
Appeal Decision

Site visit made on 21 March 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/N1920/W/16/3163419
15 Oakroyd Avenue, Potters Bar EN6 2EH

- 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 Mrs B Davies against the decision of Hertsmere Borough Council.
 - The application Ref 16/0892/FUL, dated 6 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is described as 'Erection of detached 2 bedroom bungalow together with associated vehicle crossover, off street parking, amenity space and landscaping in garden to No 15 Oakroyd Avenue. Resubmission of approval TP/13/1237'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has confirmed that, subsequent to its decision on the application, it has adopted the Site Allocations and Development Management Policies Plan (SADMPP) 2016. It has also confirmed that the policies of the Hertsmere Local Plan 2003 which are cited in the reason for refusal are no longer in force. The development plan, with which my decision must accord unless material considerations indicate otherwise, therefore comprises the Hertsmere Core Strategy (HCS) 2013 and the SADMPP.
3. The Council has also indicated that some relevant policies of the SADMPP have been re-numbered in the adopted version of the Plan. My decision uses the numbering as it appears in the adopted version.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Royds Estate Conservation Area (RECA).

Reasons

5. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the RECA. In accordance with paragraph 132 of the National Planning Policy Framework (the "Framework") I have given great weight to this matter.
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6. The RECA covers a residential estate which mainly comprises bungalows built in a distinctive, spacious and elegant 1930s style and layout by a local builder identified as Edward Hicks. Its important spatial attributes which define its character include the similarity of layout of the plots, in which the dwellings are located towards the front along well defined building lines with long back gardens behind them. The form, visual rhythm and coherence of the dwellings themselves are also important, as established for example by the recurring use of fairly steeply sloping clay tile roofs and front facing gables.
7. The Royds Estate Conservation Area Design Guide (RECADG) 2014 provides guidance which assists in considering proposals such as that subject to appeal. It states that *'...The subdivision of plots and development on gardens can have a negative impact on the arrangement and layout of the original estate and its spatial and architectural coherence and quality. The proposed subdivision and development of new properties on subdivided or backland plots will not therefore be permitted'*.
8. The RECADG is therefore clear that the character of the RECA is particularly sensitive to potential damage caused by the sub-division of plots. I agree that this is the case. Whilst the RECADG is not part of the statutory development plan the Council has indicated that it was made subject to statutory consultation before being formally adopted as a Supplementary Planning Document. It is a material consideration in my decision.
9. The plot of number 15 Oakroyd Avenue differs from most in the RECA due to its location alongside the cul de sac of Kingsland, which serves a small modern housing estate outside the RECA immediately to the south. However the plot has a layout which is otherwise typical of those in the RECA. The entire plot clearly 'reads' as part of the RECA. The depth of the plot is also readily apparent in views from Kingsland despite the presence of a high timber fence running along its western boundary. Number 15 as a whole, including the appeal site by virtue of its inclusion within the plot, contributes positively to the character and appearance of the RECA.
10. Whilst number 13 Oakroyd Avenue, which is also in the RECA and located across Kingsland from the appeal site, has a large double garage in its rear garden, this does not have the effect of subdividing that plot.
11. The proposed bungalow subject to appeal would, by subdividing the plot of number 15 and occupying a substantial portion of the depth and most of the width of what is currently its back garden, cause substantial disruption to the layout of the property. It would cause the similarity of plot ratio that number 15 shares with nearby properties in the RECA to be lost. The resultant harm would be exacerbated by the proposed opening up of the frontage to Kingsland to provide visibility splays to the proposed vehicular access. The shallow roof pitch of the bungalow would also jar with the steeper roof pitches of the Hicks style bungalows which help to characterise the RECA. These effects would all be prominently seen in public views from a substantial stretch of Kingsland and from nearby properties.
12. Having regard to these points, I consider that the proposal would cause harm, albeit less than substantial, to the character and appearance of the RECA. Under paragraph 134 of the National Planning Policy Framework (the 'Framework') where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

- against the public benefits of the proposal, including securing its optimum viable use.
13. The Council has not refuted that planning permission TP/13/1237, granted in 2013, was for the same form of development as that subject to the current appeal. It is a fundamental principle that recently expired permissions should normally be renewed where there has been no material change in circumstances. The statutory duty related to the desirability of preserving or enhancing the character or appearance of the RECA and relevant provisions of the Framework all existed in 2013. The broad thrust of relevant development plan policies is also similar to that which existed at that date. Whilst the Council has confirmed that the RECADG has been consulted upon and adopted since 2013, it would have been aware of the fundamental qualities of the RECA when it granted permission in 2013.
 14. Set against these points, however, the fact that a previous (now lapsed) permission was granted does not constitute a public benefit of allowing the current appeal. Furthermore, I must determine the appeal having regard to my assessment of the proposal against the relevant legislation and policy.
 15. Whilst the proposal would secure the benefit of providing an additional dwelling it is not clear that this would serve any housing need which would outweigh the harm that I have identified. I am aware of no other substantive public benefits which would result from allowing the appeal.
 16. I conclude that the appeal proposal would cause harm, albeit less than substantial, to the character and appearance of the RECA which is not justified by any public benefits. Its approval would therefore conflict with relevant provisions in Policies CS14 and CS22 of the HCS, Policies SADM3, 29 and 30 of the SADMPP and the Framework related to this matter. It would also not constitute sustainable development as defined in the Framework.
 17. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR