

Appeal Decision

Site visit made on 22 August 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/N1920/W/16/3150498

99 High Road, Bushey Heath, Hertfordshire WD23 1EL

- 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 David Simpson against the decision of Hertsmere Borough Council.
 - The application Ref 15/1376/FUL, dated 3 August 2015, was refused by notice dated 18 December 2015.
 - The development proposed is described as "demolition of existing dwelling and outbuildings and erection of 4 apartments within the same external shell as consented scheme 14/0579/FUL".
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling and outbuildings and the erection of 4 apartments at 99 High Road, Bushey Heath, Hertfordshire WD23 1EL in accordance with the terms of the application, Ref 15/1376/FUL, dated 3 August 2015, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. The description in the banner heading is taken from the original planning application form. I have used a revised description in the formal decision above which omits the superfluous reference to the prior planning permission.
3. Revised plans were submitted with the appeal. Those plans were before the Council prior to its determination of the application. The revisions are minor in nature such that the substance of the scheme has not changed. I do not believe any party would be prejudiced by my consideration of their content. Therefore, I have determined the appeal taking into account the revised plans.

Main Issue

4. The main issue is the effect of the proposed parking arrangements on highway and pedestrian safety.

Reasons

5. The appeal relates to a dwelling located on the corner of High Road and Hartsbourne Road. The dwelling has a vehicular access from Hartsbourne Road. It is proposed to demolish the dwelling and erect a building containing four flats. The development would include an underground car park with eight spaces, accessed from Hartsbourne Road. The Council is concerned that the
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tandem parking arrangements and the layout of the car park would result in vehicles reversing onto the highway.

6. However, whilst the spaces would be paired in a tandem arrangement, each pair would be allocated to the same flat. Occupiers would therefore have control over their ability to access both spaces. Moreover, the appellant has demonstrated (Plan Ref: C189-117 Rev A) that vehicles could access each space and then egress the site in forward gear, without infringing upon adjacent spaces. There is no contradictory evidence of substance to suggest that would not be achievable.
7. Manual for Streets 2007 (MfS) states that where space is limited and it is not possible for vehicles to get into spaces in one movement, some manoeuvring would be acceptable where traffic volumes and speeds are low. The appellant suggests such guidance would be applicable here. Within the car park itself, traffic volumes would likely be particularly low given the number of vehicles it would accommodate. Furthermore, my own observations suggest that Hartsbourne Road is a lightly trafficked road where vehicular speeds are relatively low, particular in proximity to the High Road junction. Whilst I appreciate my observations were only a snapshot at a particular time of day, I have no substantive evidence to support the view that they were not representative of average traffic movements on the road. The proposal would therefore accord with the guidance set out in MfS.
8. The submitted plans also demonstrate that two vehicles could pass one another on the access road. There would, therefore, be no reason for cars accessing the site to reverse onto the highway to allow exiting vehicles out. In addition, there is no evidence before me to suggest that service or delivery vehicles would need to access the underground parking nor is there any substantive evidence to suggest that such vehicles could not park on the existing highway network without undue harm.
9. Representations have been made to the effect that the number of parking spaces proposed would be deficient and would result in an increase in congestion on Hartsbourne Road. However, the proposal would provide two off-street spaces per dwelling, which the main parties agree is in line with the Council's parking standards. In addition, the main parties agree the site is well located for public transport provision. I have no reason to disagree. Furthermore, there is no substantive evidence before me to suggest there is any issue with congestion in the area which the proposal would exacerbate. I also note that the Highway Authority has raised no objections to the proposals. As a result, I am satisfied that the underground car parking arrangements are sufficient to ensure the safety of residents and vehicles on the site as well as on Hartsbourne Road.
10. Policy SADM41 of the emerging Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2015 (SADM) states that the Council will support development that will not harm the safety of any users of the highway network. Although not yet adopted, I can afford significant weight to the emerging policy given its advanced stage of preparation and consistency with paragraph 32 of the Framework which states that decisions should take account of whether safe and suitable access to the site can be achieved for all.
11. I conclude, therefore, that the proposed parking arrangements would not have a harmful effect on highway and pedestrian safety. Consequently, the proposal

would accord with Policy SAMD41 of the SADM and paragraph 32 of the Framework.

Other Matters

12. Representations have been made to the effect that the proposal would be harmful to the character and appearance of the area. Whilst I note the proposal would take a distinctly modern design approach, I consider it would be a sensitive and appropriately contemporary scheme given its prominent location on High Road where built form varies considerably. Moreover, I am conscious that planning permission for a replacement dwelling of a similar footprint and design as the proposed scheme was granted in February 2015 (Ref: 14/0579/FUL). Consequently, I am satisfied that the proposal would not have a harmful effect on the character and appearance of the area.
13. Concerns have been raised about the effect of the proposal on the privacy of neighbours. However, satisfactory intervening distances would be achieved between the proposed building and existing nearby dwellings. As a result, occupiers would not experience any significant loss of privacy and the living conditions of neighbours would not be prejudiced.
14. The appeal site lies outside but adjacent to the Bushey Heath Conservation Area and close to the Grade II Listed Buildings of 91-97 High Road. The significance of these heritage assets lies largely in their historical interest and the aesthetic value of the listed buildings in particular. The setting of the assets is characterised by buildings of varying scale set along High Road. Notably, opposite the appeal site is a recent flatted development of Hartsbourne Court.
15. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. Statute allows for change in the setting of heritage assets, where change does not harm the significance of the listed buildings or conservation area.
16. The proposal would result in the removal of a building of little architectural merit. The proposed development would be of contemporary design which, in my view, would provide a sensitive contrast to the surrounding historical buildings and would result in an appropriate transition from the modern development on High Road to the historical and aesthetic value of the conservation area and listed buildings. I conclude, therefore, that the proposal would preserve the setting of the Bushey Heath Conservation Area and would not have a harmful effect on the setting of the Grade II Listed Buildings at 91-97 High Road.

Conditions

17. In addition to the standard time limit condition, I consider a condition requiring compliance with the approved plans necessary to provide certainty. I also consider a condition relating to materials, and conditions requiring details of hard and soft landscaping to be agreed, necessary to protect the character and appearance of the area. I also consider a condition requiring details of all boundary treatments to be agreed necessary for the same reason.
18. I consider a condition requiring a method statement for the demolition and construction works necessary in the interests of highway safety and the living

conditions of neighbouring occupiers given the proximity of the site to surrounding residential properties. A condition requiring a scheme for surface water drainage is also necessary in the interests of flood risk.

19. The Council has suggested a condition requiring further details of the proposed bin storage. However, I have no substantive evidence to demonstrate that the details of the proposed communal bin storage are insufficient. I therefore consider the condition would not be necessary or reasonable.

Conclusions

20. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C1898-101 Rev B; C189-102 Rev B; C189-103 Rev B; C189-110 Rev C; C189-111 Rev C; C189-112 Rev C; C189-113 Rev B; C189-114 Rev B; C189-117 Rev A; C189-121 Rev B; C189-122 Rev C; C189-125 Rev B; C189-131 Rev B; C189-132 Rev B; C189-133 Rev B; C189-134 Rev C.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include all hard and soft landscaping works and earthworks, including details of all hard surfaced areas within the site.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a method statement for the demolition and construction works hereby permitted. Development shall be carried out in accordance with the approved method statement.
- 8) No development shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

-----**END OF SCHEDULE**-----