

Appeal Decision

Site visit made on 9 November 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/N1920/D/16/3157865

30 The Avenue, Potters Bar, Hertfordshire, EN6 1EB

- 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 Manoj Patel against the decision of Hertsmere Borough Council.
 - The application Ref 16/1086/HSE, dated 27 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is two storey side and rear extensions to the existing house, part single storey rear extension, addition of basement, internal remodelling including relocation of garage, addition of raised patio and removal of existing rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extensions to the existing house, part single storey rear extension, addition of basement, internal remodelling including relocation of garage, addition of raised patio and removal of existing dormer at 30 The Avenue, Potters Bar, Hertfordshire, EN6 1EB, in accordance with the terms of the application Ref 16/1086/HSE, dated 27 May 2016, subject to the following conditions:
 - 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: Drawing Numbers: S101; P101A; 201; and 202A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. Since the appeal was lodged and prior to this decision, the Council has adopted the Site Allocations and Development Management Policies Plan (SADM). Consequently, the policies of the SADM now attract full weight in decision making.
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Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Darkes Lane West Conservation Area (CA).

Reasons

4. The appeal property is a detached dwelling, which is situated in a residential area within the CA (a designated heritage asset). The dwelling sits within a relatively large plot, with its rear garden backing onto the fairways of Potters Bar golf course. The CA encompasses a residential estate, which is characterised generally by detached dwellings, including houses and bungalows. These vary in terms of their design, size and age. However, the CA has a generally spacious appearance, which is reinforced by tree-lined grass verges, which separate the footways from the carriageways.
5. Many of the dwellings have been altered and extended and the width of the gaps between the side walls of properties varies. The Council states that it seeks to retain these gaps where possible.
6. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy CS14 of the adopted Hertsmere Core Strategy (CS) and Policy SADM30 of the SADM. It is also reaffirmed in Section 12 of the National Planning Policy Framework (the Framework). Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Policy SADM31 of the SADM seeks to ensure that new development is of a high quality design, which recognises and complements the local character of the area in which it is located.
7. The proposal would add significantly to the size and mass of the dwelling, particularly at the rear, where the two storey element would project 6m from the existing rear wall of the dwelling. In addition, there would be a narrowing of the gap between the main two storey section of the dwelling and the adjoining bungalow at number 28 The Avenue, plus a reduction of the gap at ground floor level between the side of the appeal dwelling and the side wall of number 32 The Avenue, on the opposite side. The Council contends that the scale and bulk of the proposal, including the depth of the two storey rear extension, would reduce the perception of openness within the streetscene. Accordingly, the Council argues that the development would fail to preserve or enhance the character or appearance of the CA.
8. The proposed extensions would add significantly to the bulk and mass of the existing dwelling. There would also be a reduction in the existing gaps between the appeal property and the neighbouring dwellings (at either ground or first floor levels). However, in my opinion, the remaining gaps between the adjoining properties would ensure that the spacious characteristics of the CA are preserved. In addition, the remaining gaps would not be dissimilar to other separation distances between the sides of properties in the immediate locality and elsewhere within the CA.
9. I acknowledge that when viewed from an oblique angle, the rear extension would obscure some of the existing open views from the street towards the golf

course at the rear. However, these views are already somewhat limited and I am not persuaded that the proposal would be harmful to the significance of the CA in that regard.

10. I note that the Council's Conservation Officer has commented that the windows in the rear elevation of the proposed extension would appear out of scale with the building. Whilst the larger windows would be a visually dominant and contemporary feature on the property, I consider that they would be in keeping with the style of the extension and they would not have a harmful effect on the CA.

11. For the reasons given above, I conclude that the appeal proposal would preserve the character and appearance of the CA. Consequently, it would not conflict with the policies of the Development Plan or with the Framework, as referred to above.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

13. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

14. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR