
Appeal Decision

Site visit made on 25 November 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/P1940/W/20/3257727

27 Gable Close, Abbots Langley WD5 0LD

- 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 Suricata Homes Ltd against the decision of Three Rivers District Council.
 - The application Ref 20/0973/FUL, dated 20 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is described as '*proposed new dwelling on land adjacent to 27 Gable Close*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether or not the proposed development would make adequate provision for affordable housing.
 - Highway safety.

Reasons

Character and appearance

3. The appeal site comprises the side and front garden of No. 27 Gable Close, a 2-storey semi-detached property located in the corner of a close of similar properties set around a landscaped amenity space. Some properties have been extended and altered but overall, they retain a strong uniform appearance as part of a much larger residential estate.
4. Gaps between the dwellings at first floor level and larger gaps in the corners, including the appeal site, provide visual and spatial relief, allowing for views of mature trees and landscaping that positively contributes to the character and appearance of the area. This suburban residential area has a distinct character and appearance and a sensitive approach needs to be taken to avoid development that fails to reflect its carefully designed and deliberate layout, spaces and building forms, views and setting.

5. Despite the use of matching materials, the proposal would introduce significant built form onto the site, substantially eroding the gap with No. 26. It would be close to its side boundaries and the ridge of its half gable; half hipped roof would be taller than the eaves of adjacent dwellings. It would also be evidently wider and overly 'squat' in comparison. Perceived as being somewhat shoehorned into the site, in views from the public realm the positive contribution that the gap currently makes, including views of soft landscaping would be harmfully diminished.
6. Overall, the proposal would be of a form, design and appearance quite unlike anything that forms its immediate context, appearing as an incongruous and visually jarring intrusion to the street scene in such a context it would not represent a high quality of design. Such incongruity would also be harmfully apparent from surrounding properties.
7. For these reasons, the proposal would cause significant harm to the character and appearance of the area. Accordingly, it would conflict with Policies CP1, CP3 and CP12 of the Three Rivers Core Strategy 2011 ('the CS') and Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013 ('the LDD'). When taken as a whole and amongst other things these require a high quality of design having regard to context whilst enhancing the amenities and quality of an area and not leading to a deterioration in the quality of the built environment, including when seeking to make the most efficient use of land.

Affordable housing

8. The Council's third reason for refusal refers to the absence of a legal agreement to secure an off-site contribution of £40,500 for affordable housing as required by Policy C4 of the CS. Paragraph 63 of the National Planning Policy Framework ('the Framework') sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer.
9. However, there is clear evidence to suggest that there is an acute need for affordable housing in the District and the Council have referred me to detailed evidence and a number of previous appeal decisions which have considered the contributions sought, finding in favour of the Council's approach. I have no reason to disagree with those Inspectors. Given the demonstrable need for affordable housing in the District and the apparent importance of delivering through contributions from small sites such as this, the national policy position does not outweigh the development plan requirement.
10. The proposal should therefore make a financial contribution towards the provision of affordable housing. The appellant does not dispute this, there is a willingness to provide such a contribution and a draft agreement has been submitted which includes a contribution of £57,475. The appellant stated that a '*signed version will be sent once the appeal is registered*¹' but no such version has been received. Annexe N of the Procedural Guide – Planning Appeals – England November 2020 is clear that if the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by

¹ Appellant's grounds of appeal.

the Inspector they must make sure that it is executed and a certified copy is received by us no later than 7 weeks from the start date.

11. There is nothing before me to indicate any exceptional circumstances to delay my decision for this to be completed. Therefore, in the absence of a legal agreement to secure the contribution the proposal would not make adequate provision for affordable housing. It would therefore conflict with Policy CP4 of the CS insofar as it requires all new development resulting in a net gain of 1 or more dwellings to contribute to the provision of affordable housing, including commuted payments towards off-site provision.

Highway safety

12. The proposal includes a single car parking space and for the proposal and No. 27 overall, there would be a shortfall of 3 spaces below the Council's standard. I observed the appeal site is in an accessible location, close to services and facilities and there are opportunities for accessing a range of alternative transport modes. I also saw at my visit that there were no on-street parking restrictions in place in the immediate area and rows of communal parking spaces were located opposite the properties.
13. From my observations, albeit in the morning, vehicles were parked on both sides of the road and within the communal spaces and driveways. A number of spaces were available and whilst I acknowledge concerns from a local resident there is no substantive evidence before me of any particular highway safety issues associated with on-street parking in this locality. Despite parking being a matter for the Council to assess, the highway authority also does not object to the proposal on highway safety, or any other grounds.
14. Overall, any modest increase in potential on-street parking as a result of the proposal would not, on the evidence before me, increase parking pressures to such an extent that it would harm the free flow of traffic or cause harm to highway safety. Accordingly, the proposal would not conflict with Policies CP1, CP10, CP12 of the CS and DM1 and DM13 of the LDD insofar as they require development to provide adequate parking provision and safe and adequate means of access.

Other Matters

15. My attention has been drawn to an appeal decision in 2019 on the appeal site². However, neither party has provided me with that decision, or any indication of its significance. It would appear to me that appeal related solely to affordable housing and although I have found against the appellant in this appeal because of the absence of a legal agreement, the requirement for the contribution is not disputed. It does not therefore appear directly comparable to the proposal before me and does not alter my views.

Planning balance and conclusion

16. Although I have found no harm to highway safety, the proposal would cause significant harm to the character and appearance of the area and in this particular case, fails to secure affordable housing provision. In my view, these

² Section 1.3 of officer report - LPA ref: 19/0579/FUL.

are the prevailing considerations and the proposal would conflict with the development plan, when read as a whole.

17. The Council do not dispute however that they cannot currently demonstrate a 5-year supply of housing land. Therefore, the presumption in favour of sustainable development set out within paragraph 11 d) ii of the Framework applies by virtue of Footnote 7, and is not disapplied by 11 d) i.
18. Neither party has referred me to a specific figure for shortfall in the supply. The proposal would generate some temporary and longer-term small scale economic and social benefits from a single and smaller sized dwelling. This would be in a District with an undersupply and in a location where the CS directs development.
19. The proposal would make a more efficient use of land, although it would not safeguard and improve the environment, would not be sympathetic to local character and would ultimately be poor design. The absence of harm in relation to other normal development management considerations such as living conditions of future and neighbouring occupiers weighs neutrally in the planning balance.
20. Taking everything together, the adverse impacts in terms of the harm and the conflicts that I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which Paragraph 11 d) ii indicates a presumption in favour.
21. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
22. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR