



Appeal Decision

Site visit made on 11 March 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/P1940/W/18/3217113

**Land and garage rear of 2 – 34 Green Street, Chorleywood,
Rickmansworth WD3 5QR**

- 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 V Pau of Santok Investments Ltd. against the decision of Three Rivers District Council.
 - The application Ref 18/1744/FUL, dated 23 August 2018, was refused by notice dated 23 October 2018.
 - The development proposed is the demolition of garages and erection of two storey building with further roof accommodation to provide six flats, with associated gardens, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garages and erection of two storey building with further roof accommodation to provide six flats, with associated gardens, car parking and landscaping at 2 – 34 Green Street, Chorleywood, Rickmansworth WD3 5QR in accordance with the terms of the application, Ref 18/1744/FUL, dated 23 August 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form, with the exception of the wording "*resubmission of application 18/1423/FUL*". Part E of the appeal form states that the description of development has not changed. Nevertheless, a different wording has been entered. The appellant has confirmed in their statement of case that there is no objection to the change in description, despite the lack of any written confirmation during the processing of the planning application. The description as altered is not material to the development proposed and accordingly I have used the one given on the appeal form and decision notice.
3. The appeal site has also been subject to a previous application to the Council¹ for six flats and is identical in all respects to the appeal before me, save for the submission of the Financial Viability Appraisal. This planning application was withdrawn prior to any decision being made by the Council. Notwithstanding this, my decision relates to the application refused by the Council on 28 October 2018 and all evidence presented to me as part of this appeal.

¹ 18/1423/FUL

4. The appeal site has been subject to a previous appeal decision² which granted planning permission for two semi-detached houses. I have been provided with the main points and a copy of the previous Inspector's decision.

Main Issues

5. The main issues are whether the development would provide:
 - adequate off-road parking and the effect on highways safety;
 - acceptable living conditions for future occupants, with regard to the provision of outdoor amenity space.

Reasons

Parking and highways safety

6. The development would provide seven off-road parking spaces within the appeal site, including turning and a private track through the site. The site is located within the settlement boundary, close to Chorleywood rail station and the centre of the town, with links to buses and the centre within easy walking distance.
7. The National Planning Policy Framework 2019 (the Framework) identifies that opportunities to promote sustainable transport modes can be taken up, given the type of development and its location. Paragraph 109 says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, the Written Ministerial Statement³ has confirmed that any local parking standards should only be imposed where there is clear and compelling justification.
8. The Council's highways consultee has not raised an objection due to the sustainable location of the site. Given the closeness to Chorleywood and its transport links, I agree that the site is sustainably located and as such the dependence on the private car is not likely to be as great as more remote locations.
9. I noted on my site visit that the nearby streets are subject to parking arrangements for permit holders, with other streets slightly further afield having some space for less restricted parking. The Council's case officer has found that the parking spaces provided on site, combined with the nearby permit system would be unlikely to create any harmful effects to on-street parking.
10. I concur with the Council and the highways team; the proposal would provide each flat with one space each, with two further spaces for visitors. The accommodation is modest – providing one and two bedroom units – and, given the central location of the appeal site, the dependence on the private car would be reduced.
11. The appellant has confirmed that the tenants of the existing garaging are not local and, whilst I have no substantive evidence to confirm this, neither do I

² APP/P1940/W/17/3188113

³ Written Ministerial statement – from the Secretary of State for Communities and Local Government – 25 March 2015.

have any substantive evidence to the contrary. Taking into account the parking arrangements for residents nearby, I consider it a reasonable conclusion that a proportion of the garage tenants would not be based locally, or indeed may have other parking arrangements elsewhere.

12. During my site visit I was also able to see that there were older cars stored at the site, including one which was being repaired. One garage was open and this included personal items that appeared to be put into storage in the garage. Although this is not conclusive, I was not persuaded that all the garages are in constant daily use for parking. As concluded by the previous Inspector, the garages remain in private ownership and their continued use for parking is not guaranteed.
13. Overall on the issue, I find that the site lies in a sustainable location, where development using alternative means of transport should be encouraged. Therefore, the proposed 7 parking spaces would be adequate to accommodate the scale development proposed and this level of parking provision would be unlikely to harm highway safety and local amenity. The proposal therefore broadly accords with Core Strategy Policy CP10, which requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking.

Living conditions

14. The appeal proposal provides private garden space for the ground floor flats, with a communal amenity area to the rear of the site. Policy CP12 of the Core Strategy expects developments to provide (amongst other things) adequate levels of privacy, amenity and garden space. Appendix 2 of the Development Management Policies sets out a requirement of 21 sq.m for a one bedroom flat, with additional bedrooms requiring 10 additional square metres each. I note that Appendix 2 says that this space should be achieved "...as either individual gardens or in part, as space forming settings for the buildings." The policy goes on to explain that space must be provided within the curtilage of all new development and can in part contribute to formal spaces or settings for groups of buildings or existing mature trees.
15. I have considered the requirements for amenity and garden space as set out in policy CP12 and consider that there are various factors which demonstrate that the proposed development would adhere to the policy. The building would be located to the rear of the site, with communal areas available to the rear of the building in addition to the private areas to the ground floor flats. The communal area would appear to be of a considerable size, and it would not be the only open or amenity space.
16. There are existing mature trees to the north-western boundary and the south-western boundary which runs parallel with the rail line. These trees are to be retained and as such I consider can be taken into account in the provision of amenity space.
17. There are changes in levels, meaning the site is lower than the neighbouring properties, and this combined with the existing mature planting means that these areas would remain suitably protected from overlooking. The location of the amenity space as a whole means that it would be well screened from highways and casual passers-by and as such I find that this complies with policy CP12 and Appendix 2.

18. The appellant has provided calculations to demonstrate that there would be sufficient space, which includes private space for the ground floor flats as well as the communal areas. The Council have identified a shortfall of between 28-37 sq.m in amenity space. Notwithstanding the calculations made by both parties I am not persuaded that, if there is any shortfall, that this would be so significant as to demonstrate harm to the living conditions of future occupiers.
19. I have also taken into account the proximity of the development close to local amenities and leisure facilities. The appeal site is within easy walking distance of Chorleywood Common, and easy reach of other local leisure facilities, as well as public transport as previously discussed.
20. Policy CP1 sets out several criteria for the Overarching Policy on Sustainable development. This includes promoting buildings of a high enduring design quality; I am satisfied that the proposed development complies with this policy. In addition, I consider that the proposal would comply with the requirements of Policy CP12 of the Core Strategy.

Other Matters

21. The appellant has provided a viability assessment to demonstrate that the development would not be viable should contributions be sought arising from CIL or affordable housing. Notwithstanding the viability information, I have also had regard to the Planning Practice Guidance which confirms that contributions should only be sought from major developments, where 10 or more homes are provided or the site area is 0.5 hectares or more. In this instance, only 6 homes will be provided, and the site area is 0.13ha. The appellant has included the assessment carried out on behalf of the Council, which concludes that the development would not be able to support any commuted sums for affordable housing. I am not provided with any further evidence from the Council to demonstrate that contributions should be sought for developments other than major schemes or contrary to this conclusion. I therefore make no further comment on this point.
22. I note concerns have been raised about overdevelopment of the site. Whilst I acknowledge that the density of the number of homes has increased from the development previously permitted, the built area of the development is not so significant to raise concerns. The site would largely remain open with the majority of the build element being retained within the area previously proposed for development.
23. Concerns have been raised about the potential for overlooking and loss of privacy to neighbouring properties. I have taken into account the generous separation distances from the proposed development as well as the changes in levels, where the appeal site is set lower than the surrounding properties. I have also considered the facing windows at first and second floor levels. The windows at first floor facing neighbouring properties would serve bedrooms or are shown to be narrow high-level secondary windows in the living/kitchen area. At second floor, the windows would be rooflights in the roofslope. I consider that these would only offer limited, if any, easy views out and are more a means of achieving daylight and fresh air into the room. Taking into account these considerations I do not consider that these windows would allow harmful overlooking to neighbouring properties.

24. Given the distances, vegetation and changes in levels, I am not provided with substantive evidence that this would cause unacceptable harm to occupiers of the neighbouring properties. I am also mindful of the extant permission, which follows similar distances and relationships to the neighbouring properties. I therefore am not minded to find that the concerns raised are significant enough for me to withhold planning permission on this ground alone.

Conditions

25. I have imposed conditions as set out in the schedule below, having had regard to the proposal and the guidance set out in the Planning Practice Guidance.
26. The three year period in which the planning permission may be implemented (1) is a statutory requirement. It is also necessary in the interests of clarity to specify the plans approved and that the development shall be undertaken in accordance with these unless further modified by any condition set out below (2). The Council has included a condition for the approval materials. I do not see reason to impose a separate condition as this is sufficiently covered by condition 2.
27. I consider it necessary to impose detailed method statements for the foundations, basement and ground floor structures given the proximity to the Metropolitan line (3) to ensure no works affect the London Underground network, as well as for the construction period, including demolition, in the interests of highways safety (4).
28. I attach a condition to ensure that an adequate system of drainage of the site is provided (5) given the increase in hard surfacing and the slope of the appeal site. This will also ensure that there is no excess flow of water of the site onto the public highway after construction.
29. In the interests of protecting the character and appearance of the area, I have imposed a condition for hard and soft landscaping details and the implementation of such (6).
30. I consider it necessary to impose a condition for details for parking arrangements and management given the increased number of dwellings at the appeal site and to ensure that there is no interruption to the local highways network (7). I consider that these details would reasonably include the passing places and as such this is not necessary to be duplicated through a separate condition as suggested by the Council.
31. I have included the condition for a noise assessment taking into account the proximity of the development to the rail line (8) to ensure acceptable living conditions for occupiers.
32. I have imposed the condition requiring the provision of fire hydrants as required by Hertfordshire County Council (as the Statutory Fire Authority) to ensure certainty of provision and in the interests of safety (9).
33. In the interests of the safeguarding the character and appearance of the area as well as highways safety I have attached a condition on refuse storage (10).
34. In the interests of privacy, I have imposed conditions relating to minimum cill heights of the rooflights (11) as well as minimum cill heights, obscure glazing

and opening arrangements for the first floor window in the north-eastern elevation (12).

35. Some of the conditions have a pre-commencement requirement. The appellant has agreed to their imposition in this form. Given the issues that each condition seeks to control, it is necessary that the details are agreed before development commences.

Conclusion

36. For the reasons given above, and having had regard to all other matters raised, this appeal should be allowed.

Rebecca Thomas

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J580 F200, J580 F201, J580 F202, J580 F203 Rev B, J580 F204, J580 F205, J580 F206, J580 F207, J580 F208, J580 F209.
- 3) Prior to commencement of the development hereby permitted, a detailed design and method statement (prepared in consultation with London Underground) for all foundations, basement and ground floor structures, and any other structures below ground level including piling (temporary or permanent), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved design and method statement.
- 4) 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. parking of vehicles of site operatives and visitors;
 - ii. construction of access arrangements including the routing of vehicles;
 - iii. loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development;
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. wheel washing facilities;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to commencement of the development hereby permitted, details of the disposal of surface water from the vehicular access, passing places and parking areas shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.
- 6) Prior to the commencement of the development hereby permitted, details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme, the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

The landscaping works shall be carried out in accordance with the approved details and implementation programme before the development is first occupied. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Prior to the commencement of the development hereby permitted, a parking management plan, including details of the passing places along the vehicular access; allocation of vehicle parking spaces and cycle storage spaces within the development; management and allocation of disabled parking spaces, shall be submitted to and approved in writing by the local planning authority.

The parking management plan shall also include long term management responsibilities and maintenance schedules for all communal parking areas. The development and the parking management plan shall be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

- 8) Prior to the commencement of the development hereby permitted, a noise exposure assessment to include details of measures necessary to mitigate any potential for noise or disturbance to future occupiers of the development shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be carried out in accordance with the approved details prior to occupation of the development and shall be retained thereafter.
- 9) Prior to the commencement of the development hereby permitted, details of fire hydrants serving the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

- 10) The development hereby permitted shall not be occupied until details for the separate storage and collection of domestic waste have been submitted to and approved in writing by the local planning authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.
- 11) The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level and shall be retained at this height thereafter.
- 12) The development shall not be occupied until the high level kitchen window at first floor level in the north-eastern elevation has been fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be retained in this form throughout the lifetime of the development.