



Appeal Decision

Site visit made on 1 October 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/P1940/W/19/3230458

19 Lynwood Heights, Rickmansworth, WD3 4ED

- 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 Bob Singh against the decision of Three Rivers District Council.
 - The application Ref 18/2418/RSP, dated 12 November 2018, was refused by notice dated 27 March 2019.
 - The development proposed is described as 'Conversion of a dwelling house into 2 self contained flats'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is seeking retrospective planning permission for the conversion of a single dwelling to two self-contained flats.

Main Issues

3. The main issues are the effect of the proposal on:
 - The provision of Affordable Housing with reference to local and national policies; and,
 - Highways safety with regard to car parking provision.

Reasons

4. The appeal premises is a large two storey detached dwelling, set back from the main highway. Work has been undertaken by the appellant to convert the single dwellinghouse into two self-contained flats, creating a one-bedroom unit at ground floor level and a four-bedroom unit at first floor level which also has habitable loft space that could be used as a fifth bedroom. Both flats share the same access to an internal lobby from which separate access is provided. Off street parking is provided to the front of the dwelling accessed from an existing driveway and an integral garage is retained. The Council states that the development proposed would result in the net gain of one dwelling.

Affordable Housing

5. The Council's Policy CP4 of the Core Strategy (2011) seeks provision of around 45% of all new housing as affordable housing and would require development

resulting in the net gain of one or more dwellings to contribute to the provision of affordable housing. The National Planning Policy Framework (February 2019) (the Framework) however states that provision of affordable housing should not be sought for residential developments that are not major developments. Policy CP4 is therefore not consistent with the Framework. The Council's case is that Policy CP4 should continue to be applied to all housing developments, notwithstanding its lack of consistency with the more recent Framework.

6. The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally, due to very high house prices and rents and a constricted supply of suitable housing sites. Further, The South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-2036 and there is also a worsening situation with regards affordability. Based on the Council's evidence¹ the District is the seventh most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing, without disrupting the supply of small residential sites.
7. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in its District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal² decisions in the district which support this approach and are therefore relevant to the scheme before me and as such, carry considerable weight.
8. Policy CP4 and its supporting text makes it clear that the Council will treat each case on its merits, taking into account site circumstances and financial viability. However, this can only be done if financial evidence is submitted alongside the planning application.
9. In this case the appellant has failed to submit a viability assessment, stating that the scheme does not create any additional floorspace and that it would not be viable to make the financial contribution towards affordable housing and that due to personal circumstances the cost of undertaking the viability assessment could not be met. In addition, the appellant states that the work to sub-divide the premises would make more effective use of a large house which is too large for their existing needs.
10. The appellant acknowledges that the work to sub-divide the dwelling was undertaken unlawfully and without professional advice. No further evidence has been submitted to demonstrate that attempts had been made by the appellant to discuss the merits of the scheme with the Council, prior to the works being undertaken.
11. As a result, in the absence of a viability statement it has not been possible for the Council to consider whether the required off site contribution is a viable

¹ Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

² Pins Ref: APP/P1940/W/18/3213370; APP/P1940/W/19/3219890; APP/P1940/W/19/3222318; P1940/W/19/3225325; APP/P1940/W/19/3221363; APP/P1940/W/19/3225445; APP/P1940/W/19/3229274

amount. Whilst I note that the Council treats each case on its merits, on the basis of the evidence before me, no attempt was made by the appellant to provide the Council with any information on which it could make such an assessment. As a result, no S106 Agreement under the provisions of Town and Country Planning Act 1990 has been completed.

12. I conclude that as no S106 Agreement has been completed to secure the required contribution towards affordable housing, the development fails to comply with Policy CP4 of the CS and the Affordable Housing Supplementary Document (2011).

Car Parking

13. No information with regards the management of the off-street parking provision has been submitted by the appellant which would address the Council's concerns with regards the likelihood of conflict between the occupiers of the flats and the movement of vehicles into and out of the appeal site. Further, no consideration has been given to visitor parking. I note that the Council states that the development proposed would need to provide five parking spaces to meet its maximum parking standards and this could be achieved on site. I also note that the Highways Authority raised no objections with regards highway safety.
14. Based on my site visit, the area used for vehicle parking to the front of the appeal premises appeared to be capable of providing the required number of spaces, which would include the space provided by the integral garage. However, given the configuration of the parking area this could lead to conflict between users when manoeuvring within the drive and when vehicles move in and out of the driveway onto the highway. In the absence of a Car Parking Management Plan, the potential for conflict between the users of the parking area could lead to an increase in pressure for on-street parking which was not prevalent during my site visit.
15. I conclude that in the absence of a Car Parking Management Plan, the development proposed would be contrary to policies CP1, CP10 AND CP12 of the CS and Policy DM13 and Appendix 5 of the Local Plan Development Management Policies Local Development Document (2013), which when read together seek to ensure that development makes adequate provision for all users including car parking, in accordance with Parking Standards.

Planning Balance

16. The Council does not dispute that it cannot demonstrate a 5-year housing land supply. In such situations Paragraph 11 d) of the Framework states that where the most important policies for determining the application are out of date, there should be a presumption in favour of development, unless it meets the tests set out in that paragraph.
17. With respect to the economic, social and environmental benefits, one dwelling would make a modest contribution to the Council's housing supply and there would be some limited economic benefits during the construction period. There are no identifiable environmental benefits.
18. However, even if I were to conclude that the Council is not able to demonstrate a five year supply of housing land and therefore its policies are out of date, the development proposed would be in conflict with development plan policy, which

would significantly and demonstrably outweigh the benefits and therefore the so called tilted balance would not be engaged in this case.

Conclusions

19. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR