



Appeal Decision

Site visit made on 1 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/P1940/W/19/3228553

1A Links Way, Croxley Green WD3 3RG

- 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 P Toussaint of Scots Bridge Development Ltd against the decision of Three Rivers District Council.
 - The application Ref 18/2444/FUL, dated 23 November 2018, was refused by notice dated 1 April 2019.
 - The development proposed is described as, 'proposed alterations to the existing house with a single storey rear extension, extension to & conversion of the garage, a loft conversion with side & rear dormers & front roof window, front porch, & new semi-detached house to match existing'.
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Decision

1. The appeal is allowed and planning permission is granted for front porch; single storey rear extension; single storey side extension and conversion of garage to habitable accommodation; subdivision of site and creation of semi-detached dwelling with associated parking and landscaping and relocation of existing vehicular access to serve both dwellings at 1A Links Way, Croxley Green WD3 3RG in accordance with the terms of the application, Ref 18/2444/FUL, dated 23 November 2018, subject to the attached Schedule of Conditions.

Procedural Matter

2. From the evidence before me, the loft conversion and dormer windows were omitted during the course of the application. Therefore, I have assessed the appeal on this basis and used the description from the appeal form in the decision above as it is more accurate.

Main Issues

3. The main issues are:
 - whether or not a contribution towards the provision of affordable housing is justified and appropriately secured; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Affordable housing

4. The Council has sought a contribution towards the provision of affordable housing. Policy CP4 of the Local Development Framework Core Strategy Adopted 17 October 2011 (CS) states that all new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.
5. However, paragraph 63 of the National Planning Policy Framework (Framework) published in February 2019 states that provision of affordable housing should not be sought for residential developments that are not major development which is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. CS Policy CP4 is therefore not consistent with the Framework.
6. The Council has provided a detailed justification for seeking financial contributions towards affordable housing for schemes of 10 dwellings or less. The evidence provided by the Council highlights the lack of affordability in the district and the importance of small sites in the contribution to the market housing and affordable housing supply. Consequently, given the clear conclusion of this evidence and its recentness, I attribute it substantial weight.
7. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In this case given the evidence before me, the Framework as a material consideration does not outweigh CS Policy CP4. Therefore, notwithstanding the conflict with the development plan, a contribution towards the provision of affordable housing is justified in this case. I have also had regard to the other appeal decisions in the district referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.
8. CS Policy CP4 states that in relation to small sites delivering between one and nine dwellings, the use of commuted payments towards provision off site should be considered. The appellant submitted a viability assessment as part of the application which concluded that off-site provisions would not be viable. From the evidence before me the main parties agreed that there was a surplus sum to be paid via a Section 106 agreement. However, there are discrepancies in the evidence as to the amount that was agreed.
9. While I acknowledge that a Section 106 agreement was not signed as the application was refused by members of the Council's development management planning committee, an agreement has not been submitted as part of the appeal. Therefore, there is a failure to secure the provision of affordable housing.
10. Consequently, a contribution towards the provision of affordable housing is justified, however, it has not been appropriately secured. Therefore, the proposed development would conflict with CS Policy CP4 and the Affordable Housing Supplementary Planning Document June 2011 which require a contribution towards the provision of affordable housing.

Character and appearance

11. The site lies in a prominent position on the corner of Links Way and Baldwins Lane. Links Way is an attractive residential street with predominantly detached

and semi-detached dwellings with moderate spacing and front gardens set back from the pavement. Baldwins Lane also comprises dwellings set back from the pavement such that the area has a spacious open feel.

12. The proposal includes a single storey extension to the rear of No 1A Links Way (No 1A) and part two storey part single storey extension to the side such that a semi-detached dwelling would be created that would match No 1A.
13. Since the proposal would create semi-detached dwellings in a similar scale, form and appearance to others along Links Way, it would appear in harmony with this street scene. I note that the proposal would extend beyond the prevailing building line of Baldwins Lane. However, given the significant distance to the nearest building on Baldwins Lane to the rear of the site, the single storey element of the proposal that would be sited adjacent to the two-storey extension, and the grass verge which separates the site from the pavement, the proposal would not adversely affect the spacious character and appearance of the area. Since the plot size associated with the proposed dwelling would be similar to others along Links Way, the proposal would not appear overly large for the size of the plot or overdeveloped.
14. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with CS Policies CP1 and CP12 of the which seeks among other things buildings that respect local distinctiveness and requires developments to have regard to local context. It would also not conflict with CS Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document Adopted July 2013 (DMP) which among other things requires developments to maintain the particular character of the application site and respect the character of the street scene.

Other Matters

15. I acknowledge the concerns regarding the service provided by the Council. However, I have considered the proposal on its planning merits.
16. I note local concerns including regarding party wall damage, surface water drainage, privacy, bin storage, landscaping, highway congestion and trees along the boundary. Nonetheless, these were before the Council when it determined the appeal planning application and it found that they did not warrant the refusal of planning permission. Given the evidence before me, I have found no reason to disagree.

Planning Balance

17. The Government is seeking to significantly boost the supply of homes. The proposal would contribute a single dwelling to local housing supply, providing limited economic and social benefits from its construction and future occupation. These factors weigh in the scheme's favour. In addition, I have found there would be no harm to the character and appearance of the area, a neutral factor in the balance.
18. I have concluded that the absence of a contribution towards the provision of affordable housing would be harmful. However, there is an inconsistency between the development plan's requirement in this regard and the Framework's advice that affordable housing should not be sought for residential developments that are not major developments. Furthermore, whilst I recognise the need for affordable homes, there is no evidence before me that this contribution would result in the

early delivery of affordable homes. In these circumstances I can give only limited weight to this harm.

19. In addition, the Council is unable to demonstrate a five-year supply of deliverable housing sites and therefore the provisions of Paragraph 11(d)(ii) of the Framework are engaged. This leads me to the conclusion that the adverse impacts associated with the absence of a modest contribution towards affordable housing would not significantly and demonstrably outweigh the benefits of providing an additional home, when assessed against the policies in the Framework as a whole.
20. I therefore conclude that although there would be limited conflict with the development plan, there are other considerations which outweigh that conflict.

Conditions

21. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
22. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty and to safeguard the character and appearance of the area.
23. Since the evidence indicates that both matching brickwork and painted smooth render are proposed, a condition requiring details of external materials is required to safeguard the character and appearance of the area. I have not attached the condition relating to the cycle store as from the evidence before me, it would be sited to the rear of the dwelling and would therefore have a negligible impact on the character and appearance of the area. Such a condition would therefore not be necessary.
24. Given the close proximity of the proposal to the adjacent dwelling on Links Way, a condition removing permitted development rights to construct windows or dormer windows is necessary to safeguard the living conditions of neighbouring occupiers.
25. From the evidence before me and my observations during the site visit, there are a number of properties in the area with roof extensions such that these form a part of the character and appearance of the area. Consequently, any roof extensions carried out under permitted development rights would not be harmful to the character and appearance of the area. Similarly, given the numerous paved driveways in the area, hard surfaces are a part of the character and appearance of the area. Therefore, conditions removing such permitted development rights are not necessary.
26. Conditions relating to the vehicular access, surface drainage and visibility splays are required in the interests of highway safety. Conditions relating to landscaping are necessary to safeguard the character and appearance of the area. The condition needs to be pre-commencement as it would be likely to affect the early stages of construction.
27. A condition relating to photovoltaic panels and an Energy Statement is required in accordance with CS Policy CP1 and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

28. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, in response to a request by e-mail, the appellant has confirmed that they approve of the pre-commencement conditions.

Conclusion

29. Consequently, for the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 following approved plans: H/6268/1D, H/6268/2D and the Location plan.
- 3) No development above ground shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the northern side elevation.
- 5) Prior to the first use of the development hereby permitted vehicular access to and egress from the adjoining highway shall be limited to the access shown on drawing number H/6268/1D only. The existing access shall be permanently closed, and the highway footway shall be reinstated in accordance with a detailed scheme that shall first have been submitted to and approved in writing by the local planning authority, concurrently with the bringing into use of the new access.
- 6) The building shall not be occupied until the area shown for parking on drawings H/6268/1D and H/6268/2D has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 7) Prior to the first use of the development hereby permitted a visibility splay measuring 2.4m x 25 metres shall be provided to the south of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway on Links Way and Baldwins Lane.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. 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.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
- 10) Prior to the first occupation of the development hereby permitted, plans and details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to the first occupation of the development and permanently maintained thereafter.

END OF SCHEDULE