



Appeal Decision

Site Visit made on 19 January 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/P1940/W/20/3259348 24 Beresford Road, Mill End, WD3 8QU

- 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 Ms J Gowing against the decision of Three Rivers District Council.
 - The application Ref 20/0616/FUL, dated 18 March 2020, was refused by notice dated 3 June 2020.
 - The development proposed is demolition of existing outbuilding, subdivision of site and construction of two-storey, two-bedroom end of terrace dwelling with rooflights and solar panels with associated parking and access onto Home Way.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above I have referred to the description of development in the appeal form and the Council's refusal notice as this more accurately describes the proposal.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not a contribution towards the provision of affordable housing is appropriately secured; and
 - the effect of the proposed development on the living conditions of residents at No 24 Beresford Road, with particular reference to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site comprises a corner plot situated close to the junction between Beresford Road and Home Way. The dwellings on these streets form part of a larger planned estate where careful attention has been given to the design and arrangement of buildings and the spaces between them.
5. Dwellings primarily consist of semi-detached properties and short terrace blocks of comparable scale that have either pitched or hipped roofs, while

incorporating unifying architectural features such as chimneys and windows. Properties are set back from the road with driveways and landscaping occupying the intervening space. Where flank walls of dwellings face the street, they are stepped away from plot boundaries to maintain a spacious and orderly arrangement between public and private space that is a characteristic of the area.

6. The two-storey flank wall of the proposed development extends right up to the boundary with Home Way, albeit slightly tapering inward as it extends towards the rear of the plot. Because of this close relationship with the road side boundary, the proposed development would appear squeezed onto the site in a manner that would conflict with the prevailing arrangement of dwellings in the area, while also unduly projecting beyond neighbouring front building lines along Home Way. Furthermore, the proposal's greater depth would be at odds with the scale of neighbouring properties thereby increasing its discordance in the street.
7. The proposal's hipped roof would match the form of those relating to dwellings on Home Way, yet it would nevertheless noticeably unbalance the pitched roof formation of the terrace. Moreover, the varying size and number of windows proposed in the flank wall would have a disorderly appearance that would not harmonise with the shape and arrangement of other windows in the terrace. Consequently, this lack of symmetry would appear discordant and visually harmful.
8. The proposal would be constructed in materials to match dwellings in the terrace, while incorporating a set back and higher front eaves line to replicate the end property at No 18 Beresford Road. The proposed rear garden space has a similar depth to others in the area even with the presence of the parking space, therefore ensuring it would be relatively consistent with the pattern of development in this regard. Whilst these aspects of the scheme are acceptable, they do not overcome my concerns.
9. Therefore, the proposed development would significantly harm the character and appearance of the area. In doing so it would conflict with Policies CP3 and CP12 of the Local Development Framework – Core Strategy, adopted 17 October 2011 (Core Strategy) and Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document, adopted July 2013 (DMP). These require, amongst other things, that proposals respect the existing character of the area and not be excessively prominent in relation to adjacent properties or the general street scene.

Affordable housing

10. Policy CP4 of the Core Strategy requires small new residential developments to make a financial contribution to the provision of affordable housing. This is unless site circumstances and financial viability indicate otherwise. In relation to this case the Council, through its viability assessment suggest that the contribution would be £33,000.
11. Paragraph 63 of the National Planning Policy Framework (the Framework), however, indicates that affordable housing contributions should not be sought for major development at proposals for less than 10 dwellings. The appeal scheme is not a major development as defined in the Framework. Accordingly,

seeking a contribution towards affordable housing in these circumstances would conflict with the policy set out in the Framework.

12. The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need.
13. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy. In making this policy judgement, I have given considerable but not full weight to Policy CP4.
14. The appellant has not provided any mechanism to secure an off-site contribution, and I have not seen evidence that such a contribution would make the development unviable. Although the proposed dwelling may be valued at an affordable price in the context of open market housing in the area, it would nevertheless not meet the Council's definition of an affordable unit in this case.
15. In the absence of any commitment or evidence to provide a financial contribution I cannot be satisfied that the affordable housing provision would be secured. The proposed development would therefore conflict with Policy CP4 of the Core Strategy and the Affordable Housing Supplementary Planning Document (June 2011), which amongst other things requires all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.

Living conditions

16. No 24 has a ground floor rear conservatory extending from the dwelling's original back wall. The proposed development's north east flank wall would be constructed flush with the conservatory and project marginally beyond its rear façade. The proposal's increased height and first floor massing would result in the loss of direct sunlight entering the conservatory through its sloping roof. However, this would be very small given the proposal's orientation, while the conservatory's extensive amount of glazing would continue to receive acceptable levels of daylight.
17. The 45-degree splay line, referred to in Appendix 2 of the DMP, would be breached, resulting in the diminution of daylight received by No 24's first floor windows. However, this would not be excessive given that the proposal is stepped away from the nearest first floor bedroom window. Accordingly, it would not result in unacceptable harm to the daylight and sunlight received by No 24.
18. The proposal's rearward projection is not excessive in length while being stepped away from first floor habitable windows. Moreover, its projection beyond No 24's conservatory is marginal, ensuring no unacceptable enclosure of that space. Therefore, the outlook of that neighbouring property would not be harmed.

19. Accordingly, and despite breaching some technical aspect of the DMP, the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers at No 24 Beresford Road, with particular reference to daylight, sunlight and outlook. This would be compliant with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP, where they seek to ensure that residential amenities are protected.

Other Matter

20. I note that the neighbouring occupiers have not raised any concerns, yet a lack of objection would not overcome the harm I have identified.

Planning Balance

21. The Council acknowledges that it does not have a five-year supply of housing land and therefore Paragraph 11d of the Framework is triggered.
22. The proposal would provide an additional dwelling in an accessible location. It would also add to the Council's supply of housing, although, the addition of one unit would make a modest contribution in this regard. The roof mounted solar panels would result in clean energy production that would make a very small albeit important contribution to tackling climate change. I therefore attribute moderate benefits to this aspect of the scheme.
23. In addition, there would be local economic benefits deriving from the construction of the development, and from the economic activity associated with future occupants. However, given the modest scale of the development such benefits attract limited weight.
24. The proposal would not cause harm to neighbouring living conditions, whilst I have no concerns in relation to the amount of parking and amenity space provided. Yet, the absence of harm in these respects is not a benefit and these are of neutral consequence in the planning balance.
25. Taking the above into account, the adverse impacts that I have identified in relation to the character and appearance of the area, the lack of an affordable housing contribution and the overall conflict with the development plan would significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in the Framework as a whole. Therefore, material considerations, in this case, do not indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

26. For the reasons given above the appeal is dismissed.

RE Jones

INSPECTOR