



Appeal Decisions

Site visit made on 4 June 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

Appeal A Ref: APP/P1940/W/19/3222318

Eastbury Corner, 13 Eastbury Avenue, Northwood HA6 3LE

- 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 Sterling Rose Developments Ltd against the decision of Three Rivers District Council.
 - The application Ref 18/1938/FUL, dated 20 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is demolition of dwellinghouse to provide a new building comprising 5 self-contained flats with associated refuse, recycling, cycle and car parking facilities.
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Appeal B Ref: APP/P1940/W/19/3225325

Eastbury Corner, 13 Eastbury Avenue, Northwood HA6 3LE

- 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 Sterling Rose Developments Ltd against the decision of Three Rivers District Council.
 - The application Ref 18/2411/FUL, dated 22 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is demolition of dwellinghouse to provide a new building comprising 4 self-contained apartments with associated refuse, recycling, cycle and car parking facilities with new vehicle crossover.
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Decisions

1. Appeal A is allowed and planning permission is granted for demolition of dwellinghouse to provide a new building comprising 5 self-contained flats with associated refuse, recycling, cycle and car parking facilities at Eastbury Corner, 13 Eastbury Avenue, Northwood HA6 3LE, in accordance with the terms of the application, Ref: 18/1938/FUL, dated 20 September 2018, subject to the conditions set out at the end of this decision.
2. Appeal B is allowed and planning permission is granted for demolition of dwellinghouse to provide a new building comprising 4 self-contained apartments with associated refuse, recycling, cycle and car parking facilities with new vehicle crossover at Eastbury Corner, 13 Eastbury Avenue, Northwood HA6 3LE, in accordance with the terms of the application, Ref: 18/2411/FUL, dated 22 November 2018, subject to the conditions set out at the end of this decision.

Procedural Matter

3. With respect to Appeal A, a signed unilateral undertaking dated 12 June 2019 in favour of Three Rivers District Council has been submitted. This secures the provision of an affordable housing contribution of £6000 to be paid in the event Appeal A is allowed and the subsequent planning permission is implemented.

Main Issues

4. The main issues with respect to both Appeal A and Appeal B are:
 - the effect on the character and appearance of the area;
 - the effect on the living conditions of future occupiers of the development, with particular regard to the availability of garden space;
 - the effect on highway safety; and
 - whether the proposed development makes an adequate contribution towards affordable housing.

Reasons

Character and appearance

5. The appeal site is located on the corner of Eastbury Avenue and Eastglade. It contains a large detached dwelling located in a residential area. A variety of different housing types and design styles surround the site. These include 2-storey detached dwellings and 3-storey flatted developments of differing ages and styles. There is thus a mixed residential character and appearance in place.
6. The 2 appeal schemes before me relate to developments that would be identical to each other in external appearance terms. I acknowledge that the proposed plot coverage of the building would be significant. Its footprint would however respect the front and rear building lines of both the existing dwelling on the site and the neighbouring block of development situated to the east. It is also apparent that the building would be set in from each of the site's boundaries, meaning its visual prominence in the streetscene would be tempered to some degree.
7. In any event, it would not be unusual for development on a corner plot to be prominent. Indeed, corner buildings can be used to create statement features. In the case of these appeals, the building's form and the makeup of its elevations would add visual interest to the streetscene and be respectful of the various styles of development that can be observed in the site's immediate vicinity.
8. I acknowledge that the proposals would result in the loss of existing trees and hedgerows, but I understand that none of these features are protected and did not appear, from inspection, to be of high value. I note that neither has the Council raised concerns in this context and that new landscaping features (including grassed garden areas and hedgerows) would be provided as part of any redevelopment of the site. The 'car turntable' arrangements that are proposed represent an innovative solution to maximising the usability of external areas of the site and I do not consider that the proposals would constitute an overdevelopment of the site.

9. For the above reasons, the proposals subject to both Appeal A and Appeal B would not cause harm to the character and appearance of the area. The proposals would accord with Policies CP1 and CP12 of the Core Strategy (October 2011) (the CS) and with Policies DM1 and Appendix 2 of the Development Management Policies Local Development Document (July 2013) (the DMPLDD) in so far as these policies require that development does not lead to a gradual deterioration in the quality of the built environment and that new development will respect the character of the street scene.

Living conditions of future occupiers

10. With respect to both appeal proposals before me, relatively limited areas of private and communal garden space (including private terrace and balcony areas) are proposed. Parking areas would take up a significant proportion of the external space contained within the site. Nevertheless, in the case of both appeals, each flat would be provided with a small extent of private space that would be supplemented by a communal garden area situated at the southern end of the site.
11. Appendix 2 of the DMPLDD sets out specific design criteria for amenity space/garden space and the extent of such space that should be attained by flatted development (either specifically or communally). With respect to both appeals, a clear shortfall in garden space would be provided when compared to the standard set out in Appendix 2.
12. It is also apparent that landscaping is proposed, including hedgerow planting, that could provide attractive spaces for future occupiers, subject to proper maintenance. Nevertheless, the proposals would deliver confined areas of garden space that would have limited usability.
13. For the above reasons, the proposals subject to both Appeal A and Appeal B would cause harm to the living conditions of future occupiers of the development, with particular regard to the availability of garden space. The proposals would conflict with Policy CP12 of the CS and with Policies DM1 and Appendix 2 of the DMPLDD in so far as these policies expect development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

Highway safety

14. From inspection, I observed Eastbury Avenue to be a relatively wide single carriageway road that, in the vicinity of the appeal site, provided limited opportunities for on-street parking due to parking restrictions. Eastglade forms a narrow estate road where potential parking opportunities close to the site were more plentiful in comparison to Eastbury Avenue, although parking restrictions were still in place. I observed numerous vehicles parked on-street near to the site and local people have referred to limited parking opportunities in the area.
15. Each of the appeal proposals before me would be served by 7 on-site car parking spaces located across 2 separate parking areas on the site. Each parking area would be served by a 'car turntable' facility, which would allow vehicles to exit the site in a forward gear without the need for further associated manoeuvring space. The Highway Authority has not challenged the

suitability of this approach. I am satisfied that the proposed turntable facilities would allow 7 spaces to be appropriately accommodated upon the site. A planning condition could ensure that they are retained and remain usable for the lifetime of the development.

16. Policy DM13 of the DMPLDD requires that development should make provision for parking in accordance with parking standards that are set out in Appendix 5 of the same document. These standards are based on the number of bedrooms contained in each proposed dwelling. In the case of each appeal, a shortfall is calculated. Indeed, with respect to Appeal A, where 5 units of accommodation are proposed, the parking standards suggest the provision of 9.75 spaces where only 7 are to be provided. However, it is also set out in Appendix 5 that, in areas of high accessibility and good service provision, a reduction in the levels of residential parking may be appropriate.
17. Notwithstanding concerns raised by a third party to this appeal as regards the accuracy of supporting evidence submitted, the Highway Authority has raised no objection to the proposed parking provision. Considering the site's relative proximity to a range of facilities and services, including public transport facilities, I am content that a reasonable and appropriate level of on-site car parking is proposed in the case of each proposal before me. Thus, even noting the limited parking opportunities that exist in the area and that other local developments have recently been permitted, highway safety would not be prejudiced.
18. The proposals include the retention of an existing access, the provision of a new access point and the stopping up of an existing access onto Eastglade. Whilst the new access point onto Eastglade would be used more intensively, when compared to the existing one and would be sited opposite to a shared access point, I noted that visibility is good in both directions and I would expect vehicle speeds to be generally low. The Highway Authority has raised no objections to the access, and this is a matter of importance as they are responsible for the safety of road users on the local highway network.
19. For the above reasons, whilst adopted parking standards would not be fully satisfied, the proposals subject to both Appeal A and Appeal B would have an acceptable effect upon highway safety so as not to cause harm. The proposals would accord with Policy CP10 of the CS and Policy DM1 of the DMPLDD in so far as these policies require that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.

Affordable Housing

20. Policy CP4 of the CS identifies a pressing need for affordable housing in the District and sets out that around 45% of new housing should be affordable and that all new development of one or more dwellings will be expected to contribute to the provision of affordable housing. The National Planning Policy Framework (February 2019) (the Framework) however states that provision of affordable housing should not be sought for residential developments that are not major developments. Policy CP4 is therefore not consistent with the Framework.
21. The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the

importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.

22. Policy CP4 makes it clear that site circumstances and financial viability will be taken in to account when seeking affordable housing provision. Indeed, it is apparent that the appellant has sought to undertake viability appraisal work with respect to each of the appeal proposals before me. The main parties are in agreement that, with respect to Appeal B, it would not be viable for the development to provide affordable housing contribution. I have no reason to disagree.
23. With respect to Appeal A, agreement has been reached between the main parties to this appeal that £6000 would be the maximum level of contribution that the development could viably afford to provide. I am content that the agreed £6000 figure was achieved through robust and reasonable negotiations and that the Council's relevant commuted payment formula contained within its Affordable Housing Supplementary Planning Document (June 2011) was used as the starting point for these negotiations.
24. I am thus satisfied that a contribution of £6000 would be an appropriate level of provision with respect to the proposal that is subject to Appeal A. A signed unilateral undertaking has been received that the Council has confirmed meets their requirements. I too am satisfied, from the evidence before me, that it is fit for purpose.
25. For the above reasons, the proposals subject to both Appeal A and Appeal B make an adequate contribution towards affordable housing. The proposal accords with Policy CP4 of the CS in so far as this policy requires that all new development of one or more dwellings will be expected to contribute to the provision of affordable housing and that each case will be treated on its own merits, taking into account site circumstances and financial viability.

Other Matters

26. I note that concerns have been raised by a local resident due to their personal circumstances and difficulties that are encountered when receiving visits from carers/medical services due to parking limitations in the locality. I have had regard to the equalities implications and associated duties arising. However, I have concluded that appropriate levels of on-site car parking are proposed, and I do not consider that either proposal would lead to a noticeable change to on-street car parking availability in the vicinity of the site. I am content that the either proposal would have an acceptable effect notwithstanding the specific circumstances raised.
27. Third party concerns have also been raised with respect to potential loss of privacy, most specifically to the rear of the site due to the separation distance that would be provided. Appendix 2 of the DMPLDD states that, in the interests of privacy, an indicative 28m distance should be achieved between the faces of single or 2 storey buildings backing on to each other. In the case of each appeal before me, this would not be achieved. However, the new building would be set on the same rear building line as the existing dwelling on the site which has a number of rear-facing windows at first floor level. It would be fitted with upper floor windows of a chamfered design to prevent direct overlooking. Whilst the new building would be a storey higher than the

existing dwelling, I am satisfied that the living conditions of neighbouring occupiers situated to the rear of the site would be appropriately safeguarded with particular respect to potential overlooking.

28. Any assessment of underground services would be controlled outside of the planning process and the site is in an area categorised as being at low risk from flooding. Whilst past drainage issues and sewage blockages have been referenced by a local resident, there is no indication from the statutory undertaker that the drainage infrastructure has insufficient capacity to accommodate the proposed development.

Planning Balance

29. The Council has stated that it cannot presently demonstrate a 5-year supply of housing land. The proposal in Appeal A would result in a net increase of 4 dwelling units and the proposal in Appeal B would result in a net increase of 3 units. In both cases these new units would contribute towards reducing the housing shortfall and comply with the Framework in terms of boosting the supply of homes. In the case of Appeal A there would be the added advantage of the contribution towards much needed affordable housing, albeit that the monetary value is limited due to viability constraints.
30. It is acknowledged that there would be some harm arising from the shortfall in amenity space and that this would lead to some conflict with development plan policies. However, in the case of both appeals before me, the benefit of the additional housing is a matter of overriding importance that outweighs the identified harm and the policy conflict therewith.

Conditions

31. The Council has suggested a number of conditions with respect to both appeals and the appellant has had the opportunity to comment upon these. I have considered the suggested conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made some selected amendments to them for consistency and clarity purposes and added an additional condition with respect to both appeals covering glazing arrangements to the rear elevation of the building. Pre-commencement conditions have only been applied where agreed to by the appellant in writing and where necessary to guide initial works on site.
32. In the interests of certainty, conditions specifying the approved plans are required. I have taken the relevant plan revision numbers from the Council's respective decision notices, which correspond with the labelling of the suites of plans before me. In the interests of ensuring an acceptable visual impact, conditions are required securing details of intended external-facing materials and hard and soft landscaping (in addition to the provision of replacement planting where necessary).
33. In the interests of highway safety, conditions are required ensuring the reinstatement of footway where the existing access point is to be closed and the provision of appropriate vehicular visibility splays at the newly proposed replacement access point. Furthermore, and for the same reason, conditions are required to secure the permanent retention of approved vehicular access and parking areas on-site (as well as the installation of mechanisms to ensure that surface water does not discharge from the site on to the highway) and

the approval and implementation of a Construction Management Plan. The Construction Management Plan condition would also be in the interests of safeguarding neighbouring living conditions.

34. I also consider that, notwithstanding the details that have already been submitted, it would be reasonable and necessary for a condition to be imposed securing the full details of maintenance arrangements for the car turntables to be installed (including schedules, repair timescales and contract details) and subsequent installation prior to the first occupation of development. This is again in the interests of highway safety, and in recognition of the importance of ensuring the turntables are retained in working order at all times.
35. In the interests of seeking to promote biodiversity, a Biodiversity Enhancement Plan is reasonable to secure via condition. The implementation of sustainable construction methods, as already set out in a Sustainability Statement, are also necessary to secure via condition in the interests of promoting sustainable forms of development. The implementation and retention of the intended refuse storage arrangements are reasonable and necessary to secure via condition, in the interests of limiting visual impact and safeguarding living conditions at the site.
36. Furthermore, in the interests of safeguarding the living conditions of neighbouring occupiers, conditions ensuring that the intended glazing arrangements to the eastern flank wall of the development and to the northern rear wall are implemented and retained thereafter are reasonable and necessary.

Conclusion

37. For the reasons set out above, Appeal A is allowed and Appeal B is allowed.

Andrew Smith

INSPECTOR

Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 001 P2, 105 P2, 106 P2, 200 P8, 201 P2, 205 P6, 206 P6, 207 P6, 208 P4, 209 P5, 210 P6, 211 P6, 212 P5, 213 P6, 220 P12, 221 P8, 225 P1.
- 3) Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the local planning authority and no external materials shall be used other than those approved.
- 4) Prior to the first occupation of the development hereby permitted the existing access from Eastglade shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be

- submitted to and approved in writing by the local planning authority, concurrently with the bringing into use of the new access.
- 5) Prior to the first occupation of the development hereby permitted the proposed accesses and on-site car parking shall be laid out, demarcated, levelled, installed, surfaced and drained in accordance with the approved plans and permanently retained and maintained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
 - 6) Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 33m shall be provided to each side of the new access on Eastglade where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
 - 7) No development shall take place until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the local planning authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.
 - 8) The hard landscaping scheme as detailed on Drawing Nos. 220 P12 and 221 P6 shall be carried out and completed prior to the first occupation of the development hereby permitted. The soft landscaping works required by the abovementioned drawings shall be carried out before the end of the first planting and seeding season following first occupation of any part of the building or completion of the development, whichever is sooner. If any existing tree shown to be retained, or planting making up part of the soft landscaping works (or replacement tree(s)/planting) is removed, dies, becomes severely damaged or diseased within five years of the completion of development it shall be replaced with trees or planting of appropriate size and species in the next planting season.
 - 9) The development hereby permitted shall not be first occupied until the refuse storage area as shown on Drawing 225 P1 has been implemented in full, and these facilities shall be retained permanently thereafter.
 - 10) Before the first occupation of the development hereby permitted the windows in the east flank elevation facing No15 Eastbury Avenue shall be fitted with purpose made obscured glazing to a height of 1.7m above the floor level of the room in which the window is installed and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.
 - 11) Before any building operations above ground level are commenced, a Biodiversity Enhancement Plan shall be submitted to the local planning authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, the extent and location of proposed enhancements, details of any new tree species, and details of initial aftercare and long-term maintenance. Development shall be implemented in accordance with the approved details.

- 12) Prior to the commencement of any development on site other than the demolition of the existing building, details of the construction methods to be used to achieve the CO2 reduction as set out in the Sustainability Statement (by Base Energy) submitted with the application shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented only in accordance with the details as approved.
- 13) Prior to the first occupation of the development hereby permitted, full details of the proposed maintenance arrangements for the car turntables shall be submitted to and approved in writing by the local planning authority. The details shall include inspection and maintenance schedules, timescales for repair works, confirmation that a contract for maintenance has been entered into and the time period for that contract, and arrangements to be entered into following the contract ending. The turntables shall thereafter be provided prior to the first occupation of the development and permanently maintained in working order in accordance with the details approved by this condition.
- 14) Prior to the first occupation of the development hereby permitted, the upper floor windows to the north-facing elevation shall be fitted in a chamfered form as illustrated on approved plans 206 P6, 207 P6, 211 P6, 212 P5, 213 P6 and shall thereafter be retained in this form at all times thereafter.

Schedule of Conditions – Appeal B

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 001 P2, 105 P2, 106 P2, 200 P8, 201 P2, 205 P6, 206 P7, 207 P7, 208 P4, 209 P5, 210 P6, 211 P6, 212 P5, 213 P6, 220 P12, 221 P8, 225 P1.
- 3) Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the local planning authority and no external materials shall be used other than those approved.
- 4) Prior to the first occupation of the development hereby permitted the existing access from Eastglade shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority, concurrently with the bringing into use of the new access.
- 5) Prior to the first occupation of the development hereby permitted the proposed accesses and on-site car parking shall be laid out, demarcated, levelled, installed, surfaced and drained in accordance with the approved plans and permanently retained and maintained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 6) Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 33m shall be provided to each side of

the new access on Eastglade where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

- 7) No development shall take place until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the local planning authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.
- 8) The hard landscaping scheme as detailed on Drawing Nos. 220 P12 and 221 P8 shall be carried out and completed prior to the first occupation of the development hereby permitted. The soft landscaping works required by the abovementioned drawings shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner. If any existing tree shown to be retained, or planting making up part of the soft landscaping works (or replacement tree(s)/planting) is removed, dies, becomes severely damaged or diseased within five years of the completion of development it shall be replaced with trees or planting of appropriate size and species in the next planting season.
- 9) The development hereby permitted shall not be first occupied until the refuse storage area as shown on Drawing 225 P1 has been implemented in full, and these facilities should be retained permanently thereafter.
- 10) Before the first occupation of the development hereby permitted the windows in the east flank elevation facing No15 Eastbury Avenue shall be fitted with purpose made obscured glazing to a height of 1.7m above the floor level of the room in which the window is installed and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.
- 11) Before any building operations above ground level are commenced, a Biodiversity Enhancement Plan shall be submitted to the local planning authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, the extent and location of proposed enhancements, details of any new tree species, and details of initial aftercare and long-term maintenance. Development shall be implemented in accordance with the approved details.
- 12) Prior to the commencement of any development on site other than the demolition of the existing building, details of the construction methods to be used to achieve the CO2 reduction as set out in the Sustainability Statement (by Base Energy) submitted with the application shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented only in accordance with the details as approved.
- 13) Prior to the first occupation of the development hereby permitted, full details of the proposed maintenance arrangements for the car turntables shall be submitted to and approved in writing by the local planning authority. The details shall include inspection and maintenance schedules, timescales for repair works, confirmation that a contract for

maintenance has been entered into and the time period for that contract, and arrangements to be entered into following the contract ending. The turntables shall thereafter be provided prior to the first occupation of the development and permanently maintained in working order in accordance with the details approved by this condition.

- 14) Prior to the first occupation of the development hereby permitted, the upper floor windows to the north-facing elevation shall be fitted in a chamfered form as illustrated on approved plans 206 P7, 207 P7, 211 P6, 212 P5, 213 P6 and shall thereafter be retained in this form at all times thereafter.