The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2018

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2018

Appeal Ref: APP/P1940/W/17/3190264
162 Abbots Road, Abbots Langley WD5 0BL.

- 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 Davis Samson Developments against the decision of Three Rivers District Council.
- The application Ref 17/1354/FUL, dated 27 June 2017, was refused by notice dated 13 September 2017.
- The development proposed is erection of block of 6 2-bedroom flats following demolition of existing, creation of new access and closure of existing accesses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (a) the effect of the proposed development on the character and appearance of the area; (b) the relationship of the proposed development with protected trees on the appeal site; and (c) whether the proposed development would make adequate provision for car parking.

Reasons

(a) Character and appearance

3. Abbots Road contains predominantly detached and semi-detached houses on large plots. These houses take different forms and vary in size, height, age and appearance. The houses are generally set back from the street behind front gardens with parking, soft landscaping, hedging and mature trees. Views up and down Abbots Road are characterised by verdant hedging and trees with glimpses of houses behind vegetation.

4. The existing house at 162 Abbots Road is a detached and previously extended chalet bungalow. It has a carriage driveway with hedging, trees, and shrubs to the front and sides of the front garden. To the south-west, 164 Abbots Road is a detached chalet bungalow located approximately 2m from the shared boundary and set forward of No 162. To the north-east, 160 Abbots Road is a two-storey detached house which follows the same building line as No 162.

5. The proposed development would involve the demolition of the existing house at No 162 and the erection of a two-storey building with residential accommodation within a second floor in the proposed mansard roof.

6. Although the proposed development would be set in from the appeal site's side boundaries by a number of metres to either side, it would still occupy much of the width of the appeal site. This would appear more cramped than the existing chalet bungalow which benefits from being of a lower height and bulk, and is hidden somewhat from the street by landscaping and the staggered nature of the extended property. While houses along Abbots Road vary in their size, appearance and plot coverage, and that the appellant intends to include soft landscaping to the appeal site's frontage to soften the appearance of the car parking area and the building, I consider that the width of the proposed development together with its depth and its increased height as a three-storey building with a large mansard roof would unduly increase the prominence of the building within the street scene. This prominence would be amplified by the variation in land levels across the site from west to east and would be a harmful consequence of the proposed development.

7. While the proposed development may have the appearance of a large detached house rather than flatted development and the materials would not be out of keeping with the surrounding area, I find that its proportions and overall design would be contrived and cramped. Although the proposed development has clearly taken design cues from Georgian architecture, the proportions of the proposed dormer windows, first floor and ground floor windows relate to one another poorly. This gives rise to a rather squat building notwithstanding its overall bulk, where the mansard roof and dormer windows are more prominent than the ground floor windows. The appellant has referred to the proposed mansard roof being in keeping with other two-storey development on Abbots Road, but no specific examples have been drawn to my attention.

8. Furthermore, while I address the matter of the level of proposed parking provision below, the appearance of the proposed parking provision would also highlight the change in character brought about by the proposed development as it would formalise the appeal site's frontage to a greater extent than surrounding front gardens. Accordingly, the proposed development would appear cramped and unduly prominent in the street scene.

9. Concluding on this main issue, the proposed development would harm the character and appearance of the area. Consequently, it would be contrary to policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy 2011 (the Core Strategy) and policies DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013 (DMPLDD). Policy CP1, amongst other things, promotes buildings of a high enduring design quality that respects local distinctiveness. Policy CP3, amongst other things, looks for residential development to respect density levels within existing residential areas. Policy CP12 sets out a range of criteria, including making efficient use of land while respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing, and use of materials. Policy DM1 is supported by Appendix 2 and states, amongst other things, that layouts should maintain local character in terms of plot size, plot depth, building footprint, plot frontage width, height, gaps between buildings and streetscape features. Appendix 2 sets out detailed criteria, including distances between buildings, not being excessively prominent, and respecting the character of the street scene. Policy DM8 is referred to by the Council, but as this appears to relate to flood risk, I have not taken this policy into account.

(b) Protected trees

10. A mature Pendunculate Oak tree (T139) and a Holly (T140) are located adjacent to an existing brick pier and behind a laurel hedge at the front of the appeal site adjacent to one of the vehicular accesses. The Oak and the Holly are afforded protection under the Three Rivers (Abbots Road, Abbots Langley) Tree Preservation Order 760 (TPO) 2011. Other protected trees are located within the rear garden of the appeal site.

11. The proposed development would involve the removal of the existing pair of vehicular accesses and their replacement with a single central vehicular access. In the Council's view, the Oak has been plotted incorrectly on plan DS/P/20170323/4 Rev A and the provision of the new vehicular access would necessitate the removal of the Oak and the Holly.

12. The Oak in particular is a significant feature of the street scene of Abbots Road, both individually and with the other large trees present along the frontage of houses on Abbots Road. There appears no reason why both trees should not have a substantial life span. Even if the trees were not removed to allow for the proposed development to proceed, I have not been provided with reassurance that the trees would be safeguarded throughout construction, or that their retention would not result in future requests for significant lopping, topping or felling. No arboricultural assessment was submitted and I have been provided with very limited information on arboricultural matters. In the absence of detailed information on the protected trees and their relationship with the proposed development, I cannot be certain that the proposed development would not have an adverse effect on the protected Oak and Holly.

13. While the appellant considers that the alterations to the vehicular access to the appeal site would improve highway safety and visibility, I consider that the existing accesses would not be so dangerous to warrant the removal of protected trees to create a single central access.

14. Concluding on this main issue, the proposed development lacks sufficient information to demonstrate that it would not have a materially harmful effect on protected trees. This would conflict with policies CP1 and CP12 of the Core Strategy and policy DM6 of the DMPLDD. Policy CP1 states, amongst other things, that development needs to protect and enhance the natural environment from inappropriate development, while policy CP12 sets out criteria for new development, including conservation of natural assets and ensuring that development is adequately landscaped and retains important existing natural features. Policy DM6 requires, amongst other things, that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Furthermore, policy DM6 requires development proposals to demonstrate that existing trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

(c) Parking

15. Appendix 5 of the DMPLDD requires 2 spaces per dwelling for residential development. This would result in 12 parking spaces being required for the proposed development. However, it should be noted that in areas of high accessibility and good service provision, a reduction in the levels of car parking

for residential development may be appropriate. The proposed development would provide 6 x two-bedroom flats, which would have 10 parking spaces on the appeal site's frontage. Of the 10 parking spaces, 6 spaces would allocated for the flats, 2 spaces would provide disabled parking, and there would be 2 visitor spaces.

16. The appeal site is located some 0.7km from the nearest bus stop which provides twice hourly services between Watford, Hemel Hempstead, and Chipperfield. Additionally, the appeal site is approximately 0.9km from services and facilities and approximately 1.2km from Kings Langley railway station which has half hourly services between London, Tring and Milton Keynes. Furthermore, there are no restrictions on this part of Abbots Road preventing on street parking.

17. I consider that the proposed parking layout would provide sufficient space for the manoeuvring of vehicles and would be sufficiently close to sustainable transport modes to allow for a slight under-provision of parking on site with regard to the parking standards set out in Appendix 5 of the DMPLDD.

18. Concluding on this main issue, the proposed development would make adequate provision for car parking. As such, it would be compliant with policy CP10 of the Core Strategy and policy DM13 of the DMPLDD. Policy CP10, amongst other things, requires adequate provision for all users, including car and other vehicle parking. Policy DM13 requires development to adhere to parking standards set out in Appendix 5 of the DMPLDD, taking account of the site's locational circumstances.

Other Matters

19. The Council has not objected to the principle of residential development on the appeal site, given its location in a Key Centre and within a residential area. Additionally, the future occupiers of the proposed development would have good levels of privacy, light, security and accessibility, and would have access to energy saving features and water use controls, and private amenity space to the rear of the proposed development. However, these aspects of the proposed development do not overcome my concerns.

20. The Council makes reference to the proposed development having negative effects on living conditions of neighbouring occupiers. I have also noted the representations made by third parties. As I have found that the proposed development would be unacceptable for other reasons, it is not necessary for me to reach findings on the additional matters raised.

Conclusion

21. The proposed development would harm the character and appearance of the area and protected trees. There are no other considerations which outweigh these findings or the conflict with the development plan. For the reasons given above, the appeal should be dismissed.

J Gilbert

INSPECTOR