

Appeal Decision

Site visit made on 14 August 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH September 2024

Appeal Ref: APP/P1940/W/24/3341370

1 Bramshot Way, South Oxhey, Hertfordshire WD19 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tomas Pohnetal against the decision of Three Rivers District Council.
 - The application Ref is 23/2153/FUL.
 - The development proposed is end of terrace dwelling with associated landscaping, pv panels and bins and bike storage.
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Decision

1. The appeal is allowed and planning permission is granted for end of terrace dwelling with associated landscaping, pv panels and bins and bike storage at 1 Bramshot Way, South Oxhey, Hertfordshire WD19 7PS in accordance with the terms of the application, Ref 23/2153/FUL subject to the following conditions:
 - The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on 1 Bramshot Way, WD19 7PS.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: 001; 002; 009 Rev 01; 010; 011; 012; 013; 020; 021; 022; 030; 098 Rev 01; 099 Rev 01; 100; 101; 102; 103; 200; 201; 202; 300; 580; 581.
 - Prior to first occupation of the dwelling hereby permitted, the energy saving and renewable energy measures detailed within the Energy Statement dated 28th December 2023 shall be implemented. Thereafter these measures shall be retained and maintained.

Procedural Matters

2. To address the first reason for refusal on the Council's formal decision, as part of the appeal, the appellant has submitted revised plans removing the rear dormer window from the proposed development. To ensure no parties are prejudiced, the appeal process should not be used to evolve a scheme. Any amendments that are considered to overcome the Council's reasons for

refusal should be made as part of a fresh planning application. I shall therefore determine the appeal on the basis of the plans which were before the Council when it made its decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:

- the character and appearance of the area, with particular regard to the proposed rear dormer; and
- highway safety, with particular regard to parking provision.

Reasons

Character and Appearance

4. Bramshot Way is a short cul-de-sac that forms part of a larger housing development. Houses in the immediate area are predominately terraced, albeit there is a mixture of detached, semi-detached, and terraced houses across the wider development.
5. Most of the houses are 2-storeys, some with rooms in the roof. There is a consistency in their scale, style, and materials. However, they have been extended and altered in various ways, which means some of their features differ in their form and appearance.
6. The wider housing development includes a large amount of incidental green space. Many of the houses are set back from the highway behind wide grass verges. Together with street trees and other soft landscaping within front and rear gardens, this creates a green and spacious character.
7. Bramshot Way is made up of two rows of terraced houses that front one another, with parking bays and an area of open green space set in between. The appeal site, which currently forms part of the plot serving No. 1 Bramshot Way, is at the entrance of the cul-de-sac adjacent to Hayling Road.
8. The proposed dwelling would be attached to No. 1 Bramshot Way, extending the existing row of terraced houses. The Council consider the form of the proposed plot and siting of the proposed dwelling would successfully respond to the character of the locality. From the evidence before me and my observations on site, I am of the same view.
9. The proposed dwelling would include a large rear dormer window, which would occupy most of the rear roof slope. Despite being set in from all edges of the roof plane, by virtue of its size, it would not appear subordinate to the main roof as required by the design criteria set out in Appendix 2 of the Local Plan Development Management Policies Local Development Document (2013) (Local Plan). It would therefore conflict with Policy DM1 of the Local Plan. Notwithstanding this, the windows on the rear elevation of the proposed dwelling follow a logical and similar pattern of fenestration to the other houses in the terrace, particularly No. 1 Bramshot Way.
10. Given the position of the proposed dwelling, perpendicular and close to Hayling Road, as well as the fall in topography from east to west, the proposed rear dormer would be very noticeable in the street scene. I saw on

site that large rear box dormers are not uncommon in the immediate area. However, while many are visible from the public realm, most are not as obvious in the street scene as the proposed rear dormer would be. The exception to this is the existing rear dormer on No. 1 Bramshot Way, which is very similar to that proposed, albeit slightly larger.

11. Overall, considering the context of the appeal site, the proposed rear dormer would not be an incongruous addition. Nevertheless, it would make the proposed dwelling appear top-heavy and would be visually intrusive in the street-scene. This would result in some localised harm to the character and appearance of the area.
12. Accordingly, for the reasons above, the proposal would conflict with Policy DM1 of the Local Plan and Policies CP1, CP3 and CP12 of the Local Development Framework Core Strategy (October 2011) (Core Strategy), which seek to ensure high quality residential development that does not lead to a gradual deterioration of the quality of the built environment.

Highway Safety

13. Appendix 5 of the Local Plan sets out the Council's standards for parking. In terms of C3 Residential uses, a three-bedroom house, such as the appeal proposal, would require 2.25 spaces, including 2 assigned spaces. The appeal proposal does not provide any new parking spaces for future occupants and therefore does not meet the requirements of Policy DM13 of the Local Plan.
14. Most of the houses on Bramshot Way do not benefit from on-plot parking. The houses are currently served by three parking areas demarcated by block paving. These parking areas do not appear to be assigned and would unlikely accommodate all the vehicles serving the occupants of the adjacent houses. However, I saw on site that there are other parking areas available on Hayling Road and nearby. Although some vehicles appear to have been parked in inappropriate locations, such as partially or entirely on the pavement, several spaces in appropriate demarcated parking areas close to the appeal site were available.
15. As part of the appeal, the appellant has submitted a Parking Survey¹. The survey found there to be an average overall parking stress in the area of 56.55%, with an average of 130 vacant spaces within 200 metres of the appeal site. The proposal would therefore not result in a level of parking stress that would exceed the 80% maximum stress level. The Council has not disputed these findings.
16. Accordingly, contrary to the concerns of the Council, the results of the Parking Survey demonstrate there to be parking capacity in the surrounding area, and there is no substantive evidence before me that the type of parking available to future occupants of the proposed dwelling would compromise highway safety in this case.
17. I appreciate that there is a high level of car ownership in the District. Nonetheless, the appeal site has a good level of accessibility. It is located very close to bus stops on Hayling Road and within walking distance of Carpenders

¹ Prepared by Noir Surveys, dated March 2024.

Park Station and other local services and facilities. Therefore, future occupants would not be reliant on using private vehicles to access these.

18. Paragraph 115 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. I am satisfied from the evidence before me and my observations on site that there is sufficient capacity on the surrounding streets to provide the modest amount of on-street parking that would likely be generated by the proposal, including the loss of one off-street parking space currently serving the occupants of No. 1 Bramshot Way. As such the proposal would not result in unacceptable effects on highway safety.
20. The Council has also raised concerns that the proposal, in the absence of providing additional parking spaces, would have a detrimental effect on the character and appearance of the area, as well as the living conditions of nearby residents. I appreciate that some vehicles are currently parked in inappropriate locations, which can make the street-scene appear untidy. However, there are appropriate demarcated parking spaces available close to the appeal site and there is no substantive evidence before me that the proposal would increase the likelihood of vehicles being parked inappropriately. While having to park your vehicle a short distance from your house may be considered an inconvenience, the available parking spaces are reasonably close, so that any inconvenience, in this case, would not be to a degree as to result in harm to the living conditions of those who live nearby.
21. Accordingly, for the reasons above, despite the proposal not meeting the requirements of Policy DM13 of the Local Plan, it would not compromise highway safety and would accord with Policy CP10 of the Core Strategy, which seeks to minimise the impacts of travel by motor vehicle in the District. It would also not result in any appreciable harm to the character and appearance of the area or the living conditions of neighbouring residents in this regard. It would therefore accord with Policy DM1 of the Local Plan and Policies CP1 and CP12 of the Core Strategy.

Other Matters

22. In terms of benefits, the proposal would provide an additional dwelling within walking distance of local services and facilities, including public transport. The Council cannot demonstrate a five-year supply of deliverable housing sites. The provision of any additional housing therefore carries significant weight. However, in this case, the provision of a single dwelling would only make a modest contribution to the Borough's housing supply.
23. The proposal would also have modest social and economic benefits resulting from the proposed demolition and construction works and spending associated with the occupation of the new dwelling.
24. It has been brought to my attention that permission was granted for a similar development on the appeal site in 2010. Nonetheless, while I have limited information before me regarding the approved scheme, it appears that it was appreciably different to the appeal proposal. It did not include the rear dormer

and provided two bedrooms rather than three. It is therefore not determinative, and I can afford it only limited weight in my decision.

25. An interested party has raised concerns regarding the effect of the proposal on their living conditions, with particular regard to privacy, as well as noise and disturbance during the construction of the development.
26. The Council notes that the proposed rear dormer would afford views towards neighbouring properties to the rear. However, considers that, given the positioning and density of the houses, it would not give rise to unacceptable levels of overlooking compared to the existing situation. From the evidence before me and my observations on site, I am of the same view.
27. I appreciate that a new development would cause some noise and disturbance, particularly during construction, and has the potential to increase pressure on parking. However, the development is reasonably modest, and construction would take place for a limited period.

Conditions

28. The Council has recommended 4 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
29. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
30. To protect the character and appearance of the area, a condition requiring the external materials match those used for No. 1 Bramshot Way is necessary.
31. In the interest of mitigating and adapting to climate change, it is also necessary to impose a condition to ensure that the energy saving and renewable energy measures detailed within the Energy Statement, dated 28th December 2023, are implemented and maintained.

Planning Balance

32. Given the shortfall in housing supply, Paragraph 11d) of the Framework falls to be considered. Given this, permission should be withheld only where adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
33. I have identified that the proposal would result in some harm to the character and appearance of the area. It would also not meet the requirements of Policy DM13 of the Local Plan. However, it would not have an unacceptable impact on highway safety as a result.
34. Policy DM1 of the Local Plan and Policies CP1, CP3 and CP12 of the Core Strategy are broadly consistent with the Framework's aim to create high quality, beautiful and sustainable buildings, and places by, among other things, being sympathetic to local character, including the surrounding built environment.

35. The proposed rear dormer, by virtue of its size, may not represent the highest quality of design and would be unduly prominent in the street scene. Nevertheless, the proposal would respect the spacious and verdant character of the wider development and would not undermine the uniformity in the scale, materials, and style of the houses. The resulting harm in this regard would therefore be limited and localised.
36. Against this harm, the proposal would deliver a much-needed dwelling in an accessible location and would support the objective of the Framework in boosting the supply of homes in an area where there is a shortfall in the current supply of deliverable housing sites. There would also be modest economic and social benefits.
37. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, the limited adverse impacts of the proposal and conflict with Policy DM13 would not significantly and demonstrably outweigh its benefits. Therefore, other material considerations justify allowing the appeal.

Conclusion

38. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

Hannah Guest

INSPECTOR