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Appendix A Appendix A: Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 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.
- 1.2 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.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 65 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.”*
- 1.4 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.”
- 1.5 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.

¹ The National Planning Policy Framework was updated in February 2019, July 2021 and December 2023 and retains the policies as stated in Paragraph 1.3 of this document.

- 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.

- 1.6 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 Paragraph 65 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 & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2023, Three Rivers has received small site affordable housing contributions amounting to over **£3.2 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £3.2 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.255- 1.5million (plus indexation)²** 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.
- 1.9 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 128 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 1 October 2011 and 31 March 2023, 269 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 6.7% of all such schemes³.
- 1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.12. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of April 2024

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (April 2024) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

- 1.11 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: from 1 April 2017 to 31 March 2023, 288 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 256 applications (89%) 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 the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 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.

2 Development Plan Policies and the WMS

- 2.1 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.
- 2.2 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".***
- 2.3 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".***

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

⁴ Includes refused and approved applications. Excludes prior approval developments.

taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

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.

2.4 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**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

2.5 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 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

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), the lowest quartile

⁵ ONS (2022) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

house price in Three Rivers in September 2022 was £400,000⁷. The lowest quartile house price of £400,000 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Three Rivers' position has worsened and the lowest quartile house price has risen by £75,000 from 2016 to 2022, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2022)
1	Elmbridge	£462,000.00
2	St Albans	£430,000.00
3	Three Rivers	£400,000.00
4	Hertsmere	£396,000.00
5	Windsor and Maidenhead	£395,000.00
6	Epsom and Ewell	£395,000.00
7	Waverley	£385,000.00

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £28,876.00 in 2022⁸, 13.26 times worsening to 13.85 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 13 to 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 2022 to have a deposit of £284k - £301k or (with a 5% deposit of £20,000) to earn £95,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.99 in 2023 (see table 4 below). Three Rivers maintains

⁷ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6a <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁸ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6b <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁰ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

¹¹ Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 5c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹² Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

the fourth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 1.22), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2022)
1	Elmbridge	16.93
2	Mole Valley	16.78
3	Hertsmere	16.36
4	Three Rivers	14.99
5	Epping Forest	13.75

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. In 2022 that had risen to 13.85, showing a worsening ratio over the period from 2016 to 2022 ¹³.

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

Affordable Housing Requirements in Three Rivers

- 2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA

¹³ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearninglowerquartileandmedian>

¹⁴ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁵ Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.

- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

- 2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

Affordable Housing Provision in Three Rivers

- 2.13 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.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2023 (the latest date where the most recent completion figures are available), 5,388 gross dwellings were completed. From this, 1,223 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,207 or 22.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2023. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.15 In the latest monitoring period of 2022/23 (financial year), 13 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 4 of the 13 schemes contributed to affordable housing provision whilst 9 of the 13 schemes did not contribute:

- Four of the 13 sites delivering a net gain in housing in 2022/23 were determined during the 2014/15 and 2016/17 periods (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.

¹⁶ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁷ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁸ Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁹ Sites with completions in the monitoring year 2022/23

- A further 5 of the 9 sites which did not contribute to affordable housing during the 2022/23 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the requirement for affordable housing contributions is subject to viability considerations
- Of the four schemes which did contribute, 3 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 1 provided on-site affordable housing units.

In addition to the 13 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required

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

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). In 2022/2023 (financial year), there were 34 planning applications of net gain residential schemes determined, of which 29 were small site schemes (89%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, averaging approximately 90% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2023 (financial years) some 449 net dwellings were completed which equates to approximately 41 net dwellings per annum and to 21.8% over the 2011-2023 period. 21.8% is a significant proportion of the overall supply. 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 at paragraph 2.21 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."

²⁰ Includes refused and approved applications. Excludes prior approval developments.

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

- 2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£3.1 million) 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 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£1.255- 1.5 million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver 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.

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

- 2.19 As set out at paragraph 1.9 above, 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 128 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 1 October 2011 and 31 March 2023 there were 269 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (6.7%)²¹. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.20 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. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.21 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.
- 2.22 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. A copy of this letter is attached to Appendix 2.

²¹ See footnote 3.

2.23 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.

2.24 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."*²²

2.25 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.

2.26 The Council's stance has been tested on appeal on numerous occasions (39 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded 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: 21st 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/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1st 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."

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd 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 11th 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/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22nd May 2019:**

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”
- **APP/P1940/W/19/3229038: 124 Greenfield Avenue Decision Date 10th December 2019**

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites

have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**
"Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant's figures my conclusion remains unaltered."
- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley Decision Date 7th May 2020**
"The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... 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."
- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**
"The Framework at paragraph 63 sets out that the 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. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework's suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing"
- **APP/P1940/W/20/3259397 24 Wyatts Road Decision Date 8th February 2021**
"...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework."
- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green Decision Date 18th February 2021**
"The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4."
- **APP/P1940/W/20/3244533 2 Canterbury Way Decision Date 4th March 2021**

“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

Decision Date 15th June 2021

“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley**
Green Decision Date: 10th March 2022

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**

Decision Date: 16th March 2022

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**

Decision Date: 29th April 2022

“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale

of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**

Decision Date: 30th August 2022

“I am mindful that the Framework suggests that the 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). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council’s case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”

- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**

Decision Date: 10th May 2023

The Council’s evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case

- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**

Decision Date: 8th August 2023

As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**

Decision Date: 20th June 2023

In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**

Decision Date: 7th February 2024

The Council’s Housing Needs Analysis [2023] provides an up-to-date and

robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below its policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

Conclusion

- 2.27 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, in December 2019, December 2020, February 2022, February 2023 and April 2024 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 2021 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.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3229038,, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)
<http://www.threerivers.gov.uk/egcl-page/core-strategy>
2. Annual Monitoring Report 2022/2023 (December 2023)
<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)
<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
<https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base>

5. Office of National Statistics Housing Data 2002-22
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

April 2024

Appendix 1 Differences between refused application (20/0644/FUL) and this planning application



20/0644/FUL – Refused application – Proposed Block Plan (above)

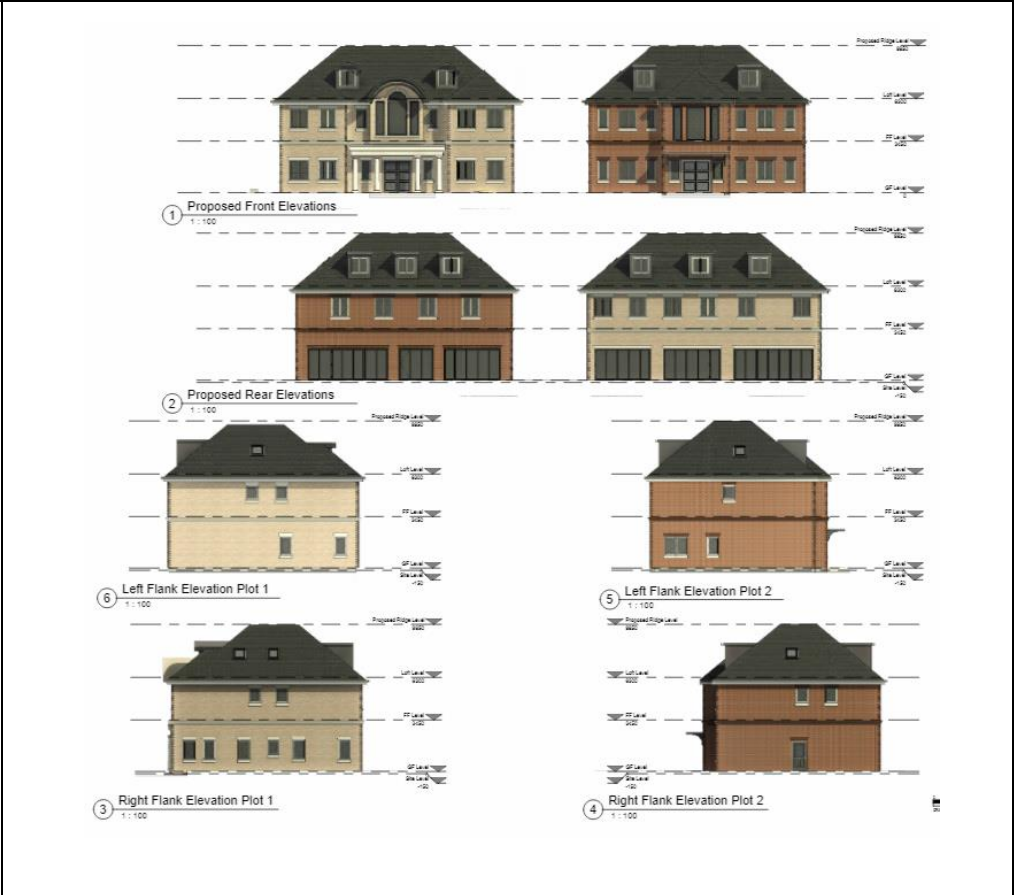


24/0532/FUL– Pending committee application – Proposed Block Plan (above)

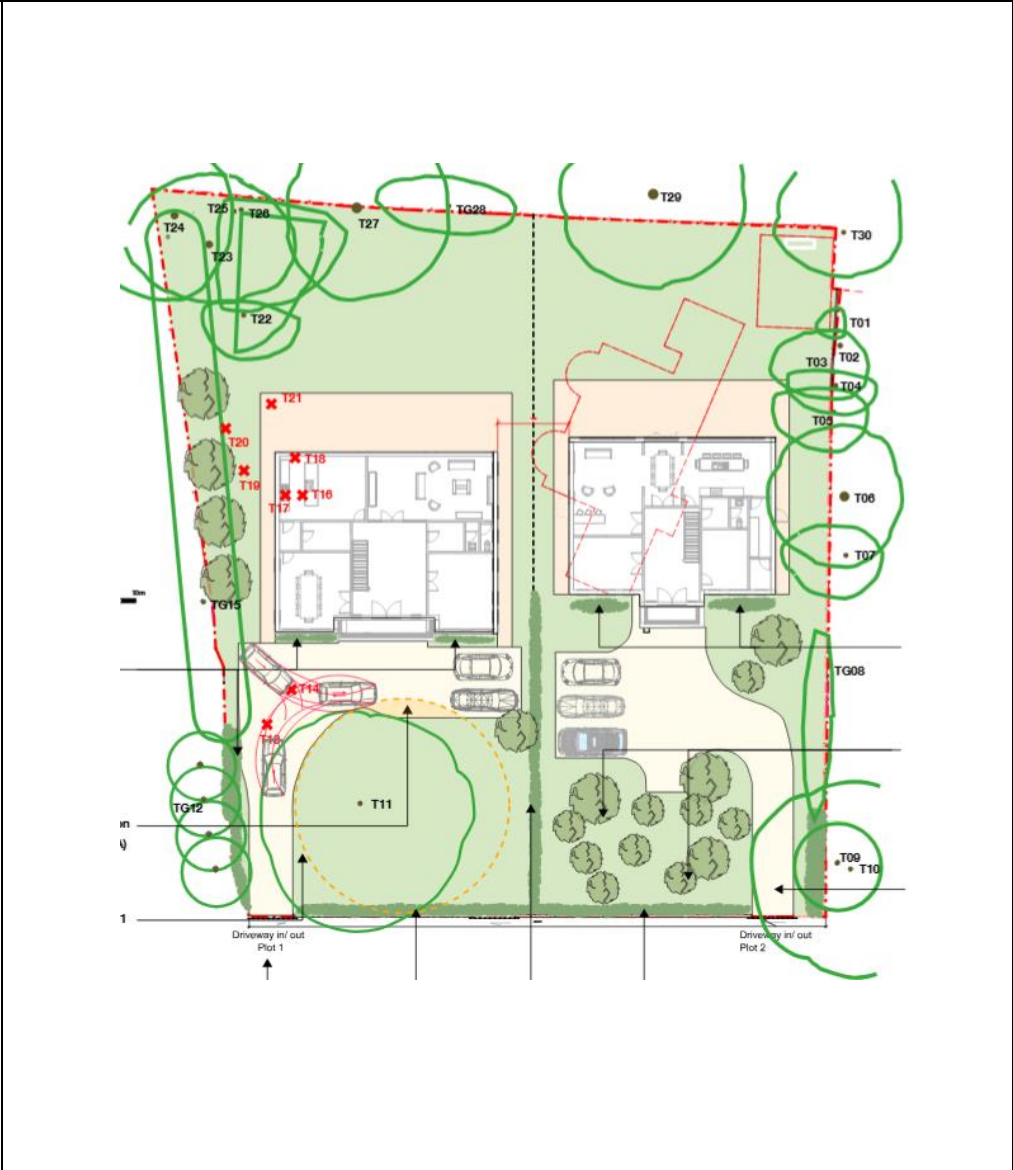
Appendix 1 – Refused application differences (20/0644/FUL vs 24/0532/FUL).



20/0644/FUL – Refused application – Proposed Elevations (above)



24/0532/FUL– Pending committee application – Proposed Elevations (above)



20/0064/REF– Dismissed appeal – Proposed Landscaping (above)

24/0532/FUL– Pending committee application – Proposed Landscaping (above)

Appendix 2: Consultee Comments

1.1 Batchworth Community Council – Objection and called to Committee

Initial consultation: Objection and called to Committee

Second consultation: Objection and called to Committee

Third consultation: Objection and called to Committee

1.2 Hertfordshire Ecology – No objection

Initial consultation: No objection

Second consultation: Re-directed to previous advise

Third consultation: No comment received

1.3 Hertfordshire Council Highways – No objection

Initial consultation: No objection, informative recommended

Second consultation: No additional comments

Third consultation: No additional comments

1.4 Landscape Officer – Objection Overcome

Initial consultation: No comment received.

Second consultation: Objection

Third consultation: Objection overcome

1.5 National Grid – No comment recieved

Initial consultation: No response received

Second consultation: No response received

Third consultation: No response received

1.6 Historic England – Consulted in error

1.1 Batchworth Community Council – Objection and called to Committee

Initial consultation: Objection and called to Committee

Second consultation: Objection and called to Committee

Third consultation: Objection and called to Committee

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

The plot has been historically subdivided with dwellings to the rear and further subdivision will be at odds with the surrounding area.

Plan 5624A101 clearly shows that almost a third of the plot frontage is covered with hard standing- obviously designed to accommodate maximum car parking space. This is inappropriate and not in keeping with the street scene in relation to its setting in the surrounding woodland. Woodside Walk has a low density and spacious pattern of development. The placing of two houses on this plot will have an unacceptable impact on the character of the road. The intensification of the site will have negative visual and spatial impact on the site which is adjacent to Oxhey Woods. The movements of heavy plant vehicles during demolition and a possible lengthy construction period will have a severe negative impact on the peace and tranquillity that this gated access road currently offers the residents. The first-floor rear balconies, in both instances, will impact on the privacy of the neighbours reducing their enjoyment of their amenity space. Despite resulting in a net gain, this does not contribute to the current housing needs of the District as a whole. These are architect's cookie cutter designs simply cut and pasted on to a completely inappropriate site.

BCC request that this is called into committee unless officers are minded to refuse.

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

BCC acknowledges the differing designs of the two proposed new dwellings and the absence of rear balconies.

However, BCC continues to object to the proposals on the grounds that the plot has been historically subdivided with dwellings to the rear and further subdivision will be at odds with the surrounding area. This is inappropriate and not in keeping with the street scene in relation to the setting in the surrounding woodland. Woodside Walk has a low density and spacious pattern of dwellings, and the proposed development does not reflect the existing pattern. The placing of two houses on this plot will have an unacceptable impact on the character of the road. The intensification of the site will have negative visual and spatial impact on the site which is adjacent to Oxhey Woods. The rear dormers in the roofspace will adversely impact on the privacy of the neighbours reducing their enjoyment of their amenity space. Despite resulting in a net gain, this does not contribute to the current housing needs of the District as a whole.

BCC request that this is called into committee unless officers are minded to refuse.

Consultee Comments for Planning Application 24/0532/FUL

Application Summary

Application Number: 24/0532/FUL

Address: Overbury Woodside Walk Northwood HA6 3ET

Proposal: Demolition of existing buildings; subdivision of site and construction of 2 self-build two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Case Officer: Clara Loveland

Consultee Details

Name: Mr Mike Kirkman

Address: Basing House, 46 High Street, Rickmansworth, Hertfordshire WD3 1HP

Email: Not Available

On Behalf Of: Batchworth Community Council

Comments

BCC continues to strongly object to this application. The provisions primarily of the landscaping, of the developed sub plots are at best cosmetic. BCC concurs with all the points raised in the APCAR Smith Planning Report and tree officer concerning the irrecoverable deterioration of the protected woodland.

BCC would like to call this application into committee unless officers are minded to refuse.

1.2 Hertfordshire Ecology – No objection

Initial consultation: No objection

Second consultation: Re-directed to previous advise

Third consultation: No comment received



Clara Loveland
Development Management (Planning)
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire WD3 1RL

Hertfordshire LEADS
Hertfordshire County Council
County Hall, Pegs Lane
Hertford, Herts, SG13 8DF

Contact:
Email: ecology@hertfordshire.gov.uk
Date: 25/06/2024

Dear Clara

[24/0532/FUL](#)

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roof space served by front/rear dormers and side rooflights; with associated access, parking and landscaping works. Overbury Woodside Walk Northwood HA6 3ET .

Summary of Advice:

- There is sufficient information on European Protected Species (bats & Great Crested newts) to allow determination.
- No Biodiversity Net Gain information submitted.

Supporting documents:

I have made use of the following documents in providing this advice:

- Bat Emergence and Re-entry Surveys by Arbtech Consulting Ltd dated 27/07/2022.

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Bats: A Preliminary Roost Assessment was conducted on the December 2019 which identified the Property (building B1), as having potential as a day roost for common and soprano pipistrelles. Subsequent emergence and re-entry survey carried out in 2020 confirmed the presence of a roost in two locations within the building. Updated surveys carried out on the 14/05/22 and 19/06/22 observed no behaviour consistent with the presence of a roost. However, the previous evidence of a roost was also considered, and an assessment made that the site consisted of an occasional or transitional roosts of low conservation value. I have no reason to doubt this professional judgement.

The proposed demolition of the building will result in the loss of this bat roost; however, sufficient mitigation and compensation measures have been provided to ensure the favourable conservation status of bats is maintained. It is acknowledged that the measures proposed will be carried out under the conditions of a bat mitigation licence issued by Natural England. With this information in place, I consider the LPA has sufficient information to fully consider bats and apply and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended) prior to determination.

I advise an informative should be attached to any permission to the effect that:

A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will may also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

Biodiversity Net gain (BNG): I can find no reference to BNG within this application, as the application was submitted on the 3rd of April 2024, unless it meets the criteria for any of the exemptions, it falls after the date by which BNG becomes mandatory for this size of development. If this application is not exempt from BNG then the provision of a biodiversity metric with the base line data would be required prior to determination.

I trust these comments are of assistance,

Regards

Simon Richards
Senior Ecologists, Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.

Dear Sir/Madam,

APPLICATION NUMBER: 24/0532/FUL

PROPOSAL: Demolition of existing buildings; subdivision of site and construction of 2 no. two storey

detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

LOCATION: Overbury Woodside Walk Northwood HA6 3ET

We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.

Kind regards,

Fenella Stacey

Assistant Ecology Advisor | Hertfordshire Ecology | LEADS*

Address: Farnham House Six Hills Way, Stevenage SG1 2FQ

To contact the Ecology Team, please contact direct enquiries to: ecology@hertfordshire.gov.uk 555220

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology,

Design and Sustainability support to Local Planning Authorities in Hertfordshire



[Our vision](#) is to create a cleaner, greener and healthier

Hertfordshire, guided by our RISE values

We improve
Residents' lives

We work with
Integrity

We act
Sustainably

We champion
Equality & fairness

1.3 Hertfordshire Council Highways – No objection

Initial consultation: No objection, informative recommended

Second consultation: No additional comments

Third consultation: No additional comments



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 24/0532/FUL
HCC ref: TR/21318/2024
HCC received: 14 June 2024
Area manager: Alan Story
Case officer: Tarunveer Sehmi

Location

Overbury Woodside Walk Northwood HA6 3ET

Application type

Full Application

Proposal

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

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.

AN1) 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.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements 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.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

COMMENTS

Context: Woodside Walk is a private road and is not highway maintainable at public expense. No reported highway collisions recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.

Private road: The Highway Authority is limited in the extent to which it is able to comment on the application, as the site takes its access from a private road and the Highway Authority has no jurisdiction over it. However, as a responsible authority consideration has been given to any potential highway safety concerns or other highway/access related matters.

Proposed development: Involves the demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

Access: The proposals include the provision of 3no. vehicular accesses. The Southern plot 1 will have two vehicular accesses forming a carriage driveway. Vehicles will be able to turn around and exit the site in forward gear. The Northern plot 2 will have a single vehicular access. All access points are to have vehicular gates up to the boundary of the site. HCC as

the highway authority recommend that the vehicular entrance gates are set back 6m from the edge of the road in order for vehicles waiting for the gates to open clear the adjacent traffic on Woodside Way. Woodside way is a Private Road with a 10mph speed limit that is solely used to provide access to properties and therefore is not used as a through road – therefore HCC deem the access arrangements and lack of gate setback acceptable in this instance.

Access: Policy 5 of Hertfordshire's Local Transport Plan seeks to ensure that access arrangements are safe and suitable for all people, built to an adequate standard, adhere to the county council's Highway Design Standards and reflect the LTP Transport User Hierarchy detailed in Policy 1. Guidance set out in The Place and Movement Planning Design Guide states that the number of crossovers should be kept to a minimum to reduce conflict with and discomfort for footway users. The widths of drives and lengths of dropped kerbs should be sufficient to allow vehicles to manoeuvre into and out of the property but unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians. The county council's Terms and Conditions for dropped kerbs can be found here: <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Changes-to-your-road/Dropped-kerbs/Dropped-kerbs.aspx>

Proposed access: HCC would recommend the new accesses to comprise a maximum four flat kerbs, (3.6m) flanked by two ramped kerbs, each 0.9m (overall length 5.4m).

Trip Generation: The additional habitable space to be created as a result of the proposed development is unlikely to result in a material increase in additional vehicle trips to and from the site. No significant, or severe, impact on the transport network is identified.

Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be achieved. The Highway Authority would observe the following. An area of hardstanding is proposed on both plots for vehicle parking. The submitted plans demonstrate there to be sufficient space for 4no. 5m x 2.4m parking spaces to fit within the area of hardstanding without overhanging the boundary of the site.

Emergency Vehicle Access: Consistent with the NPPF (2021), para. 112 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2) (Requirements are set out in Building Regulations). Access for a pumping appliance should be provided to within 45m of a single dwelling (and within 45m of all points within a dwelling). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.

Refuse / Recycling Storage

Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining property.

CONCLUSION

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It

raises no objections but recommends the inclusion of the above highway informative / advisory notes.

Signed

Tarunveer Sehmi

25 June 2024



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 24/0532/FUL
HCC ref: TR/21318/2024
HCC received: 28 November 2024
Area manager: Alan Story
Case officer: Tarunveer Sehmi

Location

Overbury Woodside Walk Northwood HA6 3ET

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing buildings; subdivision of site and construction of 2 no. two storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as the highway authority recognises the submitted amended plans and new access arrangements and refer back to original comments submitted on 25 June 2024. It has no additional comments.

Signed

Tarunveer Sehmi

3 December 2024



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

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Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as the highway authority recognises the submitted amended plans and new access arrangements and refer back to original comments submitted on 25 June 2024. It has no additional comments.

Signed

Tarunveer Sehmi

29 April 2025

Dear Sir/Madam,

APPLICATION NUMBER: 24/0532/FUL

PROPOSAL: Demolition of existing buildings; subdivision of site and construction of 2 self-build two

storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

LOCATION: Overbury Woodside Walk Northwood

We have previously responded to this application (dated 25/06/2024) and as there are no changes that would warrant amended comments in this case, our previous advice still stands.

Kind regards,

Fenella Stacey

Assistant Ecology Advisor | Hertfordshire Ecology | LEADS*

Address: Farnham House Six Hills Way, Stevenage SG1 2FQ

To contact the Ecology Team, please contact direct enquiries to: ecology@hertfordshire.gov.uk 555220

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology,

Design and Sustainability support to Local Planning Authorities in Hertfordshire



Our vision is to create a cleaner, greener and healthier

Hertfordshire, guided by our RISE values

We improve
Residents' lives

We work with
Integrity

We act
Sustainably

We champion
Equality & fairness

1.4 Landscape Officer – Objection Overcome

Initial consultation: No comment received.

Second consultation: Objection

Third consultation: Objection overcome

Sent: 10 January 2025 13:49

Subject: RE: 24/0532/FUL Overbury

Hi Clara,

Please find our recommendation below-

Recommend: Refusal

Much of the development site and its surroundings are protected by W3 of TPO362. The proposal necessitates the felling of 6 Category C Silver Birch trees and 1 Category C Oak tree protected by this TPO on the southern side of the site to provide space for Plot 1. Contrary to DM6, the removal of these trees would deteriorate the protected woodland W3. While replacement planting has been outlined in the landscape plan, 8/9 of these individuals are within the site of Plot 2, and all of them are outside of the protected woodland area. There is little space available for replacement planting around the proposed developments which could replenish the woodland while avoiding conflict with the new structures in the future.

The plan for Plot 2 lies under the canopies of several more TPO trees on the northern site boundary and its foundations will encroach into the RPA of T6 TPO Oak by approximately 5%. As T1-7 continue to grow and mature this could result in nuisance to the new building which would require works to these protected trees in the future, altering their form and character and posing risk to their long-term health and survival.

Additionally, the proposed driveway design for Plot 1 encroaches into the RPA for T11 Oak (T1 of TPO 362, Category B) by 34%, significantly exceeding the tolerance threshold of 20% as recommended by BS5837.

Refusal is recommended on the basis of immediate and irrecoverable deterioration of the protected woodland W3, excessive encroachment into the RPA of T1 Oak, and the likelihood of necessary nuisance abatement works to trees in W3 in the future.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

Three Rivers District Council

www.threerivers.gov.uk

Additional Tree Comments following an initial amended AIA

Hi Clara,

Thanks for this.

The material differences in the new AIA appear to be the retention of T20 where it was previously proposed for felling, and an adjustment to the proposed incursion into the RPA of T11 to bring it down to 4%, from 34% - however, the position of the driveway has not changed, the proposed location of the tree's RPA has been changed instead.

BS5837 – The British Standard for Trees in relation to design, demolition and construction – Recommendations states the following with respect to RPA calculations:

***4.6.2** The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.*

***4.6.3** Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:*

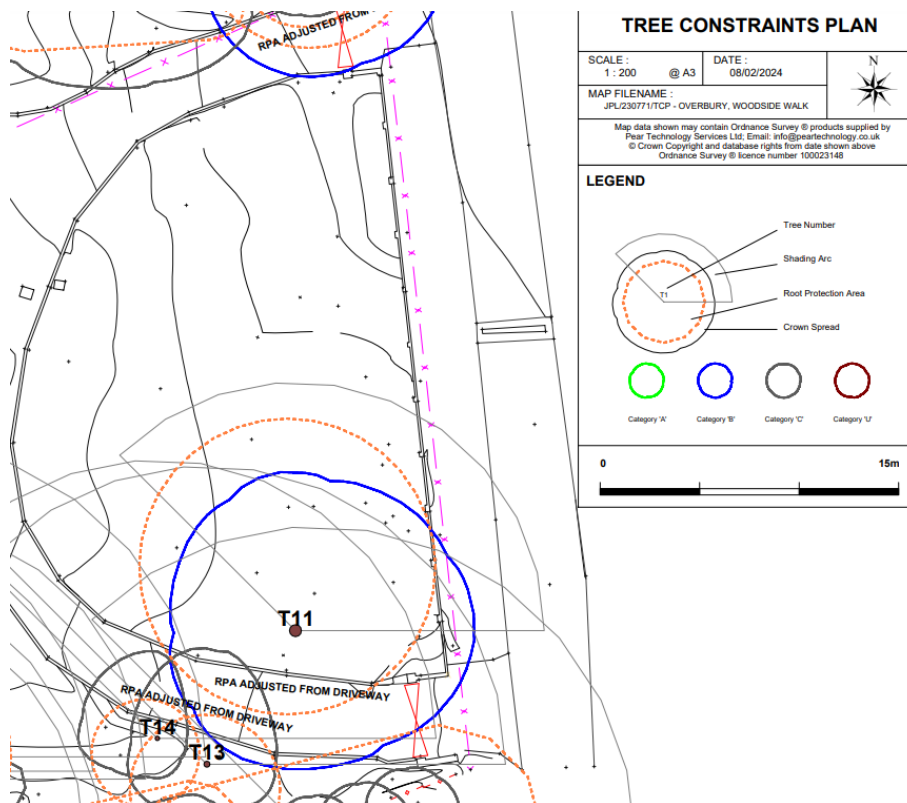
a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);

b) topography and drainage;

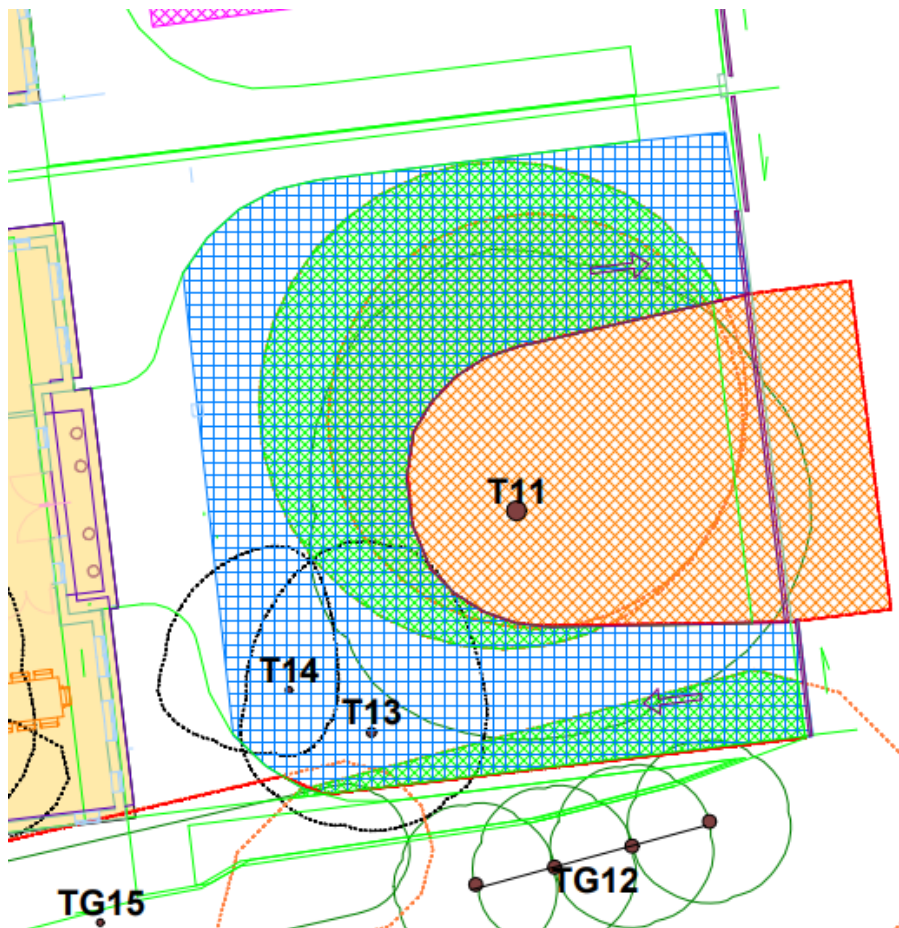
c) the soil type and structure;

d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.

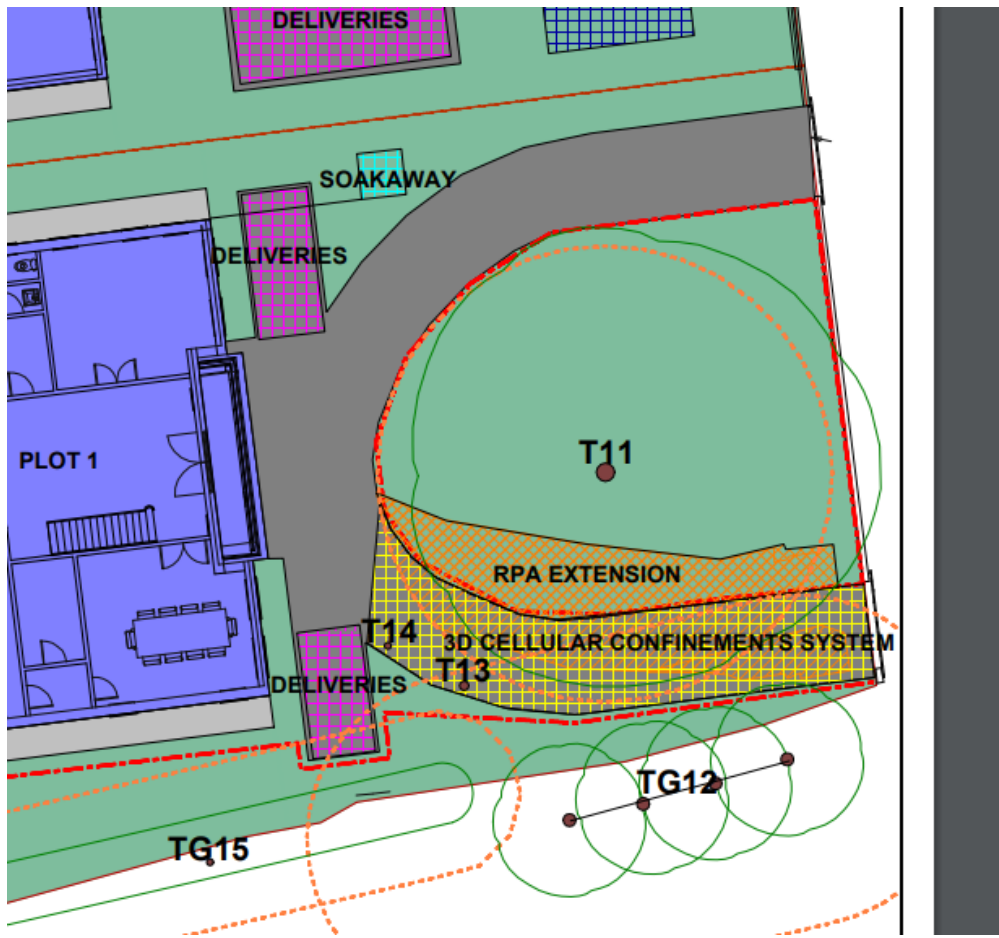
It can be seen in the tree constraints plan dated 8/2/24 that the RPA for T11 was initially calculated according to the BS5837 recommendation to adjust for the pre-existing driveway at the site, i.e. that it was offset from the driveway towards the grass:



This location of the tree's RPA causes conflict with the proposed development of the driveway, creating a 34% incursion within the RPA which is well above the tolerance threshold of 20% described in BS5937:



As can be seen in AIA Revision W dated 29/1/25, the RPA for T11 has been moved and now occupies a circle which evenly surrounds the stem of the tree, i.e. it no longer accounts for the pre-existing driveway, which reduces the proposed incursion increase by 30% in favour of the approval of the development:



We objected to this proposal previously based (in part) on the proposed impact to the RPA of T11 and feel that insufficient amendments have been made to address this concern. The proposed development hasn't changed, only the sensitivity with which the protection of the trees is assessed, and we would recommend refusal on this basis.

Have you received an amended landscape plan alongside this at all?

We're also curious to know what the broader perspective on this application is among the planning team, if you're happy to share.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

Three Rivers District Council

www.threerivers.gov.uk

07/05/25

Recommend: Approval

Previous refusals of this application were informed by an intolerable incursion into the root protection area (RPA) of a protected tree, and insufficient replacement planting for trees removed from an area protected by a woodland TPO.

The proposed carriage driveway for plot 1 would have breached the RPA of T1 Oak of TPO362 (labelled T11 Oak on historic plans) by 34%, where the British Standard for trees in relation to construction and demolition (BS5837:2012) defines the upper limit for RPA incursions as 20%. 8 trees protected by W3 of TPO362 were proposed for removal, with one replacement tree to be planted within the boundary of plot 1, and 8 trees to be planted within the boundary of plot 2, the latter being well outside of the original zone of protection. Contrary to DM6, this proposal would deteriorate the character of W3.

The proposal since has been amended to reflect a single-entrance driveway for plot 1, reducing the incursion into the RPA of T1 Oak to 3.4%; well within the tolerable limit outlined by BS5837:2012. The new landscape plan also shows replacement planting of 5 trees within the boundary of plot 1, and 13 trees within the boundary of plot 2. We are of the view that this replacement planting is sufficient to balance the material lost from W3 by the development.

Kind regards,

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

28/05/25

“we'd be happy to recommend approval with conditions to adhere to this AIA and TPP”

Blue Jenkins (she/her)

Apprentice Trees and Woodlands Officer

1.5 National Grid – No comment received

Initial consultation: No response received

Second consultation: No response received

Third consultation: No response received

1.6 Historic England – Consulted in error



Historic England

Ms Clara Loveland
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Direct Dial: 01223 582764

Our ref: **W:** P01585635

29 November 2024

Dear Ms Loveland

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**OVERBURY, WOODSIDE WALK, NORTHWOOD, HA6 3ET
Application No. 24/0532/FUL**

Thank you for your letter of 28 November 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Tom Goodman
Business Officer
E-mail: thomas.goodman@historicengland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
[HistoricEngland.org.uk](https://historicengland.org.uk)

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



Historic England

Ms Clara Loveland
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Direct Dial: 01223 582764

Our ref: **W:** P01585635

28 April 2025

Dear Ms Loveland

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**OVERBURY, WOODSIDE WALK, NORTHWOOD, HA6 3ET
Application No. 24/0532/FUL**

Thank you for your letter of 28 April 2025 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Tom Goodman
Business Officer
E-mail: thomas.goodman@historicengland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk

Appendix 3: Neighbour Comments

1.1 5 neighbours consulted across 4 dates. No. of responses: 4 objections received (three from neighbouring properties and one from a representative of all three neighbouring properties)

1.2 Consultation 1: 14th June 2024

Summary of comments:

- Proposal does not address 2021 refusal or appeal.
- Severe effects on adjacent properties (light, privacy and outlook).
- No in-keeping with the rest of Woodside Walk.
- Change of character, low density, spacious road.
- Houses in the street are individual, the proposed houses will be very similar.
- Removal of 8 trees will cause a negative effect on other trees.
- Neither house includes a garage and large frontage with hardstanding for car parking.
- Heavy plant vehicles during demolition will have a detrimental impact on tranquil road.
- A single property on the plot would be more in-keeping.
- Houses sit close to each other which is at odds to the existing street scene.
- Increased pressure for further tree removal.
- Previous LPA not addressed.
- First-floor rear balconies will be overlooked.
- Incongruous and fails to have regard to the prevailing character.
- Actual and perceived overlooking.
- Inappropriate layout, uncharacteristically small compared with vicinity.
- Significant areas of hardstanding

1.3 Consultation 2: 28th November 2024

Summary of comments:

- Revised proposal continues to be unacceptable.
- Plot size is small for the road and out of character.
- Overall scale and massing remains unchanged.
- Very little differentiation between the dwellings/design not addressed.
- Infringement of 45-degree splay line to Mulberry House.
- Houses will sit further forward of adjacent dwellings.
- Lighting assessment remains missing.
- Houses are uncharacteristically small for the road.
- Overlooking concerns to Dell Lodge.
- Future impact on trees due to dwellings being closer to the boundaries.
- Significant increase in hardstanding in the front gardens.
- Too close to neighbouring boundaries.
- Lack of garages is impractical.

- At odds with low density street.
- Cramped and out of character.

1.4 Consultation 3: 28th April 2025

Summary of comments:

- Large amount of intrusion into root protection of T11 in Plot 1.
- 8 trees to be removed are of public amenity value and all importance of character and screening.
- Limited space for replanting and undue pressure on trees.
- The proposal does not overcome Inspectors' concerns.
- Application does not include BNG requirements. Whilst the description has changed to self-build, there is no information to back this up.
- The revised proposal does not alter the proposed houses on the plot, their relationship with each other, surrounding houses, floor plans or elevations.
- Development out of character.
- Unacceptable relationship with neighbouring properties – revised plans have not overcome this.
- Inappropriate parking provision.
- Neither house includes a garage.
- Overlooking arising from the first-floor rear windows.
- Design has not addressed the dismissed appeal concerns. Not enough has been done to differentiate the properties.

1.5 Consultation 4: 29th May 2025

Summary of comments:

- At the time of writing this report, the consultation remains ongoing until 12th June 2025.

Appendix 4:
Appeal Decision
(APP/P1940/W/20/3263733)



Appeal Decision

Site visit made on 14 May 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/P1940/W/20/3263733

Overbury, Woodside Walk, Northwood HA6 3ET

- 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 Amit Dhamercha against the decision of Three Rivers District Council.
 - The application Ref 20/0644/FUL, dated 23 March 2020, was refused by notice dated 26 May 2020.
 - The development proposed is the demolition of the existing dwelling and erection of two new detached dwellings (resubmission to 19/2038/FUL).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application seeking a full award of costs against the Council has been submitted by the appellant. This application is the subject of a separate decision.

Main Issues

3. The main issues are;
 - i) The effect of the proposal on the character and appearance of the area, including protected trees; and
 - ii) The effect on the living conditions of the neighbouring occupiers of Dell Lodge, with particular regard to privacy.

Procedural Matter

4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Reasons

Character and appearance

5. Woodside Walk is characterised by large detached dwellings and, while some of the original plots have been subdivided over the years, these properties are still set within spacious plots. I note that both dwellings proposed by the appeal scheme would sit in plots measuring around 0.1 hectares in area, which would be similar in area to properties on nearby Pinewood Close. I also recognise that the density of the proposed development would be the equivalent of 10 dwellings per hectare. However, the context for the proposed development is Woodside Walk, which has a spacious low-density pattern of development. The appeal plots would be smaller than other properties on this road. Whilst the smaller rear gardens proposed for the appeal dwellings would not be visible within the street scene, this would be at odds with the surrounding area. Taking all the above into account, overall the appeal scheme would fail to reflect the existing development pattern on Woodside Walk.
6. Whilst dwellings on Woodside Walk vary in design, they are predominantly traditional in character. By contrast, the appeal scheme proposes two identical houses which would be contemporary in character. Whilst a contemporary approach would be acceptable in this location in principle, the design detail of the proposed dwellings and the fact that they would be identical would not respond to the local context. Proposed features, such as raised eaves and two-storey flat roof front projections, would be at odds with other homes on Woodside Walk.
7. The proposed dwellings would sit on a similar building line to other properties along Woodside Walk. However, they would sit further forward in the plot than the current property, there would be a lack of space around them and a new central access and associated driveways would include a significant level of hardsurfacing. This, coupled with the discordant design which I have described, would give rise to an overly prominent development within the street scene which would fail to respect the character and appearance of the site and street scene.
8. The scheme proposes the removal of several trees, mostly along the southern boundary of the site, in order to allow the construction of proposed Unit One. These trees are covered by Tree Preservation Order No 362 (TPO). I note that the documentation submitted in respect of the TPO states that the trees were originally protected '*as they are of significant amenity value and add to the sylvan character of the area*'. The appellant's Tree Report predominantly classifies these trees to be Category C which are '*Unremarkable trees of very limited merit*' but may have '*greater collective landscape value*'.
9. I accept that the trees to be removed have limited value when considered individually. However, collectively they make a significant contribution to the semi-rural green character and appearance of the site and Woodside Walk. I note that these trees could be replaced as part of a mitigation scheme and that, as they are protected, there would also be a statutory requirement to replace them if they were removed. However, given the level of development proposed, there would be little available space within the appeal site to secure any replanting. On this basis, the loss of these trees would harm the green and wooded character and appearance of the site and area.

10. A number of trees would significantly overhang the rear garden of proposed Unit One. I am satisfied that the level of sunlight which this garden would benefit from would meet the BRE guideline that *'at least half of the garden/amenity area should receive at least two hours of direct sunlight on 21 March'*. However, this is a minimum standard and inevitably future residents would be likely to desire a more generous level of sunlight to their garden. Also, the juxtaposition of the trees with the rear garden area would be likely to generate complaints about nuisance, in relation to matters such as falling leaves and branches. Together these issues would be likely to lead to undue pressure from future residents to undertake inappropriate works to the trees which would be difficult for the Council to resist. Such works would be to the detriment of the character and appearance of the area.
11. In conclusion, in terms of the design, layout and impact on trees, the appeal scheme would fail to respect the character and appearance of the appeal site and surrounding area. The proposal therefore, in this respect, the proposal would not meet the requirements of Policies CP1 and CP12 of the Three Rivers District Council Core Strategy (2011) (CS), Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document (DMPLDD) (2013) and Paragraph 127 of the NPPF which seek, amongst other things to secure a high standard of design which has regard to local context.

Living conditions of existing residents

12. The joint boundary between the appeal site and Dell Lodge to the rear includes a combination of chain link and panel fencing. It also benefits from a number of trees and vegetation, which would be retained as part of the development. Whilst the fence panels and vegetation currently provide a good level of screening between the appeal site and the property to the rear, there are clear views into the neighbours' private garden area through the area of chain link fence.
13. Given that the existing dwelling is located at an oblique to this joint boundary and is set away from the area of chain link fence, there is currently no significant overlooking from the property into the neighbours' rear garden. By contrast, the rear elevation of Unit 1 would sit closer to the joint boundary and would directly face the neighbours' rear garden. This would give rise to an unacceptable level of overlooking through the area of chain link fence which would harm the neighbouring occupiers' enjoyment of their private garden area.
14. Nonetheless, views into the neighbours' garden would be obscured if the chain link fence were replaced by a solid boundary treatment. I am therefore satisfied that a condition attached to any consent granted requiring the appellant to submit details of a new rear boundary treatment could safeguard the neighbours' privacy.
15. Therefore, subject to the condition described, the appeal proposal would in this respect comply with policies CP1 and CP12 of the CS (2011) and Policy DM1 and Appendix 2 of the DMPLDD (2013) and Paragraph 127 of the framework which seek, amongst other things, to safeguard the living conditions.

Planning Balance and Conclusion

16. The Council cannot demonstrate a five-year housing land supply (5YHLS). Consequently, Paragraph 11d of the Framework is engaged whereby there is a presumption in favour of sustainable development and planning consent should be granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the Framework as a whole.
17. Taking into account the current shortfall, the provision of one net dwelling would provide a modest contribution to the housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework recognises the contribution small housing sites can make to housing supply and promotes effective use of land to boost the supply of housing. It would also improve the quality of housing stock in the district and would be located on a brownfield site. The development would generate economic investment both during construction and provide limited support to local services.
18. Nevertheless, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the presumption in favour of sustainable development.
19. There are no material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, with which I have already found conflict. Therefore, I conclude that for the reasons given above, the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR

Appendix 5: Tree Appeal Decision

APP/TPO/P1940/833

Appeal Decision

Site visit made on 22 September 2021

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/TPO/P1940/8330

Overbury & Holly Manor, Woodside Walk, Northwood, Middlesex HA6 3ET

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
 - The appeal is made by Mr A Dhamecha against the decision of Three Rivers District Council.
 - The application Ref: LCS/20/2388/TPO, dated 9 November 2020, was refused by notice dated 17 December 2020.
 - The work proposed to three hybrid oaks are:
 - T1A, reduce the southerly growing lateral branches by 2-2.5m on the lowest limb over the driveway and by 2m decreasing to 1m at higher levels;
 - T2 & T3, reduce these trees by 2.5m in height and 2.5m laterally on the western, northern and eastern sides.
 - The relevant Tree Preservation Order (TPO) is the Three Rivers (Oxhey Drive, South) TPO 1997, which was confirmed on 22 April 1997.
-

Decision

1. The appeal is allowed and consent is granted to undertake work to three hybrid oaks protected by the Three Rivers (Oxhey Drive, South) Tree Preservation Order 1997 in accordance with the terms of the application, Ref LCS/20/2388/TPO, dated 9 November 2020, subject to the following conditions:
 - 1) The works hereby consented shall not commence until details of the pruning expressed in terms of the length of branches and height of tree that would remain (as relevant) have been submitted to and approved in writing by the Council. Such details could include the submission of annotated photographs. The consented work shall be carried out in accordance with the approved details.
 - 2) All tree work shall be carried out in accordance with British Standard BS 3998:2010 Tree Work – Recommendations (or the equivalent British Standard if replaced).
 - 3) Five days' notice shall be given to the Council prior to the commencement of the work hereby consented.

Main Issues

2. The main issues in this appeal are:
 - the amenity value of the three hybrid oaks and the likely effect of the proposed tree works; and,
 - whether sufficient justification has been provided for the proposed works.

Reasons

Amenity value of the three hybrid oaks and the likely effect of the proposed tree works

3. Woodside Walk is a private road with large, detached houses on spacious wooded plots opposite the dense woodland of Oxhey Wood. Overbury is orientated so that its front and rear elevations face more towards the side boundaries of the plot than Woodside Walk. The first of the three hybrid oaks ('oaks') that are the subject of the appeal, T1A is located in front of the house along the boundary with Holly Manor and within its grounds. The remaining two oaks, T2 and T3, are located in the rear south western corner of the garden within the grounds of Overbury along the boundary with Mulberry House.
4. All three trees form part of an area of woodland protected by the Tree Preservation Order that envelopes large parts of Overbury and Holly Manor's plots. As a whole this area of woodland, which forms the setting for these houses, is of high amenity value. In the case of T1A, the close proximity of trees within the deep wooded margin around Holly Manor has resulted in the tree having a distinct asymmetric shape. As a result, its long branches are confined to the southern side of the tree which extends over the driveway in front of Overbury. T2 and T3 are particularly large trees with full crowns that have grown together owing to the small distance separating them in the woodland. All three trees appear to be in good health and vigorous.
5. As a tree on the outer edge of the woodland, and clearly visible from the road in views of the front of the house, T1A makes a noteworthy contribution to the amenity value of the woodland. Located in the gap between Overbury and Mulberry House to the rear of the plot, in views from the road T2 and T3 form part of the dense backdrop of trees to these dwellings and make a positive contribution to the amenity value of the woodland.
6. The proposed works would reduce the radius of T1A and reduce the height and form of T2 and T3. The effect of the pruning on the contribution T1A makes to the amenity value of the woodland would be greater than the effect of the pruning on T2 and T3. Individually and cumulatively though the adverse effect on the amenity value of the woodland would be limited. If the proposed pruning took place foliage bearing parts would remain intact throughout the canopy of the trees allowing them to regenerate. Given that these trees are young, mature and vigorous it is unlikely that, if carried out in accordance with best practice, such work would result in the entry of disease and the decline of the trees.

Whether sufficient justification has been provided for the proposed works

7. Tree T1A is a multi-stemmed specimen with long and relatively thin lateral branches. With its asymmetric shape and its exposure to the prevailing west to south winds the tree is therefore more vulnerable to torsional twisting and breakage than other trees. This view is supported by evidence of the remnants of two large, lower, lateral branches on the larger of the tree's stems that have snapped off in the past. The failure of such branches would damage any vehicles parked in front of the garage.
8. Reference has been made by the Council to the likely harm that trenching work has caused to the tree and that this would mean that it would be less capable of withstanding the pruning proposed. However, on the basis of the information provided by the appellant, it is clear that the trenching work

formed part of an investigation of the tree's rooting and was carefully carried out using hand tools and an air spade. As a result, I am satisfied that the rooting system of the tree has not been damaged by this work and that the tree would be able to withstand the proposed work without its health declining.

9. The overshadowing effect of tree T1A has been cited in support of the appeal. However, as the tree is on the northern side of the house it does not cause any problems in this regard.
10. In relation to trees T2 and T3, the rear garden to the house is the only outdoor amenity space which is not directly overlooked from the road. With its lawn, large patio, table and seating this south facing private space is therefore of high amenity value. Trees T2 and T3 are particularly large and are positioned relatively close to the southern side of this area. Early afternoon on the day of my visit, when the sun was close to its highest point, the whole of the back garden and patio had been placed in the shade by these trees. In summer, when the sun is higher, it is therefore reasonable to assume that for much of the day the whole of the lawn and most of the patio would be in the shade. This would result in less pleasant living conditions than it is reasonable to expect and is a situation that could be improved by the proposed crown reduction.
11. With any application to carry out work to protected trees a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case the proposed works would result in limited harm to the amenity value of the woodland and sufficient evidence has been put forward to justify the works proposed. The appeal should therefore be allowed.
12. In the interests of precision and enforceability, the pruning work needs to be expressed in terms of the length of branch and tree height that would remain – otherwise it would be difficult to determine whether the works have actually been carried out as consented. The crown reduction work should also be carried out to best practice standards and notice should be given to the Council before work starts so that they may visit and check compliance. I have required these matters by condition.

Ian Radcliffe

Inspector