



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: 20th August 2022

Appeal Ref: APP/P1940/W/21/3282090

162 and 164 High Street, Rickmansworth WD3 1BA

- 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 A Harris against the decision of Three Rivers District Council.
 - The application Ref 21/0950/RSP, dated 11 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is conversion of two dwellings into one with associated internal works, erection of replacement front porch and front boundary wall and railings.
-

Decision

1. The appeal is dismissed insofar as it related to conversion of two dwellings into one with associated internal works. The appeal is allowed insofar as it related to erection of replacement front porch and front boundary wall and railings and planning permission is granted for erection of replacement front porch and front boundary wall and railings at 162 and 164 High Street, Rickmansworth WD3 1BA in accordance with the terms of the application, Ref 21/0950/RSP, dated 11 April 2021.

Procedural Matters

2. The application drawings show roller shutters doors with wooden cladding surrounding. These are not included in the description of development found on the Application Form or Decision Notice and are not referred to by the main parties in their evidence. I have therefore limited my assessment of the external works to those referred to in the banner heading.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework) and the main parties have referred to its revised content, which I have had regard to in my decision.

Main Issues

4. The main issues are:
 - whether the proposed development would accord with the development plan in respect of the protection afforded to existing housing; and
 - benefits of the proposed development.

Reasons

Development Plan Policies

5. Policy SA1 of the Local Plan Site Allocations Local Development Document (adopted November 2014) (SALDD) states 'permission will not be granted for

development resulting in a net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided the surrounding residential area is not significantly adversely affected'. Paragraph 4.6 of the supporting text to that policy clarifies that 'in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District'.

6. Policies PSP1 and CP2 of the Local Development Framework Core Strategy (Adopted 17 October 2011) (CS) are also directed to the delivery of housing in the District. In particular, the former suggests development in Rickmansworth will amount to around fifteen percent of the District housing requirement. These policies therefore pull in the same direction as Policy SA1 and the objectives of the Framework to boost the supply of housing.

Protection of Existing Housing

7. The appeal concerns a pair of semi-detached dwellings that have undergone conversion to one dwelling. The site is situated within a residential part of High Street and the Rickmansworth Town Conservation Area (CA) and there are a mix of semi-detached, terraced, and detached houses nearby.
8. The application drawings and other evidence before me suggest that, prior to the conversion being undertaken, each property contained three rooms capable of forming bedrooms, including the rooms in attic spaces, whilst the resultant dwelling would be of four bedrooms.
9. I have outlined the policy and supporting text to SALDD Policy SA1 and to my mind there can be no doubt that it seeks to guard against the loss of a house, not a use, and the proposal would lead to a net loss of one house, a point that is accepted by the appellant in his *Housing Statement* and *Planning, Heritage, Design and Access Statement*.
10. Accordingly, I conclude that the proposed development would fail to accord with the development plan in respect of the protection afforded to existing housing. Hence, it would conflict with the aims regarding the delivery of housing expressed in SALDD Policy SA1 and CS Policies PSP1 and CP2.

Benefits of the Proposed Development

Accessibility of Homes and Compliance with the Building Regulations

11. I note that the Council accepts that there would have been limitations to the original staircases in the houses, which includes their gradient and available head height. Moreover, although access within older properties can often be fraught with such challenges, Part K of the Building Regulations only applies to building work to be undertaken to re-site or construct new staircases. As such, the appellant would not have been required to alter the design of the existing staircases as a matter of course. Nevertheless, he has demonstrated that altering the existing stairs would not have been possible in the same format within the confines of the dwellings, without losing existing accommodation.
12. I have also been referred to the National Model Design Code (Part 2 Guidance Notes) (June 2021) with regard to the accessibility of buildings. I note the reference to accessibility in the document, but its introduction sets out that it is possible content for a design code, modelled on the design characteristics set

out in the National Design Guide. It is therefore not directly relevant to the appeal proposal. Nonetheless, the Planning Practice Guidance refers to providing new homes that are accessible and adaptable to meet the needs of occupiers without future alteration.

13. The proposal would enable improved circulation within the property for all occupants. However, there is no substantive evidence before me to demonstrate that No 162 was not habitable before it was purchased by the appellant, that the residential use of either No 162 or 164 would have been likely to cease without the proposal, and that the existence of two smaller dwellings with different internal arrangements would have adversely affected the social cohesion of the Rickmansworth.
14. In addition, I have considered the Council's argument that giving weight to the compliance of existing homes with the Building Regulations would set a precedent for similar developments in the District. Whilst each application and appeal must be treated on its individual merits, I am mindful that approval of this proposal could be used in support of other schemes within houses of similar typology or design. This is not therefore a generalised fear of precedent, but a realistic and specific concern due to the likelihood that a significant number of houses with older staircases could be affected. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, the cumulative effect of which would exacerbate the harm that would be caused by the loss of homes in a District with an acute housing supply and delivery deficit.
15. With cognisance of the above, I afford very limited weight to the arguments advanced regarding accessibility and compliance with the Building Regulations.

Availability of Housing and Space Standards for Occupiers

16. I appreciate that the appellant has had difficulty finding a 4-bedroom property to meet the needs of his family that is close to Rickmansworth Town Centre, but there is no substantive evidence before me to suggest that 4-bedroom properties were not available or the reasons they were discounted in favour of the site. Similarly, although local services and facilities, including transport connections, are highly accessible from the appeal site, the proposal would reduce the number of houses situated in such a location. There can also be no doubt that there would be significant differences between the existing and proposed accommodation, particularly compliance with the Nationally Described Space Standards and Council's amenity space standards, but these do not appear to be relevant to existing accommodation.
17. The provision of a dwelling with a higher standard of accommodation, in an accessible location would amount to social and environmental benefits but, for the above reasons, this would be of very limited weight. Although existing accommodation did not appear to meet the needs of the appellant, there is also no substantive evidence before me to demonstrate that Nos 162 and 164 would have been incapable of being occupied as dwellings in the future.
18. I acknowledge that the appellants Housing Statement provides evidence of properties remaining empty for some time in the district, but it does not set out why this is of significance and there is no analysis of the number of bedrooms. I have therefore only afforded this limited weight in my consideration of the

appeal. I also acknowledge that the appellant has provided other properties in Watford, but this is not within the District.

19. The appeal site could technically qualify as a windfall site, that is to say it is not specifically identified in the development plan. However, the supporting text to CS Policy CS2 is clear that windfall sites contribute to housing supply. As the proposal would reduce existing housing stock, it would not contribute to housing supply and would not equate to an efficient use of land as expected by the CS and Framework.

Conservation Area

20. The appeal site is situated within a busy part of the CA and prominent within its surroundings. I have therefore had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
21. The door and window to the front of No 164 have been handed so that it lies beneath the window at first floor and the window is positioned where the door stood. As the door to No 162 was situated to its side, this aspect of the proposal does not unbalance the façade of the building or the contribution it makes to the character and appearance of the CA.
22. There is great variety to the design and appearance of enclosures to the street and the porches and other structures outside the front doors of properties in High Street. In light of this, the pitched roof and open form of the proposed timber porch, including its supporting posts, and the wall and railings to the frontage of the site would not harm the appearance of the property or the contribution it makes to the character and appearance of the CA.
23. These aspects of the proposal would therefore preserve the character and appearance of the CA and, thereby, its significance. Hence, they would accord with the design and heritage aims of SALDD Appendix 2 and Policies DM1 and DM3; and CS Policies CP1 and CP12. I note that the Council did not raise concerns in respect of these matters either.
24. I also accept that the development has been constructed to a high standard internally in accordance with development plan policies and the Framework.

Planning Balance

25. It is clearly evident by the Council's performance in the Housing Delivery Test (HDT) and its 2-year supply of housing land that it does not have the homes required to meet the needs of its residents. The current development plan policies most important for determining the appeal are therefore out-of-date. These are SALDD Policy SA1 and CS Policies PSP1, CP2 and CP3 for housing. In such circumstances, paragraph 11(d)(ii) of the Framework would apply, which requires that permission 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.
26. Given the Council's performance in the delivery of new housing and supply of housing land, the legitimate aim of SALDD Policy SA1 to maintain the use of properties as separate dwellings retains its importance. Moreover, the proposed conversion would have material consequences through the net loss of a house

in a District with acute housing shortages, the removal of smaller, more affordable, houses from the market and increase in the demand for homes. This would place even greater pressure on the Council to be able to meet the aims of the Framework to boost the supply of housing in its District.

27. Accordingly, I afford considerable weight to the conflict of the proposal with SALDD Policy SA1 and CS Policies PSP1 and CP2, which also seek to deliver new housing.
28. The appellant has also referred to CS Policy CP3, for the mix and density of housing. While it too is out of date, it is worded to enable it to refer to the most recent update of the South West Hertfordshire Strategic Housing Market Assessment¹. This therefore reflects the requirements for housing in the District and there is no evidence before me to dispute it. Furthermore, the most recent Local Housing Needs Assessment (2020) indicates that there is a need for 2, 3 and 4+ bedroom houses, but the greatest need lies in 3-bedroom properties and the proposal would reduce the availability of such properties, and provide one 4-bedroom house. There also appears to be no requirement for housing needs and land availability assessments to determine whether existing housing stock is fit for purpose, safe or accessible, when deriving housing need.
29. The other considerations which I have outlined above, are primarily benefits of the appeal scheme, and taken together these amount to benefits of no greater than limited weight. In terms of harm, the proposed development would not comply with development plan policy in respect of the loss of existing housing stock within the District and I have afforded considerable weight to the conflict of this harm with the development plan.
30. The proposal would not result in harm to the CA and only the door to No 164 was sited to the front, so it may not necessarily be evident that only one dwelling would remain, particularly as the original door to the side serving No 162 would be retained. This would not mitigate the loss of a dwelling. However, the parts of the development comprising the front porch and boundary wall and railings are both physically and functionally severable from the remainder of the proposal. A split decision would therefore be a logical outcome, particularly as access from the front of the site would be retained to the side door of the building which previously formed the entrance to No 162.
31. The adverse impacts of granting permission identified in respect of the net loss of 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 aspect of the proposal concerning the conversion of two dwellings into one should be determined other than in accordance with the development plan.

Conditions

32. The replacement front porch and front boundary wall and railings have already been constructed so it is not necessary for any conditions to be imposed.

Conclusion

33. For the reasons given, I conclude that the appeal should be allowed in so far as it related to erection of replacement front porch and front boundary wall and

¹ January 2016.

railings and dismissed in so far as it related to the conversion of two dwellings into one. Moreover, the latter would be contrary to the development plan and there are no other considerations which outweigh this finding, including the Framework.

Paul Thompson

INSPECTOR