
Appeal Decision

Site visit made on 28 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 7 April 2017

Appeal Ref: APP/P1940/W/16/3164739
8 & 9 Nancy Downs, Oxhey Hall WD19 4NF

- 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 and Mrs Gohil against the decision of Three Rivers District Council.
 - The application Ref 16/1766/FUL, dated 17 August 2016, was refused by notice dated 28 October 2016.
 - The development proposed is described as: "Construction of a new detached garage to 8 Nancy Downs and construction of a new detached garage to 9 Nancy Downs. Amendments to previous approved garages under application references: 13/2078/FUL and 16/0284/FUL".
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Decision

1. The appeal is allowed and planning permission is granted for: "Construction of a new detached garage to 8 Nancy Downs and construction of a new detached garage to 9 Nancy Downs. Amendments to previous approved garages under application references: 13/2078/FUL and 16/0284/FUL" at 8 & 9 Nancy Downs, Oxhey Hall WD19 4NF in accordance with the terms of the application, Ref 16/1766/FUL, dated 17 August 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: Location Plan; Existing and Proposed Site Plans (Ref 3124 SP8 A, dated August 2016); Existing and Proposed Elevations (Ref 3124 GPL5 E, dated August 2016).
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development 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 / samples.
 - 4) No further site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local
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planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Procedural Matters

2. There is a planning history relevant to the appeal, which I have taken into account. Planning permission was granted in December 2013 (Ref 13/2078/FUL) for a double garage and games room at No 8 Nancy Downs. Planning permission was granted in March 2016 (Ref 16/0284/FUL) for a detached garage at No 9 Nancy Downs. At the time of my site visit, this building was under construction.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Nos 8 and 9 Nancy Downs are substantial detached houses set within spacious plots, located towards the head of a cul-de-sac. The cul-de-sac is characterised by large houses of varying architectural style and materials. I saw from my site visit that a number of the houses in the area have garages or outbuildings within the property boundaries, several of which are located towards the front of the plot and are visible in the street scene.
5. The development proposed is the erection of two detached garages which would be sited within the gardens of Nos 8 and 9, close to the shared boundary. Both garages would be on the site of existing buildings. They would be set back within the plots and would not project further forward than the houses. The garages would be relatively large buildings, and both would have steeply pitched roofs and a high ridge height. The front gables would be designed to reflect the associated houses, one with timber detailing and the other having an area of glazing. In addition, the garage at No 9 would have side facing dormer windows.
6. The garages would be seen in the context of the associated houses, which are imposing buildings with steeply pitched roofs. Whilst the garages would be of a large scale, they would not appear disproportionate in comparison to the existing houses. The design of the garages would reflect the overall architectural style of the host development. Moreover, the garages would be located on the site of existing structures and would be set back within the plots. Consequently, the garages would not be overly prominent.
7. The side facing dormers at No 9 would be partially screened by the existing house and they would not appear obtrusive in the street scene. Also, dormers are not an unusual feature in the area. The garages would be visible in the street scene, but would be seen in the context of the existing development and would not appear out-of-character in this location.
8. Many of the surrounding houses have ancillary buildings within their gardens that contribute to the character of the area. Whilst I appreciate that the garages would have a greater scale and mass than those previously approved, the size of the plots and the nature of the existing development is such that

large ancillary structures can be accommodated without detriment to the street scene. I am satisfied that the development would respect the character of the street scene, and the roof form and materials of the respective houses in accordance with the design criteria contained in Appendix 2 of the Development Management Policies.¹

Conditions

9. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have imposed a condition requiring the approval of materials to ensure the development reflects its context. I have also imposed a condition requiring tree protection as I am advised that there is a group of trees covered by a Tree Preservation Order at the front of No 9, and the trees need to be protected during construction.
10. I have not imposed the Council's suggested condition requiring a written development scheme as it has not been demonstrated that this is necessary and reasonable.

Conclusion

11. I find that the development would not have an adverse effect on the character and appearance of the area. It would be comply with Policies CP1 and CP12 of the Core Strategy² and Policy DM1 of the Development Management Policies, which seek to protect and enhance the built environment, having regard to the local context and the distinctiveness of the surrounding area.
12. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

¹ Local Plan: Development Management Policies Local Development Document (adopted July 2013)

² Local Development Framework: Core Strategy (adopted 17 October 2011)