



Appeal Decision

Site visit made on 7 January 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/P1940/W/19/3238410

Delgany, Solesbridge Lane, Chorleywood WD3 5SW

- 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 Berry against the decision of Three Rivers District Council.
 - The application Ref 19/1284/FUL, dated 8 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is demolition of the existing dwelling (Delgany) and detached garage, and erection of three detached 'chalet style' bungalows including formation of a new shared vehicular crossover and access drive and associated landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling (Delgany) and detached garage, and erection of three detached 'chalet style' bungalows including formation of a new shared vehicular crossover and access drive and associated landscaping at Delgany, Solesbridge Lane, Chorleywood WD3 5SW in accordance with the terms of the application Ref 19/1284/FUL, dated 8 July 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The description of development used in the banner heading above is taken from the Council's decision notice and that quoted by the appellant in the appeal form. I consider this is a more accurate description of the proposed development than that stated on the application form.
3. I observed on my site visit that Plot 2 was under construction following a previous planning permission (19/0315/FUL) for this dwelling. The Council indicate that this approved dwelling is the same as what is proposed as part of the current appeal. Accordingly, I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a spacious corner plot located at the junction of Chess Way and Solesbridge Lane, within a pleasant residential area. The site contains an

existing dwelling to the centre of the plot and a new dwelling currently under construction to the south. The tree cover and vegetation bordering the lane and the site contributes to the verdancy of this quiet residential area. The prevailing character in the area is of detached dwellings of varied design, set back behind front gardens, with large rear gardens.

6. The proposed dwellings would be set back from Solesbridge Lane with similar depth front gardens to that prevailing in the area. The siting of the dwellings would continue the existing pattern of linear development with a frontage onto Solesbridge Lane to the junction with Chess Way. However, given the nature of the existing plot being roughly rectangular in shape the plot depth is shorter than the general character of the surrounding properties which tend to have longer gardens. Thus, the existing situation is seen in a different context currently to neighbouring properties. The resultant plot lengths of the proposed dwellings would be shorter than the surrounding dwellings, however this is currently the case with Plot 2 which is currently under construction at the site. Whilst this departs from the general character, having observed Plot 2 on site this leads me to conclude that the shorter plot depth of the proposed dwellings would not appreciably disrupt the general character of the area. In addition, the proposed dwellings all have levels of amenity space that exceed the minimum levels as required by Appendix 2 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document (2013) (DMP LDD).
7. I observed that there is a varied width of plots in the immediate vicinity along Chess Way, Solesbridge Lane and The Readings and this is part of the areas character. In this regard I acknowledge that the resultant plot widths would be narrower than some dwellings nearby but would be similar to many others nearby. Given the varied nature, I do not consider the proposed plot widths would appear out of character with the plot widths in the vicinity. I also note that the distances of the proposed dwellings to their respective flank boundaries would exceed the minimum distances as set out in Appendix 2 of the DMP LDD. Furthermore, I observed that the proposed distances to the flank boundaries of the properties would be more than that exists on a number of dwellings nearby along The Readings and Solesbridge Lane. In addition, having considered the existence of Plot 2 and its relationship to the street scene I find there would be sufficient spacing between the proposed dwellings and they would not appear cramped within their respective plots.
8. In respect of Plot 1, whilst this would be visible, the plot is set back from the corner of the junction with Chess Way and the existing vegetation which is to be retained and associated set back will mitigate its prominence. Furthermore, the street scene elevation demonstrates that Plot 1 would be set down from the other plots and therefore I do not consider this would appear dominant or overbearing when viewed from the adjacent highway. In addition, the generous frontage to the plot at the junction would not lead to the plot having a cramped appearance. I have also considered the existing corner plot (Nut Tree Cottage) opposite the site which is situated closer to Solesbridge Lane. I do not consider therefore that Plot 1 would appear uncharacteristic given existing corner plots in the area. Plots 1 and the existing Delgany would incorporate a shared drive from a new access point. Given that large drives are not an uncommon feature and considering a similar arrangement is proposed for Plot 2, I am not persuaded this would result in harm to the character of the area.

9. I note that the dwellings in the surrounding area are of varying design and the Council are concerned that the relative uniform appearance of the proposed three dwellings would be at odds with the general built form which is of varied character. Whilst I acknowledge that the proposed dwellings have uniform features in the form of the hipped roofs, gables and dormers these are not uncommon features in the area which in any event has been found acceptable with the planning permission for plot 2.
10. I recognise Plots 1 and 2 are handed versions of each other. Thus, there is a level of uniformity between the two. However, the Delgany plot which separates these has a varied design and is faced with render compared to the bricks in Plot 1 and 2. Further, the appellant has identified that a variation of the brick used on Plots 1 and 2 would further reduce appearance of uniformity. I am minded to agree and consider this would add sufficient variation between these properties. Therefore, this can be secured through the imposition of a condition for a materials sample for the external surfaces of the development to be agreed with the local planning authority to include the proposed bricks as part of this. I consider the design of the properties to be acceptable and would contribute to the character of this part of the lane.
11. Therefore, on the basis of the above, whilst I acknowledge the dwellings are of similar design, I am satisfied that there would appear sufficient variation between the properties to add interest and maintain variety in the street scene. I am not persuaded therefore, that similarity in design will be to a degree that will make them dominant within their plots. Therefore, in summary, the proposed dwellings would not amount to overdevelopment of the site and would not appear out of character in the street scene.
12. For the reasons outlined above, the proposal would not result in harm to the character and appearance of the area. Accordingly, the proposal would not be in conflict with Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy (2011) and Policies DM1 and Appendix 2 of the DMP LDD. Amongst other matters these policies seek that development provides high quality housing that respects the character of the district, whilst respecting the distinctiveness of the surrounding area and proposes layouts that maintain the particular character of the area.

Other Matters

13. I acknowledge the concerns of neighbouring residents with regard to the impacts of additional traffic on the highway network. However, from my observations on site and based on the available evidence I am not persuaded the dwellings would result in an unacceptable impact on highway safety. Similarly, I recognise concerns regarding construction traffic. However, any disturbance during construction will be for a temporary period only and can be mitigated by careful construction management. This is a matter that can be secured through condition.

Conditions

14. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance (PPG). Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the PPG. I have imposed a standard

condition relating to the commencement of development, and a condition specifying the relevant drawings in the interests of certainty.

15. In the interests of ensuring the satisfactory appearance of the development, I have imposed conditions to require the submission of details of the materials of external surfaces of the proposed development. I have also imposed a condition to require the protection of the existing trees and hedgerows on the perimeter of the site as shown on the plans.
16. In the interests of highway safety, I have imposed conditions to secure visibility splays, the provision of parking and turning areas and the site access and details for the management of construction traffic and visitor vehicles during the construction period.
17. I have not imposed the Council's suggested condition on ensuring the first-floor windows are obscurely glazed as this is detailed on the plans which will need to be complied with in line with Condition 2. As such this requirement can be enforced through adherence with the approved plans.
18. To secure necessary energy performance measures in the new dwellings I have imposed a condition to ensure the recommendations of the Energy Performance Statement are incorporated into the development.

Conclusion

19. For the above reasons, the appeal succeeds.

S 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: Site Layout Plan, Location Plan and Street Scene Drawing No 1306/P3/1, Plot 1 Proposed Floor Plans and Elevations Drawing No 1306/P3/2, Delgany Proposed Floor Plans and Elevations Drawing No 1306/P3/3, Plot 2 Approved Floor Plans and Elevations Drawing No 1306/P3/4, Delgany Existing Floor Plans and Elevations Drawing No 1306/P3/5, Existing garage to be demolished 1306/P3/6, Location plan Drawing No 1306/P3/7, Proposed Landscaping Layout Drawing No 1306/P3/8.
- 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) 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) delivery, demolition and construction working hours.
- x) 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.

- 4) No development above slab floor level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development (to include proposed bricks) 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/samples and thereafter retained.
- 5) All the trees and hedges shown on the landscaping plan [1306/P3/8] as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. No fires shall be lit within 10m of the nearest point of the canopy of any retained tree.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans]

- 6) The development shall not be occupied until the proposed access, scheme for parking, manoeuvring and turning areas is implemented in accordance with the approved plans. The parking and manoeuvring area shall thereafter be retained for these purposes.
- 7) The dwellings shall not be occupied until minimum visibility splays of 2.4m x 31m have been provided to both sides of the new accesses onto Solesbridge Lane and the visibility splays shall be kept clear from any

obstruction between 0.6m and 2.0m above ground level. The visibility splays shall be retained thereafter.

- 8) No dwelling shall be occupied until the energy saving and renewable energy measures detailed within the submitted Energy Statement are incorporated into the proposed development and these shall be retained thereafter.