



Appeal Decision

Site visit made on 10 August 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/P1940/W/21/3283959
27 Gable Close, Abbots Langley WD5 0LD

- 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 Suricata Homes Ltd against the decision of Three Rivers District Council.
 - The application Ref 21/1368/FUL, dated 25 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is new dwelling on land adjacent to 27 Gable Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the street scene; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and Appearance

3. The appeal site concerns the former side garden of 27 Gable Close, a 2-storey semi-detached property comprising two flats, situated in the southwest corner of a rectangular arrangement of similar properties with direct frontages to all four sides of a central landscaped amenity space.
4. Consistent with the wider estate of houses to the south and west, many of the properties situated at corners are more generous and spaciouly arranged. This is as much to do with the highway layout as it is the composition of the houses. There are also gaps between the pairs of houses above first floor. Together these provide visual and spatial relief, and visibility of the verdant backdrop of mature trees situated in the gardens of the properties.
5. When the form and layout of the buildings, including the spaces between, and the prominence of landscaping are considered together they give rise to a clear and distinct pattern of development, which makes a significantly positive contribution to the character and appearance of the area.
6. Although some of the houses have been altered and extended, they still exhibit strong uniformity in their appearance. Similarly, while the site is overgrown

and features some debris, this is generally not apparent from the street, so it does not detract from the character or appearance of the area.

7. The proposed house would be of an L-shaped configuration, which would be aligned with the front of No 26 and rear of No 27 and the gaps between it and those houses would be comparable with other spacings in Gable Close. I accept that additional development in the locality is likely to be accommodated through the subdivision of existing plots and the site is clearly distinguishable from the curtilage of No 27 and other land due to the presence of boundary features.
8. Nevertheless, the proposal would be set back in the corner of the street, away from the road frontage and that of No 27. This would introduce a new built form that would be unrelated to the coherent grain of development found in Gable Close and the wider estate of houses. The siting, layout and design of the proposal would therefore have a significantly detrimental effect on the character of the area, including where visible from neighbouring properties.
9. The proposed house would be taller than the existing outbuildings within the site, so it would be visible from the street. However, its low-rise built form would be of limited prominence amongst the houses and outbuildings adjacent and the verdant backdrop of mature trees would still be apparent behind it. The modern and divergent architecture of the proposal would therefore have a neutral effect on the appearance of the area, including the street scene.
10. Despite my findings in relation to the appearance of the proposal, including its effect on the street scene, it would cause significant harm to the character of the area. Hence, it would conflict with the design aims of Policies CP1, CP3, and CP12 of the Three Rivers Core Strategy 2011 (CS), and Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013.

Affordable Housing

11. The Council's second reason for refusal refers to the absence of a legal agreement to secure an off-site contribution towards the provision of affordable housing. CS Policy CP4 requires new development resulting in a net gain of 1 or more dwellings to make such contributions. The Committee Report confirms that the monetary value of this contribution would equate to £30,000.
12. I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case.
13. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.
14. This point is not disputed by the appellants and they have indicated a willingness to provide such a contribution and a draft legal agreement was submitted with the appeal for a contribution of £46,500. The appellants have

suggested in their final comments¹ that engagement was taking place with the Council and legal fees were settled on 21 March 2022. However, no completed agreement has been received.

15. Annexe N of the Procedural Guide – Planning Appeals – England November 2020 is clear that if the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by the Inspector, they must make sure that it is executed and a certified copy is received by us no later than 7 weeks from the start date.
16. There is nothing before me to indicate any exceptional circumstances to delay my decision for this to be completed. Therefore, in the absence of a legal agreement to secure the contribution the proposed development would not make adequate provision for affordable housing. Hence, it would conflict with CS Policy CP4 and the Council's Affordable Housing Supplementary Planning Document (June 2011).

Planning Balance

17. The Council does not dispute that it cannot currently demonstrate five-years supply of housing land. With this in mind, the so-called tilted balance approach to decision-making is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
18. The proposal would provide a single dwelling, accessible on one level, that would help the Council to meet its housing targets. This would constitute a social benefit. There would be short-term benefits to the local and wider economy from direct and indirect employment and procurement of materials associated with construction works. Future occupants would also be likely to support local services and facilities. The proposed house would be built to the highest environmental standards and demonstrate significant energy savings over and above the development plan requirement, which would be an environmental benefit. However, given the magnitude of the proposal, these benefits would be limited in scale and kind.
19. I also recognise that the proposal could be said to make more efficient use of the site, but the Framework is clear that this should include taking into account the desirability of maintaining an area's prevailing character and I have identified harm in this regard.
20. The absence of harm associated with, amongst other things, the appearance of the area, including the street scene; the living conditions of neighbouring occupiers; and access and parking provision, would amount to neutral factors that would neither weigh in favour nor against the appeal scheme.
21. The adverse impacts of granting permission, identified in respect of the character of the area and the failure to make adequate provision for affordable housing, would significantly and demonstrably outweigh the stated benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate that the proposal should be determined other than in accordance with the development plan.

¹ 29 March 2022.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding, including the Framework. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR