



# Appeal Decision

Site Visit made on 15 February 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> March 2022**

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**Appeal Ref: APP/P1940/W/21/3276715**

**Land Adjacent To 62-84 & 99-121 Sycamore Road, Croxley Green, Rickmansworth**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Dudley Mills, Kebbell Homes against the decision of Three Rivers District Council.
  - The application Ref: 20/2737/FUL, dated 1 December 2020, was refused by notice dated 30 April 2021.
  - The development proposed is the erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form and decision notice, in the absence of one on the application form.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

## Main Issues

4. The main issues in this case are:
  - The effect of the proposed development on the character and appearance of the area; and
  - Whether the proposal would make adequate provision for affordable housing.

### *Character and appearance*

5. The appeal site is a mainly grassed area within a residential area. The neighbourhood has a postwar twentieth century character, given its angular, flat-roofed dwellings in typically two storey terraces and three to four storey blocks, set within a fairly spacious and verdant framework of green areas in the neighbourhood. These include verges, the appeal site, gardens and pockets of green, including an approximately triangular-shaped space with trees to the south-west. These elements contribute to the characterisation of the

- neighbourhood in Appendix B of the Croxley Green Neighbourhood Plan (NP) as 1960s housing of unusual style, similar to Span housing in a landscaped setting, including a 'green' that includes the appeal site.
6. The appeal site is not designated as a public open space in the local development plan. Nevertheless, it reads 'on the ground' as having an established function and character as a neighbourhood green space given the following combination of factors.
  7. It is a substantial part of an approximately L-shaped area of grassed space that fronts onto Sycamore Road and flows around a T-shaped block of dwellings to the north-east. Dwellings face towards three sides of the site. In combination with the edge of the adjoining canal corridor to the south-east, the site provides verdant views from the road and various dwellings. As a grassed area with trees and hedging without buildings on it, the site provides visual and spatial relief from built-up elements.
  8. The presence of a barbecue, picnic table and informal tree swing indicate community use of the appeal site. Residents' descriptions of local people of various ages socialising outdoors and appreciating wildlife on the site further reinforce the impression of a neighbourhood outdoor space enjoyed by local residents. The description of the site as having a recreational and social function in the 2005 appeal dismissal<sup>1</sup> further points to the established nature of this identity.
  9. Within this context, the setback of the appeal site from the street and its location towards the end of a cul-de-sac to some extent contains its prominence to a localised area within the housing estate.
  10. Also, some outdoor space including the north-eastern leg of the approximately L-shaped area of grassed space would remain. Together with this, the retained street tree row in front of the site and perimeter trees along the canal corridor, the incorporation of large sycamore tree T3<sup>2</sup> as a focal point within the proposed development, and new tree planting would help preserve some verdancy.
  11. However, that said, the proposed substantial three storey apartment block towards the front of the site, together with the terraced row of houses towards the canal, and associated external works and domestic paraphernalia, would noticeably erode the verdant and spacious character of the site and the green of which it is part. It would reduce the amount of 'doorstep' outdoor space visible from the street, that is seen as established, community outdoor space by residents. This would reduce opportunity for community interaction and the family character of the area. Furthermore, the proposal would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor. This would lessen the sense of green infrastructure in the locality.
  12. Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood.

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<sup>1</sup> Appeal Ref: APP/P1940/A/05/1193800.

<sup>2</sup> As numbered on the tree survey within the appellant's Arboricultural Advice Note.

13. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), Appendix 2 and Policy DM1 of the Three Rivers Development Management Policies Local Development Document, and Policy CA1 of the Croxley Green Neighbourhood Plan, which together seek, among other things, to ensure that development complements and where appropriate enhances local character.

#### *Affordable housing provision*

14. Small housing sites have an important role<sup>3</sup> 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<sup>4</sup>, 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.

15. 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 UU<sup>5</sup> 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.

16. 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.

#### **Other Matters**

17. I appreciate that the Planning Officer's Report to Planning Committee found insufficient harm to recommend refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.

18. Concerns have been raised by some local residents regarding flood risk, parking and highway safety. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

#### **Planning Balance and Conclusion**

19. On the evidence before me, I consider that for the purposes of making my decision there is a supply shortfall of deliverable housing sites in the district of in the region of three years.

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<sup>3</sup> As set out in paragraphs 1.7, 1.8 and 1.11 of the Council's Appeal Statement.

<sup>4</sup> As per Footnote 2 of Appendix A of the Planning Officer's Report to Planning Committee 22 April 2021.

<sup>5</sup> Paragraph 1.1.

20. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
21. The proposal would contribute to local housing supply in the form of six apartments and three terraced dwellings, with associated socio-economic benefits in the area during and after construction. There is potential to deliver biodiversity gain through wildlife-friendly landscaping and management, albeit tempered by loss of the attraction to some wildlife of the unbuilt character of the site. Also, a contribution towards off-site affordable housing is proposed. Together the proposal's benefits carry moderate weight. That said, I have identified harm in relation to the character and appearance of the area and the adequacy of affordable housing provision, which carries significant weight.
22. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
23. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
24. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

*William Cooper*

INSPECTOR