
Appeal Decision

Site visit made on 7th February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 21 February 2017

Appeal Ref: APP/P1940/W/16/3161584

Greystone Works, No 1 New Parade, Croxley Green, Hertfordshire, WD3 3AN

- 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 M Ellis against the decision of Three Rivers District Council.
 - The application Ref 16/1366/FUL, dated 23 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is demolition of existing workshops (sui-generis) and construction of 6 x 1-bed 2-person flats and associated car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon (a) the character or appearance of the Croxley Green Conservation Area and (b) the living conditions of future occupants in respect of outdoor amenity space and neighbouring occupants at New Parade and The Cottage in respect of privacy and outlook.

Reasons

Conservation Area

3. The appeal site is located within Croxley Green Conservation Area (CA). Development within its boundary is focussed around a long green which has an open and verdant character. The appeal site is located within the southern part of the CA in an area of higher density development, forming the commercial heart of the village.
 4. Development in proximity to the appeal site, along The Green, comprises of residential and commercial buildings which are in a variety of styles, ages and architectural forms, giving rise to a mixed character. New Parade is a modern 3-storey development with commercial premises to the ground floor and flatted accommodation above. It is of brick and render construction with a pitched tiled roof.
 5. The appeal site is a narrow plot located to the rear of New Parade accessed via a separate rear access road, via Windmill Drive. It currently contains a range of single storey brick buildings with a mono-pitched roof. These workshops currently in a commercial sui-generis use and along with New Parade, they do not make any particular contribution to the character or appearance of the CA.
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6. The proposal comprises of a 3-storey flatted accommodation block. The front elevation would face out onto the existing access road and would be clad in zinc. The rear and side elevations would be constructed out of facing brickwork. The building would have a flat membrane roof with natural zinc capping. Windows would be powder coated aluminium and many of these, including windows to the side elevations and some to the rear elevation would also be surrounded by a zinc frame. There would also be external balconies to the front and rear elevations and a brise soliel attached to the rear balconies. The building would be set back within the plot with parking provided to the front.
7. Rather than being a contemporary addition which would enhance, I consider that the development would cause harm to the character or appearance of the CA. Specifically, I consider that the scale and height would give rise to an overly bulky and prominent dwelling.
8. The development would be lower in height than New Parade, and the appeal site is in an area where densities of buildings are generally higher with a more urban character. However, the development would be 3-storey in height with a flat roof structure and thus would have a bulky appearance in comparison to New Parade, which has a pitched roof.
9. I also find that the building would appear cramped within the plot due to its set back which would be only around 12m away from New Parade. This would further augment the prominence of the building. The limited outdoor space and the extent of hard landscaping would also compound the urbanisation of the site and this effect would not be softened to any significant degree through the proposed landscaping which includes the use of grasscrete to the parking area and the proposed planting.
10. Furthermore, the dominance of the building would be exacerbated by the use of modern materials and zinc cladding which bears no reference to materials found locally within the CA. The use of zinc capping to the roof would also emphasise the bulk of the dwelling. The result would be a highly incongruous building which would draw the eye.
11. At present the visibility of the existing workshop buildings is limited from The Green due to their scale and location behind The Parade. However, due to the scale and design of the proposed development, visibility of the building would be significantly increased and greater views would be gauged, from Windmill Drive, as well as from The Green through gaps between the built up frontage along this main road.
12. Accordingly, the development would be highly conspicuous in respect of its surroundings, and would be a particularly incongruous addition in spite of the areas mixed character.
13. I note that permission was granted in 2012 for the erection of 4 flats.¹ An Inspector also considered that a previous scheme would not harm the character or appearance of the CA in 2011, dismissing the appeal on other grounds.² However, based on the submitted drawings of the approved scheme as well as the scheme dismissed at appeal, the proposed building is materially different as

¹ LPA Application Reference 12/0662/FUL

² Linked Appeals references APP/P1940/A/11/2153809 and APP/P1940/E/11/2155022

both proposals were of a traditional design, using traditional materials in keeping with the local area.

14. Moreover, while the approved building would be relatively tall and the proposed dwelling would only be around 0.5m higher, the approved scheme would also have a hipped and gabled roof structure and therefore this would be considerably less bulky. Accordingly, while the approved scheme has a similar set back within the plot this would not be as visible and nor would it be as dominant as the current proposals before me.
15. While I have found that the principle of the demolition of the existing buildings would not cause harm, it also follows that the demolition of these in the absence of an acceptable redevelopment scheme for the site would create an unattractive vacant site, and would also cause harm.
16. Overall I conclude that the proposed development would fail to preserve or enhance the character and appearance of the Croxley Green CA. As such, the development would be contrary to Policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS) which seeks to secure sustainable development which seeks to protect the built and historic environment from inappropriate development and promote high enduring design quality which respects local context. The proposal would also conflict with Policy DM1 of the Development Management Policies Local Development Document 2013 (LDD) which resists layouts of development which do not maintain the character of the area in terms of plot size, depth, footprint, height and gaps. Finally, the development also conflicts with LDD Policy DM3, which requires development within a CA to be of a design and scale which preserves or enhances the character of the area, using materials and finishes appropriate to the local context.

Living conditions

17. The proposed development would have a number of windows as well as balconies to the rear (eastern) elevation over all 3 floors. As I have noted above, the development would be set back into the plot and this would give rise to a limited separation distance between the proposed accommodation and New Parade of around 12m.
18. New Parade has residential accommodation within the upper floors, with habitable windows to the rear elevation as well as rear small garden terraced areas to the first floor flats. Occupants of the proposed development would therefore gain direct views into these flats and gardens and given their proximity, I consider that the loss of privacy of occupants of New Parade would be severe.
19. The appellant contends that the brise soliel which would be attached to the external balconies of the rear upper floor flats would prevent overlooking. However, their use is typically associated with deflecting sunlight, and I consider that the horizontal louvres would still allow for overlooking of upper floor properties at The Parade. I also consider that the presence of these would harm the outlook of future occupants of the flats from the balconies which serve bedrooms due to the enclosure that these would bring.
20. Furthermore, in respect of the ground floor accommodation, the windows and patio door which serve the open plan kitchen/diner and separate bedroom would be obscure glazed. Due to the siting of the development within the plot,

these would be located only around 1m away from a 2m high boundary wall. I consider that the outlook from these rooms would be extremely poor, adversely affecting future occupants.

21. The Cottage is a 2-storey detached dwelling located to the north of the appeal site, sharing a side boundary. Windows on the north elevation of the dwelling, serving the open plan living accommodation, would therefore directly overlook into the rear garden area of this building. While I note that windows could be conditioned to be obscure glazed, I agree with the Council that the number of windows to this elevation would create a significant perception of being overlooked. Furthermore, the use of obscure glass in combination with rear high level windows serving the main open plan habitable rooms would further harm the outlook for future occupants of the flats themselves.
22. I also consider that the height of the development, with a flat roof, would dominate and enclose the rear amenity space of The Cottage. I saw that this property is already enclosed due to the presence of New Parade and cumulatively, a further loss of outlook arising from the appeal proposals would be significant.
23. The appellant considers that this was not an issue raised in the previously refused application which was subject to the appeal in 2011, and notes that the development was proposed to be located much closer to the side boundary. However, the development proposed was 2-storey with a hipped roof which would have less bulk than the proposals before me with a flat roof and accommodation at 3rd floor level. The plans submitted for that application also depict that there were no windows in the side elevation of that development scheme.
24. I acknowledge that the separation distance in the approved 2012 scheme would be similar, but again, I do not consider that the schemes are comparable due to the bulk of the proposed development and the provision of accommodation at 3rd floor level.
25. In respect of outdoor amenity space, it is noted that at ground floor level the rear garden areas would be extremely narrow and constrained by the 2m boundary wall. While the appellant states that no usable outdoor space was previously proposed in 2011, the plans do clearly illustrate rear private areas, as accessed via the kitchen. The Inspector also found that the proposed patio gardens would be unattractively constrained with a harsh outlook and concluded that the development would not provide satisfactory amenity space. Moreover, I note that it appears that the scheme subject to the previous appeal was not set back as far into the plot and thus would have a greater distance between the boundary wall. I therefore consider that the proposal before me would give rise to greater harm in respect of amenity space than the findings of my colleague.
26. The site plan for the 2012 approval also indicates a greater level of shared amenity space than currently proposed, located to the side of the block of flats and again this would not therefore be comparable.
27. On this matter, I therefore conclude that the development would cause harm to living conditions of future occupants in respect of outdoor amenity space and neighbouring occupants at New Parade and The Cottage in respect of outlook and privacy. The development would not accord with CS Policy CP1 and CP12

which seek to protect residential amenity in terms of privacy, prospect, amenity and garden space. The proposal would also conflict with LDD Policy DM1 and associated appendix 2. Together, these set out design criteria for development, including resisting development which would result in the loss of amenity, specifying separation distances, amenity space standards and guidance on prospect.

Conclusion

28. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson

INSPECTOR