



Appeal Decision

Site visit made on 5 July 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2022

Appeal Ref: APP/P1940/W/21/3286584

100 Toms Lane, Kings Langley WD4 8NL

- 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 T. Blank against the decision of Three Rivers District Council.
 - The application Ref 21/1863/FUL, dated 26 July 2021, was refused by notice dated 14 October 2021.
 - The development proposed is described as, "Construction of three terrace dwellings with associated parking and landscaping, following the demolition of the existing house, garage and outbuildings".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings within the Green Belt is inappropriate. There is a closed list of exceptions to this in paragraph 149 of the Framework, one of which relates to 'limited infilling in villages' (paragraph 149 e)).
4. This principle is reflected in Policy CP11 of the Core Strategy (adopted 2011) which provides that, amongst other things, there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Similarly, Policy DM2 of the Development Management Policies Local Development Document (adopted 2013) (DMP) provides that, amongst other things, within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.

5. It was held in *Wood*¹ that whether or not a proposed development constitutes limited infilling in a village is a question of planning judgement which includes an assessment of the position on the ground, and further that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative.
6. In this regard, the Council has confirmed that the site is approximately 0.75km from the edge of the settlement boundary of Kings Langley. This is not a substantial distance, when considered in proportion to Kings Langley as a whole, which, as a settlement described in the Core Strategy as a Secondary Centre, could not reasonably be described as a small village.
7. Moreover, the Inspector in appeal decision Ref APP/P1940/W/20/3257184 found that the site at 19 Toms Lane was within a village for the purposes of paragraph 149 e) of the Framework, and the appeal site is only a short walk beyond this, within the same continuous line of built-up residential development. Accordingly, it is clear that the site has a strong physical connection with the main built-up area of Kings Langley.
8. I note that the Council has calculated that the site is approximately 1.8km from the centre of Kings Langley, where shops, restaurants, pubs and cafés are found. This distance is further than the approximately 650 metres from the centre of Bedmond which the Inspector found to be a distance of reasonable proximity from the village centre, in appeal decision Ref APP/P1940/W/17/3187494.
9. Even so, I consider that approximately 1.8km is not so far as to preclude walking, and any journeys undertaken by cycling would likely be short. Again, considering this distance, any journeys by private vehicles to access the services and facilities in Kings Langley would likely be brief. A bus stop is very near to the site, which provides services into Kings Langley. Hence, in functional terms the site is well-connected to the main built-up area of Kings Langley.
10. The situation described in appeal decision Ref APP/P1940/W/19/3229189 is quite different to that before me, in that in that case the Inspector found that the site was experienced as a distinct component separate from other areas which were within or closely connected to the settlement boundary of Kings Langley, whereas, as described above, the distance of 100 Toms Lane to the main built-up area of Kings Langley is not significant, and the site is part of a nearly-continuous run of development from that main built-up area.
11. Therefore, whilst the Council have mentioned that the site is approximately a kilometre further from Bedmond relative to the site in appeal decision Ref APP/P1940/W/17/3187494, and it is recognised that Toms Lane as a whole is of a significant length, for the reasons give above I consider that the site has a strong physical and functional connection with Kings Langley. Accordingly I consider that the site is within the village of Kings Langley for the purposes of paragraph 149 e).
12. It is common ground between the main parties that despite the absence of linear built form within the adjoining site to the east, the site constitutes an infill plot for the purposes of paragraph 149 e). Considering the largely

¹ *Julian Wood v SSCLG, Gravesham BC* [2015] EWCA Civ 195

continuous built form in the vicinity of the site, and that there is built development a short distance away from the site beyond the bus stop, I consider that the site would comply with the spirit of an infill plot. Given that the existing bungalow on site is linked to a garage, although the proposal relates to 3 dwellings the overall spread of development on site would not be significantly different than the present situation, meaning that in the terms of paragraph 149 e) the proposed infilling would be limited.

13. I therefore find that, on account of the specific locational characteristics of the site and the amount of development proposed in its context, the proposal would comply with paragraph 149 e) of the Framework. Accordingly, it is not necessary to consider any of the other exceptions referred to in the Framework, including paragraph 149 g). Any impact on openness and the purposes of the Green Belt is implicitly taken into account in the exceptions specified in paragraph 149 of the Framework.
14. Taking into account all of the above, I consider that the proposal would not constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy CP11 of the Core Strategy and Policy DM2 of the DMP, the relevant parts of which I have summarised above.

Character and Appearance

15. Toms Lane stretches for some distance between Kings Langley and Bedmond. Whilst architectural styles, sizes, and scales of properties vary along Toms Lane as a whole, there is a noticeable change in character from the area nearer to the railway line, where 2-storey dwellings are commonplace, to the immediate vicinity of the site, where bungalows predominate in more spacious plots, albeit that some of these bungalows have loft conversions with dormer windows.
16. The proposed dwellings would be appropriately set-back from the highway, thereby respecting the dominant building line of nearby properties. As they would be arranged in a row, they would reflect the existing pattern of development in this respect. The proposed materials, including facing brickwork and timber with slate roofs, would be appropriate in their context.
17. Although there is some variation in terms of the plot sizes along Toms Lane and in the vicinity of the site, and the plot sizes would be similar in width and depth to some of the semi-detached dwellings on the opposite side of the road, and the dwellings would be appropriately set-in from the common boundaries, the plot widths for each proposed dwelling would be narrower than the directly adjoining bungalows, which is the primary visual relationship along Toms Lane.
18. Additionally, in clear contrast with the generally more spacious plots in the vicinity, the proposed dwellings would individually encompass a sizeable proportion of their respective plot areas. The resulting garden areas would also be narrow and fairly shallow in comparison to that found serving many properties nearby.
19. In this way, although the proposed dwellings would set-back from the highway at a lower ground level than the highway and new landscaping would be incorporated, as would voids / set-backs at first floor level, thereby reducing the visual prominence of the proposed dwellings somewhat, the proposal would introduce 3 2-storey terraced dwellings which would appear noticeably

- cramped within their plots, in an area largely composed of bungalows in fairly spacious plots.
20. Given the think band of hedgerow and trees which exists along much of the frontage of the undeveloped adjoining plot, the presence of that undeveloped plot would do little to mitigate these negative visual effects. Hence, although the plot as a whole is generously-sized and uncharacteristically wide in its context, the layout and massing of the proposal would significantly detract from the character and appearance of the street scene.
21. A substantial area to the front of the plot would be given over to car parking. Although many dwellings nearby have dedicated parking areas to their frontages, given that this fairly small area would serve 3 dwellings, it is likely that the parking area would be used on a particularly intensive basis relative to its size. As new planting to the front of the site would likely take some time to establish, the likely proliferation of vehicles in that space would perceptibly add to the cramped appearance of the proposed development as a whole.
22. I have taken account of the contemporary design ethos proposed, and in this respect I am mindful of paragraph 130 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
23. Nevertheless, whilst gable-fronted projections are commonly found in the street scene, the asymmetrical gable-fronted roofs proposed would appear particularly striking in their context. Moreover, due to the strongly angular appearance of each proposed dwelling and the large areas of unbroken brickwork on the principal elevations above ground-floor level, the proposed dwellings would have a rather utilitarian appearance which would unduly contrast with the pleasing but commonly unobtrusive style of many properties in the immediate vicinity.
24. I observed that from public vantage points the existing building did not appear derelict or otherwise in such poor condition that it significantly detracts from the street scene. For these reasons, I consider that the proposal would not be an improvement on that which exists in terms of the appearance of the street scene.
25. I therefore find that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the area. It would conflict with Policies CP1 and CP12 of the Core Strategy which collectively provide that, amongst other things, in seeking a high standard of design, the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. The proposal would also conflict with Policy DM1 and Appendix 2 of the DMP which collectively provide that, amongst other things, new development must respect the character of the street scene.

Planning balance

26. No concerns have been raised by the Council in their decision notice with respect to matters relating to flood risk, biodiversity, the living conditions of the occupiers of neighbouring properties or the future occupiers of the

proposal, access and the provision of on-site parking (aside from matters relating to the character and appearance of the area), and highway safety. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.

27. It is common ground that the Council is currently unable to demonstrate the supply of housing sites as required by the Framework. As such, I would consider the most important policies out-of-date and be taken to the provisions of paragraph 11 d) ii. of the Framework in that planning permission should be granted for the proposal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. I have had regard to the fall-back position². Based on the evidence before me, I consider that there is a real prospect that these developments could be implemented, should this appeal be dismissed. Nevertheless, the fall-back position essentially relates to enlargements to the existing dwelling rather than its comprehensive re-design. As such, it would not result in the same degree of harmful effects to the character and appearance of the area which I have identified above in relation to the appeal proposal. As it would likely be less harmful in planning terms than the proposal, it provides minimal support for the proposal. Accordingly, the fall-back position has been given limited weight.
29. The proposal would introduce new dwellings in an accessible location, near to services and facilities, in a residential area on land which already contains development. The proposal would thereby make an effective use of land and would potentially reduce the pressure on undeveloped sites, including sites in the Green Belt in the open countryside, which I note is a consideration put forward by Abbots Langley Parish Council.
30. The proposal would contribute to the Government's objective of significantly boosting the supply of homes, as advocated by the Framework, and in doing so would assist in meeting the social objective of sustainable development, mentioned in paragraph 8 of the Framework.
31. The proposal would contribute to dwelling choice and mix in the local area, by way of providing dwellings suitable for families which would meet the relevant requirements for accessibility, the supply of which could potentially positively impact on the affordability of dwellings in the local area.
32. In environmental terms, the proposal would replace a bungalow dating from the mid-1950s, which the appellant has described as being in poor condition, with new dwellings, which would exceed the relevant requirements for energy efficiency, as set out in the submitted Energy Statement.
33. The proposal would contribute to the local economy by providing work for construction and other professionals, and I have taken account of the uncertain economic context at national level in this respect. It is also the case that the future occupiers of the proposed new dwellings would likely contribute to the economy and the social life of the area.
34. The appellant has asserted that the Council has a 2-year housing land supply, and this figure has not been disputed by the Council. Additionally, the appellant

² Relating to Local Planning Authority references 21/1168/PDT, 21/1176/PDE, 21/1175/CLPD, and 21/0247

has highlighted Housing Delivery Test results which also invoke paragraph 11 d) ii. of the Framework. This represents a clear deficit and in this regard I recognise that paragraph 69 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

35. Nevertheless, given that the proposal would result in a net gain of only 2 dwellings, with the scale of the positive impacts of the various economic, social, and environmental benefits as summarised above being tied to this limited quantum of development, I consider that all these benefits taken together provide only modest support for the proposal. Therefore, collectively these would amount to no more than moderate weight in favour of the proposal.
36. Appeal decision Ref APP/X0415/W/19/3233363 involved a scheme where numerous factors weighed strongly in favour of that proposal, including great weight being given in relation to an innovative design which promoted high levels of sustainability, which is not the case for the proposal before me. I note that the Inspector in appeal decision Refs APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926 gave very substantial weight to the provision of both market housing and affordable housing, but that case involved schemes relating to the erection of up to 100 dwellings and there is nothing to indicate that those decisions established a level of weighting which I am bound to adopt for the proposal before me, which relates to 3 dwellings. As such, those appeal decisions do not lead me to alter the weight which I have ascribed to the collective benefits identified in support of the appeal proposal.
37. The proposal would give rise to adverse impacts in relation to its unacceptable and significantly harmful effect on the character and appearance of the area, in the terms I have described above. Given that the Framework provides at paragraph 126 that, amongst other things, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, I ascribe substantial weight to this harm.
38. Setting the substantial weight of this harm against the moderate weight I afford to the benefits I have found, it is clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

39. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR