



Appeal Decision

Site visit made on 2 March 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/P1940/W/21/3277747

3 Grove Cottages, Bedmond Road, Pimlico HP3 8SQ

- 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 Margaret Robinson against the decision of Three Rivers District Council.
 - The application Ref 21/0586/FUL, dated 18 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is construction of 2 semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt, including any effect on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions for its occupiers, with particular regard to outdoor space provision;
 - whether the development would make adequate provision for on-site parking and vehicle manoeuvring;
 - whether the development would make adequate provision for affordable housing; and
 - if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The development would involve the construction of a pair of two bedroomed, semi-detached houses to the side (north) of 3 Grove Cottages (No 3). No 3 is in the Metropolitan Green Belt.

4. Paragraph 147 of the Framework explains inappropriate development in the Green Belt is harmful by definition and should not be permitted. Seven types of built development listed in paragraph 149 of the Framework may be treated as exceptions from inappropriate Green Belt built development. Of those exceptions the fifth (limited infilling in villages [paragraph 149e)) and the seventh (limited infilling or redevelopment of previously developed land [PDL] [paragraph 149g)) are relevant to this case.
5. Pimlico is characterised by some ribbons of dwellings, of varying lengths, that line Bedmond Road and sporadic commercial development. No 3 for instance is one of the three houses making up Grove Cottages (Nos 1 to 3), a very short ribbon, while Rose Acre Villas comprises ten houses on the opposite side of Bedmond Road and a little to the south of No 3. To the north of No 3 there is a ribbon of eight houses known as Hyde Terrace, with there being a field of around 50 metres in width between No 3 and the southernmost of the dwellings in Hyde Terrace. There are also some other dwellings and commercial premises either to the north or south of Grove Cottages, Rose Acre Villas and Hyde Terrace. Collectively I consider the built development making up Pimlico is something of a patchwork that does not possess the character of a village. In that regard the character of Pimlico is very different to Bedmond, which is a village comprising housing, some shops and other community facilities. I consider the physical separation between Pimlico and Bedmond means that the former cannot be said to be part of the latter.
6. Based on what I saw on the ground and the submissions made by the parties, including the cited court judgements¹, I consider the construction of two houses to the side of No 3 would not amount to infilling in a village. That is because the development would not amount to the infilling of a gap between existing buildings, given the distance between No 3 and Hyde Terrace and my view that Pimlico does not constitute a village. I do not consider the circumstances of the development allowed on appeal at Notley Croft² are directly comparable with what is being proposed for No 3. That is because the Inspector in determining the Notley Croft appeal found on the circumstances of that case that the development would constitute infilling of a gap between two existing houses (paragraph 13 of the appeal decision).
7. I am of the view that the development would not come within the exception stated in paragraph 149e) of the Framework.
8. Paragraph 149g) of the Framework states:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute*

¹ Julian Wood v the Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195 and R.(on the application of Tate) v Northumberland County Council v Susan Leffers-Smith [2018] EWCA Civ 1519

² APP/P1940/W/17/3187494

to meeting an identified affordable housing need within the area of the local planning authority."

9. The second bullet point in paragraph 149g) is not relevant in this instance because the appellant has not sought to promote the development on the basis of it providing affordable housing. There is disagreement as to whether the site is or is not PDL and thus whether the development would come within the scope of paragraph 149g)'s first bullet point.
10. Other than a timber shed and pergola the site for the houses is free of built development, and allowing for the demolition of No 3's garage, replacing those structures with a pair of houses would, in relative terms, result in a significant increase in built development. I am therefore of the view that the development would have a greater impact on the openness of the Green Belt than the existing development, with the result that this proposal would not come within the exception stated in paragraph 149g). Given that finding, whether the site is or is not PDL for the purposes of paragraph 149g) is somewhat academic and there is no need for me to consider that further.
11. In considering whether the development would benefit from the exception stated in paragraph 149g), I have found it would have a greater impact on Green Belt openness compared with the prevailing situation. Paragraph 137 of the Framework states that "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness...*". The construction of two houses would increase the amount of permanent built development within the Green Belt and I consider that change would not accord with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
12. I therefore conclude that the development would be inappropriate development in the Green Belt because it would not come within the exceptions stated in paragraph 149 of the Framework. That inappropriateness would by definition be harmful to the Green Belt and in accordance with the provisions of paragraph 148 of the Framework I attach substantial weight to that harm.
13. I also consider that the development would be contrary to Policy CP11 of the Three Rivers District Council Core Strategy of 2011 (the Core Strategy) and Policy DM2 of the Three Rivers District Council Development Management Policies Local Development Document of 2013 (the DMP). That is because those policies reflect the Framework's Green Belt policy and indicate that inappropriate Green Belt development that would not preserve openness should not be permitted.

Character and appearance

14. The new houses would occupy virtually all of the available plot width and when viewed from Bedmond Road they would appear as having little space about them. That would be very much at odds with the way Nos 1 and 3 appear in the streetscene, with there being readily appreciable space between those houses and their respective side boundaries. I consider the development would have a cramped appearance that would be unsympathetic of this rural location.

15. The ridge line of the northernmost of the new houses would be raised a little above that of the other new house. While the site slopes downwards from north to south, the difference in levels does not appear to warrant the houses having stepped ridge lines, with Nos 1 to 3 having a ridge that is in line. I consider the roof design for the new houses would have an unnecessarily fussy appearance, which would be detrimental to the streetscene.
16. I conclude the development would have an unacceptable effect on the character and appearance of the area. I therefore consider that the development would be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the DMP. That is because the development would not be of a high standard of design and would be inappropriate within its surroundings. I am also of the view that the development would not accord with section 12 (Achieving well-designed places) of the Framework, as it would not contribute to creating a high quality place. I attach substantial weight to the harm to the area's character and appearance.

Living conditions

17. The Council contends that No 3 and the new houses would be provided with inadequate amounts of outdoor space. In that regard the Council has calculated the No 3 and the new houses would variously have between 27.5 and 32.5 square metres (sq.m) of outdoor space. Annex 2 of the DMP sets out design criteria for new development and with respect to garden space advises that two bedroom dwellings should have 63 sq.m.
18. The new houses would have garden areas significantly less than the Council's design criteria, with the frontage to both houses largely being taken up by parking and vehicle manoeuvring space. The rear gardens while being small would also have very restricted depths, given how they would relate to No 2's eastern garden boundary, and I consider that would severely impinge upon their utility. I consider the limited outdoor space provision to be indicative of this development being unduly intense for the site.
19. The outdoor space provision for two bedroom houses would be very limited and I conclude that provision would be inadequate and would provide unacceptable living conditions for the occupiers of the development. I therefore consider that there would be conflict with Policy CP12 of the Core Strategy and Policy DM1 of the DMP because the development would not protect the living conditions (amenity) of its occupiers. I also consider that the development would not accord with section 12 of the Framework, most particularly paragraph 130f) as it would not provide a high standard of amenity for its users. I attach substantial weight to this harm.

Parking and vehicle manoeuvring

20. Under the Council's parking standards two bedroom houses are expected to have two parking spaces, although that level of provision can be reduced in areas that are well served by public transport. The submitted plans show the parking for three cars.
21. While two bus services serve Pimlico, I do not consider this is a location that is generally well served by public transport. I also consider that Bedmond would not be in a comfortable walking distance for the occupiers of the development or that Bedmond Road would provide a particularly inviting route

for cyclists. I therefore consider there would be a high level of car dependency amongst the development's occupiers. I am therefore not persuaded that the provision of three parking spaces would be sufficient to meet the needs of the development's occupiers. There would therefore be potential for the development to generate some on-street parking, potentially creating conflict with vehicles travelling at up to 40mph on the Belmond Road.

22. The block plan shows parking for three cars. However, if the partly covered parking area serving the northernmost of the houses was occupied by a family sized car, rather than the very small car shown on the submitted drawing, manoeuvring in and out of the second space in front of the northernmost house would be likely to be extremely difficult. Given the constrained nature of the vehicle parking area, I consider it likely cars using it would either have to reverse in or out of it. Any reversing movements would have the potential to interfere with the free and/or safe flow of fast flowing traffic using Bedmond Road, a road that appears to be subject to relatively high volumes of traffic, based on what I observed during the off-peak period.
23. I therefore conclude that the development would make inadequate provision for parking and vehicle manoeuvring. There would therefore be conflict with Policies CP10 and CP12 of the Core Strategy and Policy DM13 of the DMP because a convenient and safe area for parking would not be provided and the provision of three parking spaces would be inadequate. I attach substantial weight to this harmful aspect of the development.

Affordable housing

24. Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)³ submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a 'major' one for the purposes of paragraph 64 of the Framework.
25. As part of an appeal it is the appellant's responsibility to ensure that any necessary planning obligations are entered into and a copy is submitted to the Planning Inspectorate as per the timetable outlined in the 'appeal start letter'. For this case a copy of any executed UU should have been submitted no later than 23 December 2021⁴.
26. An executed UU has not been submitted as part of the appellant's appeal. I can therefore only conclude that the development would make inadequate provision for affordable housing, giving rise to conflict with Policy CP4 of the Core Strategy. As this is a matter that is potentially capable of being resolved, I consider that in determining this appeal it is a matter weighing moderately against the development.

³ To be entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended)

⁴ I.e seven weeks following the issuing of the start letter on 4 November

Other considerations

27. The Council cannot currently demonstrate a five year supply of deliverable housing sites (5yrHLS), with there being a supply of two years in December 2020⁵. While there was a very significant 5yrHLS shortfall at the end of 2020 and whatever the shortfall might be now, the provision of two additional dwellings would be unlikely to significantly improve it. I therefore attach very little weight to this benefit of the development.
28. In considering the main issues above, I have concluded that the development would be in conflict with the Green Belt policy stated in section 13 of the Framework. Given that the presumption in favour of sustainable development stated in paragraph 11d) of the Framework does not apply in this instance. In any event I have found that the development would be unacceptable in a number of regards and given that I am not persuaded this would be a sustainable form of development or that it could be made to be acceptable through the imposition of reasonable planning conditions

Conclusions

29. While the development would have the benefit of providing two houses in a situation where there is no 5yrHLS, I consider that does not clearly outweigh the totality of the harm I have identified in relation to the development's effects on: the Green Belt, the character and appearance of the area; the living conditions for the occupiers of the development; highway safety; and the provision of affordable housing. Consequently, the very special circumstances necessary to justify development in the Green Belt do not exist.
30. I therefore conclude that the appeal should be dismissed.

Grahame Gould
INSPECTOR

⁵ Paragraph 5.6 of the appellant's appeal statement