exception at point (i) allows for the loss of a facility where a replacement building and/or other land can be provided in an equally convenient location. From the evidence presented, it appears to me that the rationale behind the closure of the facility was to enable enhanced or replacement facilities elsewhere within the local area under the *Project Care* programme<sup>4</sup>.

40. In that sense, I can find no obvious conflict with policy CSF2. The intention of the policy is clearly to retain local services and facilities to ensure an adequate level of provision for the benefit of the community. In this case, residential care services have clearly been subject of a significant investment programme to ensure that local provision responds to the needs of the area. When viewed in the context of the improved and/or replacement provision elsewhere I am satisfied that the loss of Stowe Lodge would not be in conflict with policy CSF2.
41. The wording of policy CS29 of the Core Strategy is somewhat different, stating that the loss of community facilities will only be permitted in exceptional circumstances. The parameters of what may constitute exceptional circumstances are not set out. However, the explanatory text identifies that the planning process has a role to play in helping to provide inclusive communities by helping to ensure that everybody has access to a broad range of facilities. To my mind, as explained above, the fact that the facility at Stowe Lodge was closed as part of a wider re-organisation of adult residential care services indicates that the previous use was no longer considered to be the optimum way of providing residential care for those with learning difficulties. Whilst the proposed development, of itself, does not propose any replacement provision, the sale of the building follows on from the local review of services and is clearly linked to that programme of work.
42. Moreover, I find a clear distinction between the considered re-organisation of care facilities that resulted in the closure of Stowe Lodge and the examples referred to by the Council involving the loss of facilities which were of a different nature and not part of a wider programme of replacement or enhancement elsewhere. I also concur with the appellant's submission that the small scale of the building is unlikely to make it attractive or viable as an extra care facility with the full range of associated services.
43. In addition, I give significant weight to the provisions of policy LC1 of the Neighbourhood Plan which identifies a list of facilities that the Parish will seek to protect. This list includes a number of residential care homes but not Stowe Lodge; an indication that the facility was not seen as an important community facility at the local level.
44. Thus, taken in the round, the evidence before me suggests that there are exceptional circumstances to justify the loss of the community facility at the site. In the context of the aim of policy CS29, the loss of the use will not result in any significant harm in terms of the ability of the community to access a range of services, taking account of the replacement provision under *Project Care* and the fact that a full range of local community facilities have been identified for protection within the Neighbourhood Plan. In this regard, the

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<sup>4</sup> As explained at paragraphs 6.5 and 6.6 of the appellant's statement of case

proposal would comply with the aims of policies CSF2 of the Local Plan and CS29 of the Core Strategy.

### *Other Matters*

45. The location of the appeal site in relation to the school is such that it falls within a section of Oval Way that will experience peaks and troughs in traffic levels at periods of the day. I was able to observe this pattern in two visits to the site; an unaccompanied visit in late afternoon, after the 'school run', and an accompanied visit on the following day that coincided with the afternoon school-run. It is clear that there is a significant rise in the level of traffic and on-street parking at such times. Nonetheless, the question before me is whether the appeal proposal would be detrimental to those existing conditions to a material degree.
46. Sufficient parking would be available within the site to accommodate the needs of residents and visitors and the trip generation resulting from the number of units would be modest in comparison to existing traffic flows. That consideration must also be balanced against the fact that the building could be occupied lawfully under the established use, with resultant traffic movements. In that context, the proposal would not add any significant pressure on the local highway network in terms of parking or trip generation. I am also satisfied that the proposed layout plan would provide for a safe means of access onto the highway.

### **Planning Balance and Conclusions**

47. I have concluded that the proposal would cause significant harm to the character and appearance of the area, contrary to the design related criteria within saved policies GC1 (a, b, c and d) and H4 (i, ii, iii, iv, and vii) of the Local Plan and saved policy CS20 of the Core Strategy. I am satisfied that those policies accord with the Framework and afford them substantial weight. Paragraph 56 of the Framework identifies that the Government attaches great importance to good design. Achieving high quality design is a core principle of the Framework and a fundamental component of both the social and environmental dimensions of sustainable development outlined at paragraph 7 of the Framework. For the reasons given, the proposal would not accord with the social and environmental aims of achieving good design.
48. The proposal would also cause harm to the setting of the Gerrards Cross Centenary Conservation Area; harm that would be less than substantial in the context of the asset taken as a whole. Nonetheless, protection of the historic environment is a key component of the environmental role of sustainable development and the harm that I have identified would be contrary to these aims.
49. Furthermore, the proposal would cause an unacceptable degree of harm to the living conditions of the adjacent residents at No 34 Oval Way, and the living conditions of residents within the units closest to No 34, contrary saved policy GC3 of the Local Plan and one of the core principles of the Framework which is to seek to secure a good standard of amenity for all existing and future occupants of land.
50. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the Framework.

Consequently, in accordance with paragraph 49, relevant policies for the supply of housing should be considered out of date and the presumption in favour of sustainable development, as set out at paragraph 14 of the Framework is applicable. Where the development plan is absent, silent, or relevant policies are out of date, as is the case with the Council's housing supply policies, the presumption dictates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

51. The Framework aims to boost significantly the supply of housing and to meet the need of different groups in the community, including older people. This aim is supported by the PPG which identifies a critical need for age-related accommodation. In the context of the identified need for such accommodation, and the lack of an adequate five-year housing supply, I attach considerable weight to the benefits of the proposal in terms of the contribution the local housing supply for age-related accommodation, notwithstanding the modest scale of the proposal. This would amount to a social benefit under the terms of paragraph 7 of the Framework.
52. The proposal would also result in direct and indirect economic benefits resulting from construction activity and subsequent spending from residents in the local economy. I attach moderate weight to these benefits, commensurate with the scale of development proposed. The re-use of a brownfield site within a sustainable location is also an environmental factor that weighs in favour of the proposal.
53. Paragraph 134 of the Framework requires that, where a development would cause less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against any public benefits. The harm to the overall significance of the asset would be less than substantial. The benefits of the proposal, as outlined above, are substantial. Purely taken in isolation, in respect of the effect on the Conservation Area, the benefits of the scheme could be considered to outweigh the less than substantial harm.
54. However, when assessed against the policies of the Framework, taken as a whole, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. In addition to the effect on the setting of the Conservation Area, the proposal would cause significant harm to the character and appearance of the local area by virtue of its scale and design. The shortfall in local housing supply, and the need for further accommodation do not, in my view, justify a building of a scale that would be completely at odds with the attractive and established character of the surrounding area. The proposal would be contrary to the relevant policies in the development plan in this regard; policies that are consistent with the Framework. In that context, I consider that the harmful effect on the character and appearance of the area would, of itself, be sufficient to significantly and demonstrably outweigh the benefits of the proposal.
55. Added to those concerns are my conclusions in relation to the effect on the living conditions of the residents at No 34 Oval Way. Reading the Framework, as a whole, the proposal would not represent a sustainable form of development as a result of the environmental and social harm to the character and appearance of the area, designated heritage assets, and neighbouring

amenity. Thus, the adverse impacts would significantly and demonstrably outweigh the benefits.

56. Accordingly, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Chris Preston*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Rupert Warren QC	Instructed by Peter Graham, Planning Bureau Ltd.
Mr Alex Child BA(Hons) MRTPI	Director, Planning Bureau Ltd.
Mr Peter Graham	Director, Planning Bureau Ltd.
Mr David Beardmore MSc MA Dip LD; Dip LA; Dip UD; Dip Building Conservation; FRTPI, CMLI, IHBC	Principal; Beardmore Urban; Heritage & Urban Design
Mr Nigel Anderson Dip Arch RIBA	Director, Adam Architecture
Mr Mark Himmens	Architect, ADAM Architecture

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Adam Smith	Planning Officer
Ms Helen Harding	Planning Policy Officer

### INTERESTED PERSONS:

Mr Lerwill	Local Resident
Mr Millis	Local Resident

## **Documents:**

- 1) Appeal Decision reference APP/X0414/A/14/2219206
- 2) Statement of Common Ground, signed and dated 14 April 2015
- 3) Extract from Core Strategy for Chiltern District – definition of specialist housing
- 4) House of Commons written statement (HCWS161) relating to sustainable drainage systems
- 5) Verified Visual Montage 4, Figure 8 – view from adjacent to 21 and 23 Oval Way

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