
Appeal Decision

Site visit made on 31 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/P1940/W/16/3153669

151 Carpenders Avenue, Carpenders Park, Hertfordshire WD19 5BN

- 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 Mr and Mrs Sui Ki and Kwai Lan Hau against the decision of Three Rivers District Council.
 - The application Ref 16/0220/FUL, dated 2 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is 1-bed house and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As set out in the Planning Practice Guidance, it is Government policy that contributions for affordable housing should not be sought from developments of 10 units or less. This follows the Court of Appeal judgement¹ of 11 May 2016 which restored the policy made through the Secretary of State's Written Ministerial Statement of 28 November 2014 to this effect. In the light of this, the Council no longer seeks an affordable housing contribution from this proposal and is therefore not now contesting this appeal on the grounds given in reason 2 of its decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and whether the dwelling would provide acceptable living conditions for future occupiers, with particular regard to outlook and outside living space.

Reasons

Character and appearance

4. The dwelling would be attached to 151 Carpenders Avenue, which is the end property in a series of matching houses, built of a typical 1960s/1970s architectural design with shallow pitched roofs and subordinate flat-roofed, first floor linking components with garaging below. The new dwelling would occupy part of the side garden to the west of this house, which is sited on the corner of Carpenders Avenue at its junction with Delta Gain, and which is partly occupied by an electrical substation.

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ. 441.

5. The new dwelling would match the architectural character of the existing house but be of around half its depth, with a correspondingly lower roof height of the same pitch. It would however extend in line with the front wall of the existing dwelling and be significantly wider than the main part to the front of this house. The main elevation of the resulting semi-detached pair would consequently be unbalanced, with the new dwelling appearing stretched laterally.
6. The lateral extent of the new house would, on this corner plot, mean that its side elevation would extend substantially beyond the building line established by the terraced housing to the north, which back onto Delta Gain. It would consequently appear as over-prominent and out-of-keeping with the arrangement of the surrounding housing on this exposed corner site.
7. The new house would face directly onto the hard-surfaced area at the front of No 151 but would not share this, as it would have its own parking space, with separate access onto Delta Gain, at the rear of the back garden provided. The substation compound projects into the area to the rear of the new dwelling providing it with an irregularly-shaped garden. Indeed, it is the space occupied by the substation that provides for an awkwardly shaped plot of land, resulting in a somewhat contrived scheme.
8. The dwelling would, for these reasons, be out-of-character with the scale, position and layout of housing in this immediate area and, in a visible corner position, appear incongruous and unsympathetic with this. Consequently this proposal would conflict with the aims of Core Strategy² policies CP1, CP3 and CP12 and Development Management³ Policy DM1 which seek to protect the built environment from inappropriate development that fails to pay regard to local context and conserve the quality and character of an area.

Living conditions

9. Core Strategy Policy CP12 seeks that new housing provides acceptable living conditions for future occupiers in respect of adequate levels and disposition of prospect and garden space. The occupiers would have a front view that looks directly onto the parking area of No 151 and a rear aspect where the main ground floor windows avoid the main impact of the substation directly behind. The garden would be of an adequate size, but the location of the substation make for an inconvenient shape that would diminish the enjoyment derived from the area provided. The poor aspect and impeded usability of the rear garden would gain little support from Policy CP12, and this reinforces my view that this proposal would be both a contrived and unsatisfactory form of development.

Conclusion

10. For the reasons given I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR

² Three Rivers District Council Local Development Framework – Core Strategy – adopted 17 October 2011

³ Three Rivers District Council Local Plan – Development Management Policies Local Development Document – adopted July 2013