

PLANNING COMMITTEE - 13 AUGUST 2020

PART I - DELEGATED

7. **20/1236/FUL: Subdivision of the site and construction of Chalet bungalow and construction of vehicular access onto Greenbury Close at THE CROFT, 62 GREEN STREET, CHORLEYWOOD, HERTS, WD3 5QR (DCES)**

Parish: Chorleywood
Expiry of Statutory Period: 21.08.2020

Ward: Chorleywood North and Sarratt
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by Chorleywood Parish Council.

1 Relevant Planning History

- 1.1 19/0872/FUL: Subdivision of the site and construction of Chalet bungalow with attached garage and construction of vehicular access onto Greenbury Close. Application refused for the following reasons:

R1 The proposed development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R2 The proposed development by reason of its siting and design would result in a visually prominent, cramped and obtrusive form of development which would have a significant detrimental impact on the character and appearance of the streetscene. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- 1.2 19/2306/FUL: Sub-division of the site, construction of Chalet bungalow with detached garage and new vehicular access onto Greenbury Close. Application withdrawn.

2 Description of Application Site

- 2.1 The application site consists of an area of land, which was formally part of the rear garden serving No.62 Green Street. At the time of an earlier site visit, the garden had already been subdivided, with the land forming the application site being enclosed by a close boarded timber fence. The land mainly consists of grass at present, with trees/vegetation located on the rear boundary of the site. No.62 Green Street is a detached bungalow with hipped roof form; it has an existing single storey conservatory to the rear. The vehicular access serving this particular dwelling is from Green Street.

- 2.2 The garden land forming the application site adjoins the boundary with Greenbury Close and can already be accessed from an existing gate directly from Greenbury Close. The land is located at a lower land level relative to the adjacent highway, and from the adjacent neighbour at No.2. The immediate streetscene is mixed, consisting of detached bungalows; of varied architectural design and size; with spacing between each dwelling. It is noted that some of the existing bungalows have first floor accommodation served by dormer windows of varied size.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the sub division of the site and construction of Chalet bungalow and construction of vehicular access onto Greenbury Close.
- 3.2 As noted, the rear garden formally serving No.62 Green Street has already been subdivided with a close boarded fence now dividing the rear garden from the parcel of land forming the application site. No.62 would have a remaining plot depth of approximately 47.5m whilst the proposed plot would have a minimum depth from the frontage to the boundary with No.62 Green Street of approximately 16.3m.
- 3.3 The proposed dwelling would be sited such that it would face towards the flank boundary with No.2 Greenbury Close with an angled entrance which would have a frontage to Greenbury Close. The dwelling would have a maximum width across the front elevation (from the flank wall of the kitchen to the flank wall of the lounge) of approximately 11.8m and a maximum depth of 11.8m across the north east elevation. The proposed dwelling would be set in from the boundary with No.62 Green Street by 2.1m, with the front elevation of the dwelling being set back from the boundary with No.2 Greenbury Close by a minimum distance of approximately 5.5m. In terms of design, the dwelling would have a Dutch Hipped roof form with catslide to the front elevation; with the roof form having a maximum height of 6.8m. The front elevation would include the provision of two flat roofed dormer windows. A single storey front porch is proposed which would be angled towards the highway and would have a hipped roof form with a height of approximately 3.5m. To the flank and rear elevations, the roof form would be hipped. Two flat roofed rear dormer windows are proposed which would be sited at first floor level.
- 3.4 The dwelling would be accessed from Greenbury Close and a new vehicular crossover is proposed to the frontage. This would provide access to a new driveway which would provide provision for three off street car parking spaces.
- 3.5 To the rear, an amenity space is proposed which would have an area of approximately 131 square metres.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: (Object)

The Parish Council have Objections to this application on the following grounds and wish to call in unless the Officers are minded to refuse this application:

The proposed development is an uncharacteristic form of development within the streetscene and context of the area.

The proposal would result in the loss of private amenity space and insufficient amenity space is being provided for future residents.

4.1.2 Herts Highways: (No objection)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. New Access:

Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (19/3245/301 Rev C).

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.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAY INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website.

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

COMMENTS / ANALYSIS: The proposals are for the subdivision of the site and construction of a chalet bungalow and construction of vehicular access onto Greenbury Close at The Croft, No.62 Green Street, Chorleywood.

An application for the subdivision of the site and construction of Chalet bungalow with attached garage and construction of vehicular access onto Greenbury Close (ref: 19/0872/FUL) was refused due to the size and design of the proposed dwelling and the lack of contribution towards providing affordable housing. Another application with the same description (ref: 19/23/06/FUL) was withdrawn.

VEHICLE ACCESS & PARKING: The proposals include a new vehicle crossover (VXO) / dropped kerb providing access to a driveway and two parking spaces. The two parking spaces proposed are 2.4m x 4.8m which is acceptable to HCC. The applicant is reminded that Three Rivers District Council are the parking authority for the district and must therefore ultimately be satisfied with the proposed level of parking at the site. The proposed arrangement is shown on submitted plan no. 19/3245/301 Rev C. The existing dropped kerb for No.2 Greenbury Close would need to be extended thereby creating a shared VXO access for No.2 and the proposed No.3. HCC as Highway Authority would recommend

retaining one full height kerb and a small strip of verge between the properties No.3 (the proposed dwelling) and No.4. The applicant would need to enter into a vehicle crossover agreement with HCC as Highway Authority - please see the above informative.

Following consideration of the proposed access at the end of a cul-de-sac, the vehicular to vehicular visibility is acceptable and sufficient. Furthermore, the level and layout of parking is considered to be acceptable by HCC as Highway Authority

REFUSE COLLECTION: Provision would need to be made for an on-site refuse/recycling store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by Three Rivers District Council waste management.

DRAINAGE: The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need to be collected and disposed of on site in order for the proposals to be acceptable.

EMERGENCY VEHICLE ACCESS: The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses.

CONCLUSION: The applicant will need to apply for permission and enter into a vehicle crossover agreement with HCC as the Highway Authority in relation to extending the existing VXO / dropped kerb and removal of part of the grass verge. HCC has no further objections or further comments on highway grounds to the application, subject to the inclusion of the above planning condition and informatives.

4.1.3 National Grid: No comments received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8 No of responses received: 4 objections

4.2.2 Site Notice: Not applicable Press notice: Not applicable

4.2.3 Summary of Responses:

- Greenbury Close consists of 17 bungalows. Whilst described as a chalet bungalow, it is more like a house and is out of character. Not opposed to building in the gap, but should be a smaller property.
- Greenbury Close consists of bungalows with substantial rear gardens at front or rear.
- Previous report concluded that it would be an excessively prominent and obtrusive form of development. This is still the case.
- Dwellings within the close face one so all residents benefit mutually from the existence of all the other properties that are of the same essential character creating a pleasant environment.
- Does not comply with Policies CP1 and CP12 of the Core Strategy For example, the requirement to "have regard to the local context and conserve or enhance the character, amenities and quality of an area".
- Plot is too small with a narrow access. Too near to other properties.

- Would devalue other properties within the area.
- Location and block plan are six years old and misleading; the plans should be resubmitted.

4.2.4 Officer comment: There is no requirement for applicants to survey neighbouring properties and therefore it would be unreasonable to request amended plans on this basis. A site visit has been made to the application site previously and thus officers are aware of the site circumstances.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer. However, a site visit was made by the Case Officer as part of a previous application. In addition, other platforms such as Google Maps and Google Street View have also been used to aid the Officer's assessment.

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of one residential dwelling. The site is not identified as a housing site in the Site Allocations Document and therefore would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies. The site is former garden land which has historically been used in connection with No.62 Green Street. As such, the proposal would not be considered the development of previously developed land. Nevertheless, development of garden land is not prohibited, subject to consideration against national and local planning policies. Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs,
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites, and
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.2 The application site is located in Chorleywood which is identified as a Key Centre in the Three Rivers Settlement Hierarchy. Policy PSP2 states that development in key centres such as Chorleywood will be expected to provide approximately 60% of the District's housing supply over the plan period. Given the site is within a key centre, within a residential location, there is no principle objection to residential development subject to compliance with other material considerations.

7.2 Affordable Housing

7.2.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The proposed development would result in a net gain of one dwelling as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.

- 7.2.2 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 7.2.3 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq. metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 7.2.4 The National Planning Policy Framework (the Framework) was published with immediate effect for development management purposes. Paragraph 63 of the Framework advises that “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).” Annex 2 of the NPPF defines “major development” as “for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”
- 7.2.5 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that:
- (a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - (e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”
- 7.2.6 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high. In order to completely satisfy affordable housing requirements, all future housing in the district to 2021 would need to be affordable.
- 7.2.7 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate

otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.

- 7.2.8 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1 million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 7.2.9 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further £1.3+million to £2.9+ million of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 7.2.10 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between October 2011 and March 2019 198 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 9% of all such schemes.
- 7.2.11 Current evidence of housing need in the District is noted below. It confirms that the needs underlying the adopted development plan policy remain pressing.

Sums payable will be subject to indexation in most cases from June 2011 which will not be calculable until the date of payment. The headline sums will therefore increase. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

7.2.12 Importance of Small Sites to Three Rivers

- 7.2.13 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: between 1st May 2016 and 12th April 2017 for instance, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 7.2.14 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

- 7.2.15 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

Consider the starting point under the development plan policies

Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy

Consider up to date evidence on housing needs

Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 7.2.16 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"

- 7.2.17 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy"

- 7.2.18 As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

- 7.2.19 In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that "whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this." The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

- 7.2.20 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

General House Price Affordability in Three Rivers

Affordable Housing Supply Requirements in Three Rivers

Affordable Housing Provision in Three Rivers

Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings

The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites

7.2.21 General House Price Affordability in Three Rivers

7.2.22 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the seventh most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and fifty local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£375,000.00
2	South Bucks	£370,000.00
3	St Albans	£355,000.00
4	Windsor and Maidenhead	£345,000.00
5	Chiltern	£335,000.00
6	Hertsmere	£330,000.00
7	Three Rivers	£325,000.00
8	Epsom and Ewell	£324,000.00
9	Cambridge	£320,000.00
10	Mole Valley	£320,000.00

7.2.23 Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS) in the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000.00, making it now the sixth most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and fifty local authority areas (see table 2 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£390,000.00
2	South Bucks	£386,000.00
3	St Albans	£355,000.00
4	Chiltern	£375,000.00
5	Windsor and Maidenhead	£373,000.00
6	Three Rivers	£355,000.00
7	Mole Valley	£349,950.00
8	Epsom and Ewell	£340,000.00
9	Cambridge	£338,000.00
10	Epping Forest	£330,000.00

7.2.24 Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,657.00 in 2017, 13.3 times worsening to 14.4 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings). In a mortgage

market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement in excess of 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2016 to have a deposit of £239,694.00, or (without such a deposit) to earn £92,857.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional £6,250.00 Stamp Duty payment would also have been due.

7.2.25 When one considers the median affordability ratio for Three Rivers compared to the rest of England and Wales, the position is even more serious: the median quartile income to median quartile house price affordability ratio is 13.82, the fifth worst affordability ratio in England and Wales, as set out in table 3 below, again when compared against 350 local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ¹
1	South Bucks	14.55
2	Hertsmere	14.16
3	Mole Valley	14.00
4	Chiltern	13.92
5	Three Rivers	13.82
6	Elmbridge	13.82
7	Cambridge	13.45
8	Epsom and Ewell	12.99
9	Oxford	12.58
10	Christchurch	12.47

7.2.26 Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 14.30. By September 2017 that had risen to 14.84.

7.2.27 It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

7.2.28 Affordable Housing Requirements in Three Rivers

7.2.29 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.

7.2.30 The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.

7.2.31 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum. The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

7.2.32 Affordable Housing Provision in Three Rivers

- 7.2.33 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 7.2.34 Since the start of the plan period from 1 April 2001 to 31st March 2018 (the latest date where the most recent completion figures are available), 4,047 gross dwellings were completed. From this, 933 were secured as affordable housing, a total of 24.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 888 affordable housing units or 21.5% in order to fulfil the 45% affordable housing requirement up to 31 March 2018. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing
- 7.2.35 The latest available Annual Monitoring Report, published in March 2018 states: "the low percentage recorded in the 2017/18 year can partly be attributed to the Governments Written Ministerial Statement (WMS) in November 2014 which led to an amendment to National Planning Practice Guidance. This meant that from May 2016, the Council was only able to require affordable housing on sites of 10 or more dwellings, or where development had a combined gross floor area of 1000sqm. The Council was therefore unable to fully implement Core Strategy CP4, in line with government guidance. Out of a total of 23 sites where overall development would result in a net gain of one or more dwellings, and where CP4 would have been applied, only seven contributed towards the provision of affordable housing during the 2017/18 monitoring period. Given the implications of the WMS outlined above, only 10 of the 23 sites contributing a net gain of one or more dwellings were required to contribute towards affordable housing provision, with seven sites making contributions as required. A further two sites which were replacement dwellings and contributed no net gain, provided a total of three gross dwellings which are included in the gross dwelling completion figures."

Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

7.2.36 Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

- 7.2.37 Between 1st May 2016 and 12th April 2017, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. In 2017-2018 there were 67 planning applications for net gain residential schemes, of which 57 were small site schemes (85%). From 1st January 2018- December 2019 there were 50 planning applications for net gain residential schemes, of which 46 were small site schemes (92%).
- 7.2.38 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-19 some 313 dwellings were completed which equates to 39 dwellings per annum. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: "It also identifies the importance of small sites in providing affordable housing with contributions from small sites

amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.”

7.2.39 Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

7.2.40 As set out above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, small scale (1-9 unit) schemes have (as at December 2019) secured a further £1.3+million - £2.6+ million (see footnote 1) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

7.2.41 Adopted development plan policy does not impose burdens where they would render schemes unviable.

7.2.42 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between October 2011 and March 2019 there were 198 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

7.2.43 Relevant Appeal Decisions

7.2.44 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. The Council considers these appeal decisions to be of continuing relevance post the new Framework.

7.2.45 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

7.2.46 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS.

7.2.47 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.

7.2.48 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

"...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."

7.2.49 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.

7.2.50 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (13 decisions as at the date of this document) that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

**APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood,
Decision date: 21 June 2019:**

"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. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."

**APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley
Decision date: 27 June 2019:**

"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."

**APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley
Decision date 5 August 2019:**

"The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary."

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley
Decision Date: 1 November 2019:

“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park,
Decision date 22 October 2019:

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,
Decision date: 11 October 2019:

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal

decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

APP/P1940/W/19/3229189, Glenwood, Harthall Lane, Kings Langley
Decision date: 7 May 2020

“Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

7.2.51 Affordable Housing Conclusion

7.2.52 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018 and in December 2019 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2017 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

7.2.53 This Application

7.2.54 The application site is located in Highest Value Three Rivers Area as set out in the Affordable Housing SPD. This requires a contribution of £1250 per square metres of habitable floor space. Based on the habitable floor space of the dwelling this would equate to a contribution of £126,250. A Draft S106 Agreement has been submitted which proposes a policy compliant contribution. This Draft S106 Agreement is still in the process of being finalised. However, subject to the completion of this agreement, the scheme would provide a policy compliant affordable housing contribution in accordance with Policy CP4 of the Core Strategy (adopted October 2011).

7.3 Impact on Character and Street Scene

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.3.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.3.3 At the time of the previous site visit, the rear garden serving No.62 Green Street had been subdivided to create the proposed plot for development. Whilst the new dwelling would be located to the rear of No.62 Green Street, it would be accessed via Greenbury Close and would effectively infill an existing gap which currently exists between No.2 and No.4. It would form part of an existing street frontage with its own vehicular crossover. As such, the proposal would not constitute a tandem or backland form of development and would thus not be contrary to Policy DM1 of the Development Management Policies LDD in this regard.
- 7.3.4 In terms of plot size, it is noted that the proposed plot would appear quite narrow at the frontage due to the nature of the cul de sac location, however, it would open up to the rear of the site. This would not be dissimilar to other dwellings within the cul de sac including the adjacent neighbour No.4, and also to No.12 and No.13 Greenbury Close. The existing dwelling at No.62 would have a remaining plot depth of approximately 47.5m. In the immediate vicinity, plot depths do vary considerably, with dwellings to the south west of No.62 Green Street having depths of approximately 35m (No.54 and 56 Green Street). As such, it is not considered that the reduced plot depth would be out of character or unacceptable. Comments received from neighbours include that the site is too small to accommodate a dwelling of this size, and the garden depth would be uncharacteristic in an area characterised by substantial gardens. Due to the location of the site in the corner of the cul de sac, it is noted that the rear garden would be smaller than that of many of the dwellings within the cul de sac, with a length of approximately 6.5m. However, this is largely due to its corner location, with No.12 at the other end of the cul de sac having a minimum garden length of approximately 7.1m. Furthermore, it is noted that the wider character of the vicinity does vary considerably. There are maisonettes located on Green Street in close proximity to the site. These gardens are subdivided in order to serve individual occupants and as such, it is not considered that a smaller garden depth in itself would be sufficient reason to justify refusal.
- 7.3.5 Greenbury Close is a cul de sac consisting of detached bungalows; however many appear to have first floor accommodation which is served by dormer windows. Some concern has been raised by residents as to the size and style of the proposed development; stating that it would be more akin to a two storey house rather than a bungalow. However, from the frontage, it is considered that the proposed dwelling would appear as a chalet style bungalow in terms of both its height and design. The submitted proposed streetscene demonstrates that the height of the proposed dwelling would respond to the existing stepped ridge heights that are present within this area of Greenbury Close and as such, it would have a lower ridge height than No.2 and would be higher than No.4. In relation to its design, the plans indicate that the dwelling would have a catslide roof form with front dormer windows when viewed from the street frontage. Appendix 2 of the Development Management Policies LDD states the following with regard to front dormer windows:

Dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible.

Front dormers may not always be appropriate in the street scene.

7.3.6 Whilst Greenbury Close consists of bungalows, as already identified, these are of varied design, and there are many other examples of front dormer windows in the immediate vicinity, including at No.1, 2 and 6 Greenbury Close. In addition, the proposed dormer windows would also be subordinate additions to the main front roof form, and given their siting at first floor level would make the dwelling appear very much as a chalet style bungalow. However, it is acknowledged that design of the north east and south east elevations differs through the removal of the catslide roof form, such that there is more first floor wall visible and it would not have the appearance of a traditional bungalow. However, these elevations are not readily visible from Greenbury Close; and given the varied nature of the close as a whole and it is not considered that this would result in demonstrable harm to the character or appearance of Greenbury Close to justify refusal.

7.3.7 Due to the height of the dwelling, it is likely that some views of the dwelling would be obtained from Green Street behind No.62. However, given that it would be set back from the Green Street frontage and be viewed against the existing bungalow, it is not considered that any adverse harm would occur.

7.3.8 Some of the objections noted by the resident's state that the development would be excessively prominent which is one of the reasons why a previous application for a new dwelling was refused on this site. At the time of this application, the following was noted:

However, whilst the development would effectively represent an infill form of development, the new dwelling has been sited such that it would immediately front the flank boundary of No.2 Greenbury Close. The front elevation of the dwelling would be located a minimum of 4.2m from the flank boundary whilst the proposed attached garage would be located along side it. As a result, when viewed in relation to No.2, it would result in a continuous mass of development along the boundary that would appear excessively prominent and obtrusive. The siting and prominence of the new development would be particularly evident when approaching the application site from the access road and from other vantage points within the cul de sac. It is therefore not considered that the development responds to the current layout of the cul de sac.

7.3.9 The footprint of the dwelling currently proposed would now effectively form a 'v' shape when viewed from Greenbury Close with the main front projection being sited approximately 5.5m from the boundary with No.2. In addition, the detached garage has been removed from immediately adjacent to the boundary. Consequently, the perception of a continuous mass of development along the boundary has been removed and the proposed new siting and footprint is considered to respond more effectively to the layout of the cul de sac. In effect, the siting of the entrance, allows the dwelling to appear as following the curve of the cul de sac. The plans indicate that the proposed dwelling would be located approximately 2.1m from the boundary with No.62 Green Street which is considered to be sufficient in this location.

7.3.10 In summary, given the changes made since the time of the previously refused application and the site circumstances, it is not considered that the proposed development would be unduly prominent within the streetscene. The development would be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.4.2 The proposed dwelling would be sited adjacent to the flank boundary with No.2 Greenbury Close with the front elevation being located a minimum distance of 5.5m from the boundary and the recessed element of the front elevation being set approximately 11.5m away. Due to the nature of the plot, the proposed dwelling would be set forward of No.2 Greenbury Close, with the front elevation facing towards the front amenity space of this dwelling. Due to the difference in land levels with the site located at lower land level to this neighbour, it is not considered that the roof form would be unduly overbearing. Furthermore, the south west section indicates a further reduction in land levels which would also minimise the visual prominence of the dwelling in relation to this neighbour. It is also noted that the indicative streetscene indicates that the ridge height would be lower than that of No.2 Greenbury Close. The proposed front dormer window serving bedroom four would have an outlook over the front amenity space serving this neighbour. However, given the distance from the boundary and the fact that this space is already publically visible, it is not considered that any adverse harm would occur. The other front dormer window would have outlook over the front amenity space of the application site and towards the front amenity space of No.4. However, again, given the publically visible nature of front amenity spaces, no harm would occur.
- 7.4.3 The proposed development would be located approximately 2.1 m from the boundary with No.62 Green Street. The land levels across the site and into No.62 Green Street appear fairly level and as such, the proposed dwelling would be higher than the existing bungalow and would project along No.62's rear boundary. It would therefore be visible from the rear amenity area serving this dwelling and from the rear elevation of this dwelling. However, the plans indicate a distance of 14.5m would be retained between the rear of No.62 and the flank wall of the proposed dwelling. The dwelling would have a height to the eaves of 4.6m and a maximum ridge height of 6.8m. The height is not considered to be excessive and given the hipped roof form, it is not considered that it would be unduly overbearing and would not result in a loss of light to this neighbour. As such, no objection is raised. It is noted that the plans indicate the provision of rooflights in the flank roofslope facing towards this neighbour and these appear to be fairly low level. Given the proximity to the rear amenity space serving this neighbour, a condition shall be attached requiring them to be set 1.7m above floor level. A ground floor window would also face towards the boundary with No.62. Given this would serve a bathroom and can be conditioned to be obscure glazed, no objection is raised. A condition is also recommended requiring details of proposed boundary treatments to be submitted.
- 7.4.4 The rear boundary of the site would adjoin the flank boundary of No.60 and No.58 Green Street. It is not considered that the proposal would be unduly overbearing to these neighbours, given the development would be set away from the boundary. It is noted that the design of the dwelling includes two rear dormer windows, however, this would have an outlook over the rearmost part of these gardens rather than directly overlooking into the private amenity spaces serving the dwellings or the dwellings themselves.
- 7.4.5 There would be no harm to the other adjacent neighbour, No.4. This neighbour is set significantly back from the application dwelling and in addition, the dwelling would be set approximately 5.5m from the boundary with this neighbour which further minimises any significant harm. As such, no objection is raised in this regard.
- 7.5 Amenity Space Provision for future occupants

7.5.1 Appendix 2 of the Development Management Policies LDD sets out the standards for amenity space provision for residential dwellings:

3 bed dwelling -- 84 square metres
4 bed dwelling -- 105 square metres

7.5.2 The proposal results in the subdivision of the garden which formally served No.62 Green Street. As set out in the description of the application site, a fence has already been erected to enclose the reduced amenity space serving this dwelling. The plans indicate that the garden proposed to serve the existing dwelling would have an amenity space of 288 square metres which exceeds policy requirements.

7.5.3 The proposed dwelling would have four bedrooms, with the plans indicating an amenity space provision of approximately 131 square metres (measured to the rear of the dwelling); therefore exceeding the standards set out in Appendix 2. Consequently, it is considered that present and future occupiers of both No.62 Green Street and the application site would have sufficient amenity space to meet the requirements set out in Appendix 2 of the Development Management Policies LDD.

7.6 Wildlife and Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.6.3 The application has been submitted with a Biodiversity Checklist which states that the development would not have an impact on any protected species. Given the site circumstances and the fact that the development would not result in the need for demolition, it is not considered that any harm to any protected species would occur.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards

7.7.2 At the time of previous applications, no objection was raised to the development by the Landscape Officer.

7.8 Refuse and Recycling

7.8.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.8.2 Any refuse and recycling bins would be collected from the site frontage, as is the case with the other dwellings within the close. However, no specific details relating to refuse and recycling have been provided and therefore a condition is suggested requiring details to be submitted prior to the occupation of the proposed dwelling.

7.9 Highways, Access and Parking

7.9.1 Policy CP10 of the Core Strategy sets out that development proposals should demonstrate that it would provide a safe and adequate means of access. In this instance, the proposed development would involve the creation of a new vehicular crossover from Greenbury Close in order to access the site. The Highways Officer has assessed the submitted details and considers that the provision of a new access in this location is acceptable and that this should be provided prior to the occupation of the development. In addition, the Highways Officer has suggested that details of drainage would be necessary to ensure that there would be no discharge of surface water on to the adjacent highway. These details can be secured via a condition.

7.9.2 With regard to car parking, Policy DM13 and Appendix 5 are relevant and advise that a four bedroom dwelling should have three off street car parking spaces. The driveway indicated on the submitted block plan would be able to accommodate three off street car parking spaces and thus no objection is raised in this regard.

7.10 Sustainability

7.10.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

7.10.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.4 The submitted Energy Statement specifies that a 12.6% reduction would be achieved through the construction fabric of the dwelling in addition to the provision of a high efficiency gas boiler system and low energy lighting throughout the dwelling. The proposed development would therefore meet the provisions of Policy DM4 of the Development Management Policies LDD. A condition shall be attached to ensure that the development is undertaken in accordance with the approved details.

7.11 Tilted Balance.

7.11.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of

deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 7.11.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a very small contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing, furthermore, the development would also provide a policy compliant contribution to affordable housing. The economic benefits of the scheme include employment during the development process. In terms of the environmental benefits, the principle of residential development is acceptable in this location for the reasons already outlined in the above analysis.
- 7.11.3 It is considered that the proposed development complies with paragraph 11 of the NPPF, however, for the reasons previously outlined within the sections above, the development is considered acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- TRDC 001 (Location Plan), 19/3245/01, 19/3245/304, 19/3245/305, 19/3245/606
- Reason: For the avoidance of doubt, in the proper interests of planning and residential amenity in accordance with PSP2, CP1, CP2, CP3, CP4, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings 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.
- Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including details of any hard

surfacing) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C7 Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (19/3245/301).

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.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C8 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted and approved as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C9 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C11 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a

Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:
www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website.
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047