

Appeal Decision

Site visit made on 12 April 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 25th April 2017

Appeal Ref: APP/P1940/D/17/3169101

Hillside, 32 Pembroke Road, Moor Park HA6 2LS

- 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 Hartej Singh against the decision of Three Rivers District Council.
 - The application Ref 16/2001/FUL, dated 21 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is the erection of a first floor and roof extension over an existing garage and kitchen to create additional habitable accommodation.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a first floor and roof extension over an existing garage and kitchen to create additional habitable accommodation at Hillside, 32 Pembroke Road, Moor Park HA6 2LS in accordance with the terms of the application, Ref 16/2001/FUL, dated 21 September 2016, subject to the conditions identified in the attached Schedule to this decision.

Procedural Matter

2. The description of the proposed development has been adopted from the application rather than appeal form. The cumulative impacts of the approved and appeal schemes have been considered in the determination of this appeal.

Main Issue

3. It is considered that the main issue is whether the proposed development would preserve or enhance the character or appearance of the Moor Park Conservation Area.

Reasons

4. The appeal property is a 2-storey dwelling which is currently undergoing alterations pursuant to a planning permission issued by the Council (Ref 16/0442/FUL). As stated on the application form, the proposed development comprises the erection of a first floor extension above the garage which also includes the replacement of a cat-slide roof by a hipped roof form. The proposed hipped roof would echo the roof form of the property's other side elevation.
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5. The property is situated within the Moor Park Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policies CP1 and CP12 of the Core Strategy (CS) and Policy DM3 of the Development Management Policies Local Development Document (LDD).
6. The *Moor Park Conservation Area Appraisal* identifies that the character and appearance of the area derives from the spacious and verdant low density residential development. The houses built between the 1920s and the 1950s are sited within spacious plots and possess open front gardens separating the properties from tree lined roads. The gaps between dwellings also contribute to the spaciousness of the streetscene. However, it was noted during the site visit that the individual design of the dwellings varies, including variations in roof forms. Close to the appeal property hipped roofs are common.
7. Reference is made by the Council to the *Appraisal* seeking to retain buildings erected up-to 1958 which is when the original estate company was wound-up. However, the proposed extension involves the alteration, rather than demolition, of the property.
8. The Council has also identified that within the *Appraisal* there is guidance seeking a 1.5 metre separation distance between the flank wall of a dwelling and its side boundary. Outside this Conservation Area LDD Appendix 2 refers to a 1.2 metre separation distance at first floor level. There is disagreement between the appellant and the Council about the distance between the flank wall of the property and the shared boundary with Moor Park Gardens (30 Pembroke Road). Based upon the site visit the existing separation distance is less than 1.5 metres but about 1.2 metres at the front. The separation distance to the boundary would not be altered by the proposed side extension.
9. However, by reason of the relatively isolated siting of the property from No. 30, there would remain a significant gap between the proposed flank wall and this neighbouring property. Further, and taking into account the size of the curtilage and the separation distances, the extended property would not appear cramped form of development on its plot. The proposed side extension would also not result in a dwelling which would be of such a bulk or scale so as to be so conspicuous that it would materially detract from the verdant and spacious character of the streetscene. Overall, there would be a neutral effect on the spacious and verdant character of the streetscene and Conservation Area. The resulting property would have the characteristics a large dwelling sited within a large plot with an open front garden sited well away from other properties.
10. The *Appraisal* includes guidance concerning roofs being sympathetic with the character and appearance of the Conservation Area. Although the appeal would involve the loss of a cat-slide roof and the claims of the appellant about the symmetrical appearance of the resulting property have been noted, the proposed hipped roof form would both reflect the other side elevation and be sympathetic to the common roof forms of the surrounding dwellings. By reason of design and scale, the resulting property would not appear incongruous within the context of the variations in the design of the surrounding dwellings.

11. These assessments of the proposed development have considered the cumulative impacts of the scale, bulk and design of both the approved and appeal schemes. Accordingly, and for the reasons given, it is concluded that the proposed development would preserve the character and appearance of the Moor Park Conservation Area and, as such, it would not conflict with CS Policies CP1 and CP12 and LDD Policies DM1 and DM3 and Appendix 2. In addition to heritage considerations, these policies require development to be of a high standard of design, including having regard to local context and conserving the character, qualities and amenity of an area. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Conditions

12. The Council has suggested a number of conditions in the event that this appeal succeeds and they have been assessed against the tests contained in the Framework and the National Planning Practice Guidance. In the interests of proper planning and for the avoidance of doubt, a condition is necessary requiring the appeal scheme to be erected in accordance with the approved drawings. To ensure that the appeal scheme successfully integrates within the existing built form of development it is necessary for the external materials to match those of the existing property.
13. Two further conditions are suggested which are linked to the previous planning permission. Based on the available information and the absence of any need for intrusive construction works, the archaeological investigation condition is unnecessary. However, there are trees adjacent to the proposed extension within the garden of No. 30. Accordingly, and because the proposed development would be undertaken in addition to the approved scheme, a condition seeking to protect these retained trees during the construction works is necessary. Where appropriate the wording of the suggested conditions has been amended for reasons of precision. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of 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: 32PR 000; 32PR 001 Rev B; 32PR 900; 32PR 901; 32HS 100 and 32HS 200 Rev A.
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.
4. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan), including those within the curtilage of 30 Pembroke Road located adjacent to the boundary, 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) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and any approved protection of the retained trees shall be maintained until all equipment, machinery and surplus materials have been removed from the site.