



Appeal Decision

Site Visit made on 10 August 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2021

Appeal Ref: APP/P1940/W/21/3269609

Land to the rear of Clovers Court, Chorleywood, WD3 5FD

- 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 Barry Savage, Clovers Court Ltd against the decision of Three Rivers District Council.
 - The application Ref 20/1349/FUL, dated 17 July 2020, was refused by notice dated 16 December 2020.
 - The development proposed is the erection of six units within a single two storey flatted block (three 2-bed & three 1-bed), with associated parking, access, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published. In light of this, I have sought the views of the main parties in writing and any comments received have been taken into consideration.

Main Issues

3. The main issues are (i) whether occupiers of the units would experience satisfactory living conditions, with particular regard to outlook and daylight, and (ii) the effect on the character and appearance of the area.

Reasons

Living conditions

4. The ground floor of the building would comprise of three 2-bed units. Both of the bedrooms within each of these units would be served by a lightwell for the provision of outlook and light. The only outlook from all bedrooms to the ground floor units would therefore be out to the lightwell towards a high wall, at close quarters. This would be overly oppressive for occupants when within the bedrooms. While the appellant contends that the bedrooms would primarily be used at night, this does not dissuade me that bedrooms are often used at other times of the day and that as such should benefit from adequate outlook.
5. Moreover, the submitted cross sections show that the lightwells would be almost 4 metres in depth and as a result, notwithstanding the southern aspect, limited light would reach the interior of the bedrooms. As a consequence, while I note the appellants intention to paint the walls of the lightwell white as well as that the rooms would be served by large openings, the interior of the

bedrooms would not be well lit due to limited natural illumination. The provision of large windows to the front of the units, would do little to ameliorate this due to the internal enclosure of the bedrooms, as well as their distance from this light source. I note that the appellant contends that lightwells are commonplace across the country and while this may be true, in this instance I have found that they would result in an inadequate internal environment for occupiers. That the lightwells would provide additional outdoor space would not overcome this harm.

6. Accordingly, I find that the occupiers of the ground floor units would not experience satisfactory living conditions, due to a lack of outlook and daylight. Thus, the scheme conflicts with policies CP1 and CP12 of the Three Rivers District Council Local Development Framework – Core Strategy (October 2011) (the Core Strategy) as well as policy DM1 of the Three Rivers District Council Local Plan – Development Management Policies (July 2013) (the DM Policies). Together and amongst other things these policies seek to resist inappropriate development, as well as ensuring development provides adequate levels of amenity and outlook.

Character and appearance

7. The appeal site comprises an area of land located to the rear of Clovers Court, a development of dwellings set above the level of the adjacent road and orientated so as to face into the site, with the rear elevations addressing the road. The site is heavily contained by retaining walls and as a result ground levels rise significantly away from the front of the existing dwellings towards the rear of the site.
8. The surrounding area is distinctly residential in nature, albeit that there is some variety in the form and layout of the development present. Quickley Lane, from which the appeal is accessed and with which it would share the closest affinity, is characterised by dwellings set back behind front gardens but facing the road. A notable exception to this is Juniper Court which comprises dwellings near the road as well as units located further within the site arranged around a parking area. A further defining feature of the area is its sylvan appearance, with the inclusion of substantial areas of planting and trees creating a leafy and attractive streetscape.
9. The scheme proposes the construction of a flat-roofed, contemporary styled building to accommodate six units. The building would be positioned in the site such that it would not be generally visible from viewpoints in the surrounding area, other than from glimpses along the vehicular access of Clovers Court, which itself is enclosed by substantial retaining walls with fences atop, and from adjoining dwellings. Where visible, given the use of a flat roof, it would not be so tall as to obscure surrounding trees, which would remain visible above the new built form. As a result, there would be little effect on the sylvan character and appearance of the area.
10. The new building would also be set off both side boundaries, ensuring that it would not fill the site and consequently it would not appear as a cramped form of development and nor would it be unduly urbanising, given its close affinity with the existing built form of Clovers Court. There would be some areas of hardstanding associated with the construction of the development, including car parking and paths to the front of the building. However, there is already a significant area of hardstanding within the existing development, and I find

that the appeal scheme would not increase this to any unacceptable degree. Moreover, new hedging and tree planting is proposed that would soften the appearance of the development and aid in its assimilation into the verdant and green qualities of the surroundings.

11. Accordingly, I find that the proposal would not be harmful to the character or appearance of the area. Thus, it would accord with policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DM Policies, as well as policy 2 of the Chorleywood Neighbourhood Plan. Together and amongst other things, these policies seek to ensure that development respects local distinctiveness, that development is of a high standard of design, that development is not excessively prominent and that backland development is lower than frontage properties.

Other Matters

12. Both of the main parties agree that the presumption in favour of sustainable development, as envisaged by paragraph 11 of the Framework, is engaged.
13. The scheme would deliver six new units of housing, including small units of accommodation, with associated social benefits. There would also be economic benefits associated with the development, although given the scale of the scheme these would not be substantial in their extent. I therefore give moderate weight to the benefits that would arise from the development.
14. While I have found no harm to the character or appearance of the area, I have found that occupiers of the proposed units would not experience satisfactory living conditions. I consider that significant weight should be accorded to this harm. Accordingly, in my judgement the harm resulting from the development is sufficient to significantly and demonstrably outweigh the benefits. Thus, the planning balance does not indicate that a decision should be taken other than in accordance with the development plan.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR