
Appeal Decision

Site visit made on 19 June 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/P1940/W/17/3170013

Rear of 17 and 19 West Way, Rickmansworth WD3 7EH

- 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 Heeks and Mr and Mrs O'Mahony against the decision of Three Rivers District Council.
 - The application Ref 16/2062/FUL, dated 30 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is a new 4 bedroom detached dwelling on land to the rear of Nos 17 and 19 West Way. Removal of parking space on Money Hill Road to facilitate vehicular access into the site.
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Decision

1. The appeal is allowed. Planning permission is granted for the erection of a new 4 bedroom detached dwelling on land to the rear of Nos 17 and 19 West Way, Rickmansworth WD3 7EH and removal of parking space on Money Hill Road to facilitate vehicular access into the site in accordance with the terms of the application, ref 16/2062/FUL, dated 30 September 2016, subject to the attached schedule of conditions.

Procedural

2. I note that the plans were amended during the course of the Council determining the planning application and that the Council's decision notice relates to the most up to date plans (ref:2016/205/SKB). I have determined the appeal on the basis of these plans.

Main Issues

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. West Way and Money Hill Road are residential streets comprised mainly of detached dwellings in a variety of styles and designs. Dwellings are set back a uniform distance from the highway.
5. The appeal site is a rectangular plot fronting onto Money Hill Road adjacent to No 27. It is formed from the rear gardens of 17 and 19 West Way. A close boarded fence has been erected to mark the proposed boundary with 19 West Way beyond which the site is overgrown. The part of the plot which is made up of 17 West Way is grassed. The plot is at its widest point where it faces onto Money Hill Road, narrowing slightly as you go deeper into the site. This

boundary, located on a bend in the road, is currently fenced. On entering Money Hill Road the street scene comprises the side elevation of 15 and 17 West Way and the fencing/ hedgerows which mark the boundaries of these properties. The road then falls away downhill.

6. The proposal is to erect a detached 2 storey, 4 bedroomed dwelling with integral single garage and front driveway with garden to the rear. The proposal would front onto and be accessed via Money Hill Road with the side elevation of the property parallel with the new rear garden boundary of 17 West Way thus avoiding tandem or backland development. The location of the dwelling within the plot would follow the existing building line with a slight variation in orientation to reflect the bend in the road. The L shaped design of the property means that part of the property would be set back further than the rest and behind 27 Money Hill Road reducing the mass of the development and the visual impact of the property. The height, width and depth of the property would be similar to existing dwellings in the area and so not unduly prominent in relation to 27 Money Hill Road, 17 West Way or the character of the wider street scene.
7. The development would result in spacing between neighbouring properties which conforms with the criteria at Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013)(DMLDD) at 2 storey level. Whilst the single storey element would project further, the spacing would still be sufficient to avoid a terracing effect. The hipped roof would reduce the bulk and massing of the property next to the boundaries, further increasing the visual perception of a gap between the proposal and neighbouring properties. The design of the front of the property with bay windows, side chimney and canopy over the entrance, mirror the general design of other properties in Money Hill Road and it can be conditioned so that materials used in construction further ensure the external appearance of the property would be in keeping with the character of the area.
8. The proposal would result in a reduction in the size of the garden of 17 and 19 West Way. The garden of the new property would also be smaller than that of other properties in the vicinity. However, none of the gardens would be shorter than the minimum length in the amenity space standards in appendix 2 of the DMLDD other than No 17 where there is a conservatory. To my mind this does not represent conflict with the approach set out in Appendix 2 as this is a relatively lightweight linking structure between the garden and house.
9. The Council draw my attention to the relationship between 15 West Way and 40 Money Hill Road as an exemplar of the spacious character. However, I note the very different style of property at No 15 and the double garage with crossover from Money Hill Road within that separation, and consider that the retained spacing to 17 West Way would be sufficient to maintain the open character of the area here. There are also other examples of shorter gardens in the area, the closest of which being opposite the appeal site at 40 Money Hill Road. The size of gardens that would be created by the proposal would not be so short to be considered out of character with the surrounding area. These factors in combination indicate that the proposal would not be 'garden grabbing'.
10. The proposal consequently complies with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) which require high quality sustainable

development and a high standard of design which has regard to local context in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials. It also complies with Policy DM1 and appendix 2 of the DMLDD which protects the character of existing areas from inappropriate development.

Other Matters

11. Local residents raised concern regarding the effects on privacy and loss of light, but I concur with the Council in this case, that there would be no material harm. I also note the concerns of residents in terms of road safety, congestion and parking however the proposed dwelling has raised no objection from the Highways Authority. Whilst part of the parking bay on Money Hill Road would be lost the proposed dwelling would provide 3 parking spaces within its curtilage as well as an integral garage and so is unlikely to generate a parking issue. There would be no loss of parking provision to 17 and 19 West Way. The anticipated movements from a single dwelling are unlikely to pose a significant highway risk to highway safety and the location of the new access on Money Hill Road is not expected to have a negative impact on the safe movement of traffic along that part of the highway.
12. No details have been provided about the hard and soft landscaping plans associated with the proposed development. The Council's Landscape Officer has however confirmed that there are no arboricultural constraints such as protected trees on the site. To ensure appropriate measures are taken to appropriately address landscape considerations a hard and soft landscaping plan can be conditioned.
13. There would appear to be limited opportunities in the immediate vicinity to indicate that the proposal would generate an undesirable precedent that would impact negatively on the character and appearance of the area if repeated elsewhere. In any event each case is determined on its own merits.

Conditions

14. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
15. In addition to the standard 3 year time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition to secure a Construction Management Plan is necessary to ensure there are no significant adverse impacts upon living conditions of local residents, or upon the highway. Conditions to secure appropriate finishing materials, ground levels, a scheme of hard and soft landscaping and details of boundary treatments are necessary in the interests of the character and appearance of the area. A condition requiring obscure glazing and fixed window openings is necessary to protect the living conditions of neighbours. A condition requiring an Energy Statement is necessary to ensure that the development contributes to sustainable development.
16. It is essential that the requirements of Conditions 3, 4 and 5 are agreed prior to the development commencing to ensure an acceptable form of development

in respect of the occupiers of neighbouring dwellings and the character and appearance of the area.

17. The Council has proposed a condition removing permitted development rights from the proposed dwelling and 17 and 19 West Way. However, exceptional circumstances have not been demonstrated which would justify that it is necessary to impose such a condition.

Conclusion

18. For the reasons given above and having had regard to all other matters raised the appeal should succeed and planning permission should be granted.

K Ford

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans ref: 2016/205/SKB.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) wheel washing facilities;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place, including any works of demolition, until plans showing the existing and proposed ground levels, the slab level of the proposed building and slab level of the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place, including any works of demolition, until samples of the materials of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The building hereby permitted shall not be occupied until the windows on the first floor landing and in the first floor shower room have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) The building hereby permitted shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All hard and soft landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted and all soft landscaping works shall be maintained, including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a

period for five years from the date of the approved scheme was completed.

- 8) The building hereby permitted shall not be occupied until plans indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be erected prior to the first occupation and carried out in accordance with the approved details.
- 9) The building hereby permitted shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development. Full details of any renewable technologies required to be installed shall be submitted to and approved in writing by the local planning authority prior to their installation and works shall be carried out in accordance with the approved details.