



Appeal Decision

Site visit made on 29 July 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/P1940/W/24/3342047

Land to the Rear of 51-53 Greenfield Avenue, Watford WD19 5DJ

- 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 Tom McBride against the decision of Three Rivers District Council.
 - The application Ref is 24/0013/FUL.
 - The development proposed is described as the resubmission of a full planning permission for the demolition of existing garage and construction of 2no. semi-detached bungalows with associated access, parking, and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of 2no. semi-detached bungalows with associated access, parking, and landscaping works at Land to the Rear of 51-53 Greenfield Avenue, Watford WD19 5DJ in accordance with the terms of the application, Ref 24/0013/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's second reason for refusal relates to the absence of a planning obligation to secure affordable housing contribution. The appellant has submitted a signed unilateral undertaking (the UU) pursuant to section 106 of the Town and Country Planning Act with the appeal. The UU relates to planning obligations regarding financial contributions towards affordable housing. It is common ground between the parties that the obligations within the agreement are sufficient to address the Council's concerns in respect of this reason for refusal, and I see no reason to take a different view. I shall return to this matter later.
3. I have referred to the description of development in my decision above only insofar as it is relevant to the development itself.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. Nos 51 and 53 Greenfield Avenue (Nos 51 and 53) are located close to the junction of Greenfield Avenue and The Courtway. The appeal site comprises a

portion of the rear gardens of these properties and accommodates sheds, greenhouses and a single garage.

6. The Courtway is largely characterised by detached and semi-detached bungalows with hipped roofs. The dwellings within this road follow a similar building line, set back from the road, with grassed areas and parking to the road frontages, which creates a suburban character. Whilst the properties opposite the site, Nos 34, 34A and 36 The Courtway are sited closer together, in general the surrounding properties have gaps to their side boundaries which in some cases provide access into their rear gardens. The plot sizes on the opposite side of the road are smaller, whereas those on the same side as the site are larger. As such, there is some variety in terms of plot size within the road.
7. The proposed bungalows would occupy most of the width of their respective plots, with negligible gaps to the side boundaries. However, given that the properties on the opposite side are sited very close to each other, the proposal would not appear out of context in the street scene.
8. Although the pair of semis would be sited further forward than the front elevation of 69 The Courtway (No 69), the bungalows would not project beyond the side elevation of No 51. As such, the proposal would be positioned so to respect the building line and it would not appear incongruous.
9. The proposed plots would each have a garden space to the rear and defensible space to the front. Although the plots would be small, there is some variety in terms of plot size and coverage within the vicinity, so the proposal would not appear at odds with the local grain of development.
10. The proposal would not have a harmful effect on the character and appearance of the area, in accordance with Policies CP1, CP3 and CP12 of the Core Strategy 2011 (CS), Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013. These policies support development with a high-quality design and layout that respects the character of the District.

Planning Obligation

11. CS Policy CP4 requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites.
12. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with the National Planning Policy Framework (the Framework), I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above.

Other Matters

13. The proposal would accord with CS Policy CP10 in terms of parking provision, and the Hertfordshire County Highways raises no objections to the proposed access arrangements. Although because of the proposal the cars that currently

- park on that stretch of the road would be required to park elsewhere, in this instance, the proposal would not be required to mitigate any potential loss of on-street parking. As such, the proposal would be acceptable in this regard.
14. Concerns have been raised in relation to the loss of trees and bushes within the site, however there is no evidence before me to suggest that these are covered by a Tree Preservation Order. Therefore, in this instance, it would not be reasonable to require their retention as a part of the development.
 15. Third party comments refer to the presence of birds and bats in the area. However, a Biodiversity Checklist has been submitted with the appeal that states that no protected species or biodiversity will be affected as a result of the proposal. As such, the proposal would be acceptable in this regard.
 16. Concern has also been raised regarding the capacity of existing services and infrastructure, in particular health, education facilities and drainage. However, no substantive evidence has been provided of any capacity issues in this regard. Further, in terms of drainage, the evidence does not identify the site as being located within a critical drainage area or area known for surface water flooding. As such, I find that the proposal would be acceptable in relation to these matters.
 17. As the proposal is to construct two bungalows, it is unlikely that it would give rise to additional noise levels over and above what would be expected in a residential area. Although there would be some noise and disturbance during the construction period, given the modest nature of the proposal, it is unlikely that this would be significant or extend for a substantial amount of time. As such, the proposal would be acceptable in this regard.
 18. Owing to the single storey nature of the bungalows, window position, boundary treatments and relationship with No 69, I find that there would be no unacceptable harm to the living conditions of these neighbours in terms of privacy. The existing boundary fence and garage already logically impinge on the light received by the side windows at No 69. Given that the proposal would be single storey and its roof would pitch away from these neighbours, I do not find that the proposal would unduly reduce the daylight and sunlight levels received by the windows at No 69.
 19. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life, his home and his correspondence. I have found that the proposed development would be acceptable in terms of living conditions. There is no substantive evidence before me to indicate that in allowing the appeal this would prevent the use or enjoyment of the existing dwelling at No 69. Allowing this appeal would not be a disproportionate interference with that right and I do not consider that allowing the appeal would discriminate in any way against the neighbouring occupants or their family.
 20. Concerns are raised regarding security risks and damage to private property during building works. However, this is a private matter that falls outside my consideration of this appeal.

Conditions

21. I have considered the Council's suggested conditions in light of the advice contained within the Framework and the National Planning Practice Guidance. I

have undertaken some minor editing, in the interests of precision and clarity. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt.

22. In the interests of protecting the character and appearance of the area, it is necessary to impose a condition requiring the proposed external materials to be approved by the Council. To ensure that the proposal will contribute to sustainable development, a condition requiring that the development is carried out in accordance with the Energy Statement is necessary.
23. To ensure that adequate off-street parking space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety a condition requiring the vehicle parking spaces to be provided and remain available for parking is necessary.
24. Due to the scale of the development, the imposition of a construction management plan, as suggested by the Council, is not necessary.
25. The Council has suggested that a condition is imposed removing permitted development rights on the site. The Framework states that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. Furthermore, the PPG advises that such conditions may not be reasonable or necessary. Based on the evidence before me, I see no reason to conclude that harm would result from permitted development rights being implemented on the appeal site. Therefore, I do not consider that this condition is necessary to make the development acceptable in planning terms.

Conclusion

26. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos GA03 D, GA04 D, GA05 D, GA10 D, GA01 B, GA06 C, GA08 C, GA07 C, GA09 C and GA14 C.
- 3) No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) The development hereby approved shall not be occupied until the energy saving and renewable energy measures detailed within the Energy and Sustainability Statement are incorporated into the approved development. These measures shall be retained thereafter.
- 5) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no GA10 D. Thereafter those spaces shall be retained for the parking of vehicles only.
- 6) No development above ground level shall take place until details of the position, design, materials and type of boundary treatments to be erected have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and retained thereafter.

Appeal Decision

Site visit made on 29 July 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/P1940/W/24/3336692

Land to the Rear of 51-53 Greenfield Avenue, Watford WD19 5DJ

- 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 Tom McBride against the decision of Three Rivers District Council.
 - The application Ref is 23/0799/FUL.
 - The development proposed is described as full planning permission for the erection of two bungalows with associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal relates to the highway access. Subsequently, the appellant has provided an amended plan demonstrating that the proposed dropped kerb access arrangement would meet the design requirements of Hertfordshire County Highways. As such, the Council has confirmed that it no longer wishes to pursue this reason for refusal. On this basis, I have not considered this matter any further.
3. The fourth reason for refusal relates to the absence of a planning obligation to secure affordable housing contribution. The appellant has submitted a signed unilateral undertaking (the UU) pursuant to section 106 of the Town and Country Planning Act with the appeal. The UU relates to planning obligations regarding financial contributions towards affordable housing. It is common ground between the parties that the obligations within the agreement are sufficient to address the Council's concerns in respect of this reason for refusal, and I see no reason to take a different view. I shall return to this matter later.
4. There is some discrepancy between the submitted plans, whereby the ridge width as shown on the roof plan is much narrower than the ridge width shown on the elevations. The Council took the proposed elevations to represent the true proposed roof form and, in the absence of substantive evidence to the contrary, I shall follow the same approach.
5. During the late stages of this appeal it was brought to my attention that the Council recently approved a planning application for one dwelling on the appeal site. As this permission is of potential relevance to the appeal before me, I have considered it as a part of my assessment.

Main Issues

6. The main issues are the effect of the proposed development on the:

- character and appearance of the area; and
- parking provision.

Reasons

Character and appearance

7. Nos 51 and 53 Greenfield Avenue (Nos 51 and 53) are located close to the junction of Greenfield Avenue and The Courtway. The appeal site comprises a portion of the rear gardens of these properties and accommodates sheds, greenhouses and a single garage.
8. The Courtway is largely characterised by detached and semi-detached bungalows with hipped roofs. The dwellings within this road follow a similar building line, set back from the road, with grassed areas and parking to the road frontages, which creates a suburban character. Albeit the properties on the opposite side of the site, Nos 34, 34A and 36 The Courtway are sited closer together, in general the surrounding properties have gaps to their side boundaries which in some cases provide access into their rear gardens. The plot sizes on the opposite side of the road are smaller, whereas those on the same side as the site are larger. As such, there is some variety in terms of plot size within the road.
9. The proposed pair of semis would be located much closer to the road than the surrounding dwellings. The bay windows would project assertively very close to the highway edge. Consequently, the proposal would sit further forward beyond the front elevation of 69 The Courtway and beyond the side elevation of No 51, thereby disrupting the suburban pattern of deeper frontages observed in nearby properties. Due to their siting, scale and projecting design the pair would appear jarring when travelling in The Courtway in both directions.
10. While it may be that the size of the resulting plots and plot coverage would be comparable to other plots in the area, the siting of the bungalows so close to the side boundaries and to the road, together with their bulk and mass would lead the proposal to appear uncomfortably cramped within the street scene and cause harm to the character of the area. As the proposal would fail to successfully integrate with its surrounding context, it would not constitute an effective use of land.
11. The appellant has drawn my attention to other dwellings in the surrounding area. The terraces at 2 The Courtway span the width of their plots, as they have been constructed up to the flank boundaries. Similarly, the dwellings at 52 and 54 The Courtway occupy the full width of their plots. However, these neighbouring dwellings lie in corner plots which is not the case of the appeal site, so these developments would not be directly comparable with the proposed scheme. Whilst these neighbouring developments may occupy more prominent positions within the street scene, I find that the scheme before me would be harmful to the character of the area in its own terms.
12. The bungalows at 34-34A The Courtway do not project beyond the prevailing building line like the proposal. As such, having regard to the importance of

consistency¹, I find that the proposal would not be directly comparable to these other developments.

13. Reference is made to a planning permission² for a detached bungalow within the appeal site recently granted by the Council. In comparison to the appeal scheme, the approved development comprises one detached house other than a pair of semis. As such, I do not find that this approved scheme would justify the proposal before me.
14. The proposal would therefore have a harmful effect on the character and appearance of the area, in conflict with Policies CP1, CP3 and CP12 of the Core Strategy 2011 (CS), Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013 (DMP). These policies support development with a high-quality design and layout that respects the character of the District.

Parking provision

15. CS Policy CP10 states that development should make adequate provision for car parking. DMP Policy DM13 goes on to say that development should make provision for parking in accordance with the parking standards and the zone-based reductions set out in Appendix 5. In accordance with Appendix 5, the parking provision for two-bedroom dwellings is of 2 spaces. As each dwelling would be provided with one parking space, the parking provision would fall short of the Council's standards.
16. The appellant submitted a Parking Survey based on a 200m walking distance from the site. The survey was carried out over two nights in November 2023, and shows that there is an ample amount of parking available in the locality, so the proposal would not result in undue pressure on the on-street parking. There is no compelling evidence before me to contradict the findings of this survey and, as such, the weight of the evidence leans in the direction of the appellant.
17. The parking provision would be below the Council's standards and therefore the proposal would not comply with the provisions of CS Policy CP10 and DMP Policy DM13. However, the submitted parking survey tempers the weight I afford to the conflict with these policies.

Other Matters

18. The appellant suggests that the proposals would constitute the development of previously developed land (PDL). However, the definition of PDL as set out in the National Planning Policy Framework (the Framework) excludes land in built-up areas such as residential gardens and I have no specific evidence before me to conclude that the proposal would constitute PDL.
19. I appreciate that the appellant is seeking to optimise the potential of underutilised land. However, as the proposal would be inherently harmful, I am not persuaded that it would amount to an optimal use of the land.

¹ North Wiltshire DC v Secretary of State for the Environment (1993) 65 P. & C.R. 137.

² LPA Ref 24/0517/FUL.

Planning Balance and Conclusion

20. The evidence indicates that the Council can only demonstrate a 1.9 years supply of deliverable housing sites, and its Housing Delivery Test results are substantially below the threshold of 75%. This engages paragraph 11 d) ii. of the Framework, which states 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.
21. The proposal would be acceptable in relation to other matters, including the living conditions of future residents and housing mix. However, these are neutral factors that neither weight for nor against the development.
22. Although the parking provision would be acceptable in practical terms, the adverse impacts of the proposal on the character and appearance of the area attract substantial weight.
23. Set against the identified harm, the proposed development would address the shortfall in the Council's supply. The bungalows would suit the elderly demographic and would be located within an urban area close to local services and facilities. The site is a small one, so it would be built out relatively quickly. New residents would be economically active and there would be economic benefits during construction. The dwellings would be energy efficient and there would be biodiversity enhancements.
24. However, since the proposal would deliver a modest net gain of two dwellings, these benefits attract moderate weight. I have also given moderate weight to the policy compliant contribution towards affordable housing.
25. Nonetheless, the framework also places much importance on the need for high quality design. Overall, the adverse impacts of the development in this respect would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. The proposed development would therefore conflict with the development plan, read as a whole. There are no other considerations, including the Framework, that outweigh these conflicts. As such, the appeal is dismissed.

P Terceiro

INSPECTOR