



Appeal Decision

Site visit made on 20 May 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2019

Appeal Ref: APP/P1940/W/19/3219890

4 Scots Hill, Croxley Green WD3 3AD

- 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 Gristwood against the decision of Three Rivers District Council.
 - The application Ref 18/0970/FUL, dated 3 April 2018, was refused by notice dated 6 July 2018.
 - The development proposed is the construction of a two bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two bedroom detached dwelling at 4 Scots Hill, Croxley Green WD3 3AD in accordance with the terms of the application Ref 18/0970/FUL, dated 3 April 2018, subject to the conditions on the attached schedule.

Procedural Matters

2. As the decision notice I have been provided with is undated, I have taken the decision date from the appeal form. On the appeal form it is stated that the description of the proposal has changed from that given on the application form, and I have noted slight differences between the two. As the description on the appeal form is the same as that on the decision notice, that is what I have used in my formal decision. Since the Council issued its decision the Croxley Green Neighbourhood Plan 2018 ('CGNP') has been adopted. I have therefore considered this scheme against its policies.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Croxley Green Conservation Area; and
 - The effect of the proposal on the living conditions of nearby occupiers, and whether it would provide suitable living conditions for the occupants of the proposed dwelling.

Reasons

Character and appearance

4. The site lies at the southern edge of the Croxley Green Conservation Area ('CA'), whose significance is described in the Croxley Green Conservation Area Appraisal 1996 ('CGCAA').
5. The CGCAA highlights the importance of 'gateway' locations such as this. At paragraph 5.5 it draws a distinction between those buildings in a spacious setting around a large area of open space to the north, and the much denser development pattern with a mix of commercial, residential and other buildings close to the appeal site. The buildings here are varied in terms of their style and form, but many are finished in red or yellow brick, with tiles or slates on their roofs. Some nearby buildings, such as The Sportsman Public House ('PH'), are described by the Council as Locally Important.
6. The site has a frontage onto Windmill Drive, but is located to the rear of the PH and 4 Scots Hill ('No 4'). It comprises parking, an amenity area and outbuildings. Elsewhere, within the CA on this side of Windmill Drive, is a fairly eclectic mix of the rear elevations of principal buildings facing Scots Hill/The Green and their service yards; together with outbuildings/workshops, tall walls, fences and a hedgerow, many of which are close to the highway edge.
7. Outside the CA on the opposite side of Windmill Drive is a brick wall, with the rear elevations of dwellings some distance beyond, and a small area of grass with trees diagonally opposite the site. Consequently, whilst the Council refers to the area as being characterised by open space, in my view its local character is far less cohesive, and much more developed and enclosed, than that.
8. The proposed dwelling would be sited close to the highway edge. It would be taller than other buildings and structures close to the highway on this side of Windmill Drive. However, its mass would be alleviated by its partially recessed front face, and by its low pitch, largely hipped roof, which would be partly hidden behind a parapet wall. Although 'off-centre', that roof would add interest, and this fairly modestly proportioned building, in a contemporary style, with detailing such as soldier courses, cills and a timber garage door, would represent good design.
9. The dwelling would occupy a high proportion of the plot, with limited scope for landscaping. Appendix 2 of the Three Rivers Development Management Policies LDD 2013 ('TRDMP') advises that development at first floor flank level should be set in at least 1.2 m from the side boundary. This scheme would be hard up against its northern boundary and very close to the highway. However, given its context, and the relatively high density of nearby development on this side of Windmill Drive, its siting would not appear out of place, and Appendix 2 sets out that the guidance will be applied flexibly.
10. Subject to precise details, which could be secured by a condition, the scheme's London stock brick finish would broadly reflect the materials on some nearby buildings. Although its zinc bronze coloured roof and bronze coloured window frames would not, given the varied and non-distinctive style of buildings and structures along this part of Windmill Drive, and the roof's form, that would not harm this streetscene.

11. Whilst the scheme would restrict views of nearby buildings from Windmill Drive, including No 4 and the PH, their rear faces are less cohesive and display fewer architectural details than their front elevations. This well-designed building would not harm their setting.
12. All Saints Church spire can be glimpsed from the end of Windmill Drive looking across the appeal site above the roofs of other buildings. However, those views are distant and very limited. From within the CA, and from Rickmansworth School, the buildings fronting Scots Hill would significantly limit views of the proposed dwelling to the rear. Even if its distinctive roof could be seen, those views would typically be fairly distant, and given my conclusions above, would not be harmful.
13. For the above reasons, the scheme would preserve the character and appearance of the area. It would not therefore conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy 2011 ('TRCS'); Policy DM1 of the TRDMP; or with CGNP Policy CA3 and the description of the Windmill Drive estate at its paragraph B.4.6.
14. In broad terms, and amongst other things, they require that development shall be of a high design quality, which protects and enhances the built and historic environment; and makes an efficient use of the land whilst respecting the area's distinctiveness having regard to matters such as density, character, layout, streetscape, roof form, scale and materials. The scheme's visual impact would be acceptable in accordance with the broad thrust of TRDMP Appendix 2.
15. Additionally, as the character and appearance of the CA would be preserved, and the setting of nearby Locally Important Buildings would not be harmed, the scheme would comply with TRDMP Policy DM3, CGNP Policy CA1, the CGCAA, and with the statutory test at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Living conditions

16. The rear face of the proposed dwelling would be sited approximately 11m from the rear of No 4, including its first floor flat - well short of the suggested 28m in Appendix 2 of the TRDMP. However, its large rear window would serve a staircase, and there would not be main habitable room windows at first floor. Additionally, the nearest opposing window in the outrigger of No 4's first floor flat serves a small kitchen area, and most of its principal habitable room windows face Scots Hill.
17. The Council states that to accord with Appendix 2 of the TRDMP the proposed dwelling should have an outdoor amenity space of 63sqm. This dwelling's outdoor amenity area would be about 30sqm. Notwithstanding boundary treatment, it would be partly overlooked from No 4's kitchen window, and it would be close to commercial uses.
18. However, in a fairly dense, mixed use environment such as this, a degree of overlooking and disturbance is not uncommon. This space would provide a sufficient area for the future occupants of this small two bedroom dwelling to sit outside, hang washing, or to store typical domestic paraphernalia. As evidenced by section 2 of the appellant's statement, the Council has permitted schemes with amenity space below that suggested in TRDMP Appendix 2.

19. The outlook from the habitable rooms in the front face of the proposed dwelling would be mainly over the highway and towards the boundary wall beyond. Given the distance to the gardens and rear faces of the dwellings in Windmill Drive, the scheme would not impact those occupiers' living conditions, by reason of overlooking, overbearance, or loss of light, to a harmful degree.
20. Consequently, on this issue the scheme would not conflict with those parts of TRCS Policies CP1 and CP12, and TRDMP Policy DM1, which in general terms seek to protect residential amenities and to ensure high design quality. Although this scheme would not fully satisfy the guidelines in Appendix 2, they should be applied flexibly, and for the above reasons I am satisfied that the scheme would comply with its broad approach of maintaining acceptable standards of privacy for new and existing buildings.

Other matters

21. The Council's third reason for refusal referred to the absence of a S106 agreement regarding a contribution towards affordable housing. However, a Unilateral Undertaking ('UU') was provided during the course of the appeal, and was agreed by the Council in its email dated 18 April 2019.
22. In its letter dated 21 February 2019 the Council has provided a detailed justification for seeking financial contributions towards affordable housing for schemes of 10 dwellings or less, which is supported by a needs analysis.
23. Consequently, having regard to TRCS Policy CP4 and the Council's Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. As the UU is fairly and reasonably related in scale and kind to the development proposed, is directly related to it, and is necessary to make the development acceptable, it meets the policy requirements at paragraph 56 of the National Planning Policy Framework ('Framework'), and the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
24. Residents have expressed concerns regarding the loss of private and commercial parking for No 4, and increased parking and congestion along this, and other parts of, Windmill Drive. However, the site is on a cul-de-sac with relatively limited traffic, and is in an accessible Key Centre location. As a result, I do not consider that this small scale proposal would give rise to such significant impacts on the safety and convenience of highway users, including service and emergency vehicles, as to warrant dismissal of the appeal.
25. Whilst concerns have also been raised regarding the precedent that could be set by allowing this appeal, I note that permission has already been given for a two storey building to the rear of 1 New Parade further down this part of Windmill Drive. Having considered this proposal on its planning merits, I have found it to be acceptable.

Conditions and Conclusion

26. Turning to the matter of conditions, I have considered those suggested against the Framework's tests, making revisions where necessary in the interests of clarity and precision. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.

27. In the interests of the character and appearance of the area, my condition nos 3 and 4 are necessary. In the interests of the safety and convenience of highway users, I have imposed condition nos 5 and 6, although as the scheme does not include replacement parking for No 4, I have omitted that suggested reference from my condition. For the same reason, and to protect nearby occupiers' living conditions I have imposed condition no 7. Given that noise and other disturbance could occur from the outset of the development, to mitigate those impacts, this is necessary as a pre-commencement condition.
28. To protect neighbouring occupiers' living conditions I have imposed condition no 8. The Planning Practice Guidance advises that permitted development rights should only be exceptionally withdrawn. However, this is a tightly constrained site in a sensitive location at the edge of the CA. Consequently, to protect adjacent occupiers' living conditions and the character and appearance of the area, I have imposed condition nos 9 and 10, broadly as suggested.
29. Finally, having regard to the development plan, including TRCS Policies CP1 and CP12, my condition no 11 is necessary requiring the implementation of proposed energy saving, and renewable energy, measures.
30. For the above reasons, I conclude that the scheme would preserve the character and appearance of the area, that it would provide appropriate living conditions for the future occupants, and that it would not impact nearby residents' living conditions to a harmful degree. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (00E)001_P3, (00P)001_P3, (00P)002 P1, (00P)003 P1 and (00P)006_P1.
- 3) Before any building operations above ground level are commenced, samples and details of the proposed London Stock Bricks, zinc bronze colour roof and bronze coloured powder coated window frames shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Before any building operations above ground level are commenced, a scheme of hard and soft landscaping shall be submitted to, and approved in writing by, the Local Planning Authority, which shall include the location of any existing trees and hedgerows affected by the proposed development, together with a scheme detailing measures for their protection during the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the dwelling hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences. Any trees or plants which die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, for a period for five years from the date the approved scheme was completed.

- 5) Before any building operations above ground level are commenced, full details (in the form of scaled plans and/or written specifications) shall have been submitted to, and approved in writing by, the Local Planning Authority to illustrate:
 - The provision of an automatic roller shutter garage door, or similar, to ensure that any garage door does not overhang the highway and any vehicle does not obstruct/wait on the highway whilst manually opening or shutting the door.
 - Alterations to the existing dropped kerb.

The development shall be carried out in accordance with the approved details.

- 6) The garage serving the dwelling hereby permitted shall be retained primarily for the garaging of private cars, and no alterations shall be carried out to it such as to prevent its use for that purpose.
- 7) The development shall not begin until a Construction Management Plan/Statement detailing the proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site during the construction period, has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details throughout the construction period.

- 8) Before the first occupation of the dwelling hereby permitted, the windows at first floor level in the flank elevation of the dwelling shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order 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 flanks, rear elevation or roof slopes of the development hereby approved.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Part 1 Classes A, B, C, D and E of Schedule 2 of the Order shall take place.
- 11) The dwelling shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement by Merlin Property Services dated 30 November 2017 are incorporated into the approved development. Those measures shall thereafter be retained.