



Appeal Decision

Site visit made on 1 April 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022.

Appeal Ref: APP/P1940/W/21/3283734

48 Altham Gardens, South Oxhey WD19 6HJ

- 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 S Nagpal against the decision of Three Rivers District Council.
 - The application Ref 21/1194/FUL, dated 7 May 2021, was refused by notice dated 16 August 2021.
 - The development proposed is conversion of existing dwellinghouse to two self-contained dwelling units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposed conversion on:
 - parking congestion; and
 - affordable housing

Reasons

Parking

3. The appeal site is an end terraced house located towards the end of a cul-de-sac. No 48 forms part of a development comprising a shared surface for pedestrians and cars but with individual parking provision available for the dwellings. No 48 currently has space for one car and a small additional area that appears to be originally intended as a landscaped area in front of the house. There are no parking restrictions.
4. The existing dwelling is a three storey house with a single storey extension to the rear. It currently has three bedrooms. The proposal would divide the house horizontally to provide one one-bedroom flat on the ground floor and one two-bedroomed flat on the upper floors.
5. It is proposed to alter the existing area in front of the house to provide an additional parking space. The second parking space would be restricted by the chamfered shape of the plot but it would just about be capable of providing space for a modest sized car. At the time of my site visit bins were stored on or close to this area but the proposal includes provision for the storage of waste

bins to the rear. The existing rear garden would be divided to provide a small garden for each flat.

6. Development Management Policies Document¹ Policy DM1 relates to residential development and sets out criteria for the conversion of single dwellings into two or more units. Amongst other things these include the provision of adequate car parking for each new dwelling in compliance with the Council's standards. Policy DM13 indicates that development should make provision for parking in accordance with the parking standards and the zone based reductions set out in Appendix 5.
7. The standards in Appendix 5 indicate that one assigned space should be available for each of the proposed flats with a further 1.75 additional provision. The existing three bedroomed dwelling should have 2 assigned spaces with provision for an additional 1.25 spaces. The difference between the existing dwelling and the proposed two flats would therefore be 0.5 spaces. I am not clear in what zone the appeal site falls but the Appendix indicates that in areas of high accessibility and good service provision a reduction in the level of parking for residential properties may be appropriate. The appellant has submitted details of the proximity of services and facilities.
8. In terms of the Council's standards for parking provision, I consider that a refusal cannot be justified as any shortfall, excluding the accessibility from the site to services and facilities, is minor. There is unrestricted parking in Altham Gardens and at the time of my site visits vehicles were parked in various locations in the road including along the gable wall of No 48. I appreciate that the existing situation causes some problems for residents in this area and can see that congestion would be frustrating. However, the difference that this proposal would make would be so small that I do not consider that the living conditions of residents in the area would be unduly harmed due to on-street parking above that already experienced.
9. On this issue therefore, I do not consider that the proposal would conflict with the Council's policies or the objectives of its parking standards.

Affordable Housing

10. Core Strategy² Policy CP4 seeks to increase the provision of affordable homes in the District and meet housing need. The Council's Affordable Housing SPD³ sets out how affordable housing will be provided. It establishes that Policy CP4 applies to development that would result in a net gain of one or more dwellings including the subdivision of an original dwelling to two flats. The SPD indicates that for proposals of 1-9 net additional dwellings, provision may be by way of a commuted sum to enable the delivery of affordable housing.
11. The latest statistics indicate that the Council has a shortage in its supply of housing land⁴. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and

¹ Three Rivers District Council Development Management Policies Local Development Document Local Plan, Adopted July 2013.

² Three Rivers District Council Local Development Framework Core Strategy, Adopted 17 October 2011.

³ Three Rivers District Council Local Development Framework Affordable Housing Supplementary Planning Document, Approved by Executive Committee June 2011 (SPD).

⁴ Housing Delivery Test: 2021 measurement.

the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010⁵.

12. I understand that a Section 106 agreement was being prepared in order to secure the contribution towards affordable housing. However, the appellant has confirmed that a signed agreement is not available. No other mechanism for satisfying Policy CP4 has been put in place or suggested. I therefore find that on this issue the proposal would conflict with the policy and the SPD and, although only one dwelling, would fail to contribute to the council's responsibilities in terms of affordable homes.

Conclusion

13. I have found that the proposal would not have a harmful effect in terms of parking and traffic congestion and the living conditions of the occupiers of residents in Altham Gardens would not be unduly harmed by the proposal. No conflict with the policies DM1 or DM13 would arise. However, the proposal fails to address the requirements of Policy CP4 and the SPD to contribute to affordable housing. In the absence of a mechanism to meet the requirements for affordable housing, this failure weighs against the proposal. No justification has been submitted as to why this requirement should not be met in this instance.
14. I have considered all other matters raised but in the absence of a mechanism for securing affordable housing in accordance with the policy and SPD referred to, the proposal is unacceptable. The appeal therefore fails.

J D Clark

INSPECTOR

⁵ The three tests being (a) necessary to make to development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonable related in scale and kind to the development.