
Appeal Decision

Site visit made on 27 July 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/P1940/W/21/3272978

Troy House, Chorleywood Road, Rickmansworth WD3 4EU

- 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 Andrew Allwright against the decision of Three Rivers District Council.
 - The application Ref 20/1544/FUL, dated 29 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is alterations to Troy House, access to the rear and proposed new dwelling with car port.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was initially refused permission for three reasons. amongst other matters, this included concern regarding a suitable legal mechanism to secure a financial payment for the provision of offsite affordable housing. However, from the evidence before me it is clear that the appeal documentation justifies that the provision of such a financial contribution would render the proposed scheme unviable. this position has been accepted by the council. I have therefore preceded on the same basis.
3. Subsequent to the determination of the planning application, the Chorleywood Neighbourhood Plan (2021) (the Neighbourhood Plan) was the subject of a successful referendum. It now carries full weight in the decision making process. As the main parties have had the opportunity to comment on this document, I have considered this appeal with reference to the Neighbourhood Plan.

Main Issues

4. The main issues relevant to this appeal are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the development upon trees.

Reasons

Character and appearance

5. The appeal site is located to the rear of an existing detached dwelling constructed to an arts and craft style. This is reflected in the style of

architecture within the surrounding area. On account of the predominantly suburban character of the appeal site there are notably large gardens, which creates a more verdant and open character. Furthermore, existing dwellings are finished in a predominantly linear form with outbuildings either generally alongside or to the rear of the respective dwelling.

6. The proposed development would include the provision of a large car port adjacent to the front boundary of the appeal site. By reason of this arrangement, the development would erode the predominantly open character of the surrounding area. In addition, the proposal, by reason of the increased height, would result in the erosion of the open character of the vicinity.
7. The appeal site features some boundary treatments. However, the screening effect of these would only be partial owing to the height of the proposed car port. In result, the presence of boundary treatments do not offer significant mitigation against the incongruous form of development.
8. Although my attention has been drawn to some other outbuildings in the surrounding area, these occur on a relatively infrequent basis. This element of the proposal would be unusual in this regard. Therefore, as it would be readily perceptible, the car port would erode the character of the surrounding area.
9. In addition, the proposed car port would appear taller when viewed from the street given that the appeal site is located on land that is notably higher than the nearby road. This means that this element of the proposed development would be readily perceptible.
10. The general open character of the surrounding area is such that the proposed car port would be readily viewable from significant distances away in the street. This means that the proposed development has the potential to be experienced by a great number of people and would render the proposed development a strident addition to the surrounding area.
11. The proposed driveway, whilst long would be similarly screened by the site's boundary treatment. In respect of the latter point, I note that the proposed development would result in the replacement of an extension on the existing dwelling, which has a developed appearance. In reaching this view, I have also had regard to the presence of several tall, mature trees that also provide some screening of some parts of the appeal site.
12. The proposed development would include a gate to the new driveway. However, boundary gates occur on a varied basis in the surrounding area. This means that the new gate would not appear particularly discordant.
13. Therefore, such items would not be readily visible either from the public domain or neighbouring properties. In consequence, they would not result in an adverse effect upon the character and appearance of the surrounding area. However, whilst these are matters of note, they do not outweigh the adverse effects arising from the proportions and siting of the proposed car port.
14. The proposed dwelling would have a height, above ground level, of a single storey. This means that the proposed dwelling would not appear particularly prominent. In addition, plot sizes in the surrounding area are also varied. This means that the proportions of the appeal site would not appear particularly discordant.

15. The majority of the dwellings in the surrounding area are constructed to an arts and crafts style. However, there is some variation in the wider area. Therefore, the proposed development would not be incongruous in this regard. In reaching this view, I have had regard to the screening effect offered by landscaping and buildings nearby. Whilst these factors are matters of note, they do not outweigh, or mitigate, my previous concerns.
16. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (2011) (the Core Strategy); Policy DM1 of the Development Management Policies Local Development Document (2013) (the LDD); and Policy 2 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that developments promote a high enduring design quality; have regard to the local context; protect the character of existing areas; and make a positive contribution to the street.

Effect on trees

17. The proposed development features a number of mature trees to the rear of the appeal site, the evidence before me is that these are covered by a Tree Preservation Order (a TPO). These trees also contribute to the generally verdant character that is a feature of the surrounding area.
18. Owing to its layout, the proposed development would feature windows in proximity to some of these mature trees. By reason of their height and overall level of health, these trees have the potential to create a significant enclosing effect upon the rear elevation windows of the proposed dwelling.
19. This would result in a lack of suitable living conditions for the occupiers of the proposed development given that the height and proximity of these trees would prevent the users of the rooms being served by the rear elevation windows from experiencing satisfactory levels of light and outlook.
20. In addition, the trees would have an enclosing effect upon the rear garden of the proposed dwelling. This would also result in the users of this space from experiencing satisfactory levels of light and outlook due to the height and general proximity. This creates a concern given that the rear garden of the appeal site is the only area where the future residents of the dwelling are likely to be able to undertake private outdoors recreation. In result, the lack of appropriate levels of light and outlook would be particularly harmful.
21. The appeal documentation includes an assessment of light levels. Although it would appear that, for some periods of the day the trees, would not lead to a significant loss of light, this conclusion cannot be drawn for all times of the day. Therefore, at some points of the day, such as the earlier part of the morning, and year residents of the dwelling would not experience appropriate levels of light. As these are times when residents might wish to undertake outdoors recreation, the adverse effects would be significant. Furthermore, this survey also does not overcome any concerns regarding the lack of outlook for the future occupiers of the development.
22. In consequence, the submission of this survey, does not overcome my concerns in respect of the general proximity of the developments to these trees. This is a concern given that I have been directed towards adopted

planning policies that seek to ensure the provision of appropriate living conditions for future occupiers of developments.

23. Therefore, the proposed development increases the likelihood that future residents of the proposed development would require the removal, or reduction, in the height of the existing trees in order to overcome these points.
24. This is a concern as such works have potential to adversely affect the health of these trees. This would potentially limit their life. The evidence before me is not indicative that the trees are likely to currently experience poor health.
25. If this scenario were to occur, it would lead to harm to the character of these surrounding area given the prominence of the trees and the general erosion of the surrounding areas more verdant quality. This would also conflict with adopted planning policies to which I have been directed. In result, the ability of future occupiers to potentially undertake works these trees would not provide a suitable standard of development when taken as a whole.
26. The proposed development would provide an appropriately sized garden. However, this ensures that occupiers have sufficient room in which to undertake outdoor recreation. It does not address my concerns regarding the actual living conditions for the future occupiers.
27. Future occupiers of the development would be aware of the relationship between development and trees when choosing to reside at the dwelling. In addition, the Council would be able to control works to the trees through the TPO legislation. However, I have been directed towards policies that seek to provide appropriate living conditions. In result, these suggestions do not overcome my concerns.
28. I therefore conclude that the proposed development would have an adverse effect upon trees. The development, in this regard, would conflict with Policies CP1 and CP12 of the Core Strategy; Policies DM1 and DM6 of the LDD; and Policy 3 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that developments seek to retain trees; that landscaping is taken into account; conserve natural assets; that developments respect local distinctiveness; and retain, or re-provide, trees.

Other Matters

29. My attention has been drawn to a previous granting of planning permission for a residential development. I do not have all the information in respect of this appeal, which means that I can only give it a limited amount of weight. Nonetheless, I note that this development has a different layout when compared to the scheme before me and therefore gives rise to different effects. It therefore does not overcome my previous concerns.
30. The evidence before me is indicative that the Council cannot currently demonstrate a five-year housing supply. In consequence, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) apply. This states that planning permissions should be granted 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. This is referred to as the 'tilted balance'.

31. In this instance, the benefits include an addition to the local housing supply. However, the benefits of this are limited by reason of the scale of the development as it would provide an additional dwelling only. However, I am also mindful of the current local housing supply position and that the proposed development would provide a dwelling type that is not in abundance within the surrounding area. The development would also include measures that would aid environmental sustainability. In result, I give this matter a moderate amount of weight, particularly as the evidence before me suggests that a notable proportion of future housing provision is likely to be met through smaller sites.
32. The development would generate some economic benefits. However, those that would arise from the construction process would be of a time-limited duration. In result, this can be attributed a limited amount of weight.
33. The occupiers of the development would support business and other facilities in the wider area. However, given the scale of the development is such that any such support can be attributed a limited amount of weight.
34. Therefore, as I have found that the proposed development would give rise to a significant adverse effect on the character and appearance of the surrounding area and would not provide appropriate living conditions, I find that the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits.
35. I have been referred to Policy 4 of the Neighbourhood Plan. This policy predominantly focuses on the delivery of on the provision of dwellings that meet the requirements of all groups of society. The evidence before me is indicative that this objective would not be compromised by the proposed development. Whilst this is a matter of note, it does not outweigh my previous concerns.

Conclusion

36. The proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and would not provide appropriate living conditions for the future occupiers of the development. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR