



Appeal Decision

Site visit made on 16 July 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/P1940/W/19/3225445 6 Berkeley Close, Abbots Langley WD5 0XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Prichard against the decision of Three Rivers District Council.
 - The application Ref 18/2364/FUL, dated 8 November 2018, was refused by notice dated 29 January 2019.
 - The development proposed is dwelling and joint extensions with existing dwelling including single storey front extension, single storey rear extensions and rooflights; proposed residential property; part single part double storey rear extension, creation of continuous porch on front elevation, creation of single storey element on flank elevation. Both units to incorporate rooflights and light wells.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development as it appears in the Council's Decision notice as it accurately and succinctly describes the scheme proposed.

Main Issues

3. The main issues are:
 - Whether the development makes adequate provision for off street parking.
 - The provision of affordable housing.

Reasons

Parking Provision

4. The appeal site is an end of terrace property in a block of 5 similarly styled dwellings in a residential area comprising narrow cul de sacs. The development would be located on land that currently serves as a side garden for the existing property, extending the existing block to 6 dwellings. The site is accessed via a pedestrian walkway that links Berkeley Close to Queens Drive. Unlike other properties in the vicinity there is no off street parking to the front of the dwellings in this part of the road. Instead, there are 4 communal off street parking bays to the side of No. 6. At the time of my site visit, a mid morning week day, there was a notable level of on street parking on surrounding roads.

5. Appendix 5 of the Three Rivers District Council Development Management Policies Local Development Document (DMPLDD) requires that 2 bedroom properties should provide 2 parking spaces. The location of the proposed dwelling does not enable this.
6. Whilst there are parking bays available in Berkeley Close and surrounding residential roads they are not allocated to specific properties. There also appeared to be a level of on street parking pressure from my observations on my site visit. The proposal would exacerbate this further. Whilst the appellant submitted contrary evidence, it is not clear in all instances when and where the photographs submitted were taken which limits the weight I can ascribe to them.
7. I note the lack of objection from the Highways Authority on road safety grounds but as acknowledged by them, Three Rivers District Council is the parking authority. Even though the surrounding roads are local access roads, and there is some communal parking areas, I am of the view that the proposal would lead to an increased pressure for on street parking in the area which would be detrimental to the character and appearance of the area.
8. There is disagreement between the parties regarding the accessibility of the site to local amenities. There is insufficient evidence before me to be satisfied that the accessibility of the site means that the occupants of the proposed dwelling would not require access to a car.
9. The development would make inadequate parking provision and as such would conflict with the part of Policy CP10 of the Three Rivers District Council Core Strategy (Core Strategy) which requires new development to make adequate provision for car parking. It would also conflict with the part of Policy CP12 of the Core Strategy which requires new development to have regard to the local context and conserve or enhance the character, amenities and qualities of an area including the provision of convenient, safe and visually attractive areas for the parking of vehicles without dominating the development or its surroundings. It would also conflict with the part of Policy DM13 of the DMPLDD which requires new development to make provision for parking in accordance with the parking standards contained within the document.

Affordable Housing

10. Policy CP4 of the Core Strategy requires small new residential developments to make a financial contribution to the provision of affordable housing. This is unless site circumstances and financial viability indicate otherwise.
11. The Council has provided robust evidence of a 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.
12. Given the findings of an independent viability assessor, it has not been adequately demonstrated that viability provides a reasoned justification for not making provision for affordable housing.
13. In the absence of a completed legal agreement I cannot be satisfied that the affordable housing provision would be secured. The development would therefore conflict with Policy CP4 of the Core Strategy which amongst other

things requires all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.

Other Matters

14. The appellant has identified that the Council has not found harm from the proposed design of the scheme. Be that as it may, this does not outweigh the harm I have identified.

Conclusion

15. For the reasons given, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR