
Appeal Decision

Site visit made on 4 April 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/N1920/W/16/3164097

Spylaw House, Newlands Avenue, Radlett, Hertfordshire WD7 8EL

- 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 J McGowan against the decision of Hertsmere Borough Council.
 - The application Ref 15/1556/FUL, dated 26 August 2015, was refused by notice dated 9 June 2016.
 - The development proposed is the demolition of an existing two storey dwelling and the erection of a replacement dwelling house with lower ground floor and accommodation in the roofspace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council's decision, the Hertsmere Borough Council Site Allocations and Development Management Policies Plan has been adopted. Emerging policies SADM30 and SADM31 of this plan have been carried forward as policies SADM29 and SADM30 in the new plan respectively.
3. During the Council's determination of the planning application, amended plans were considered increasing the gap between the dwelling and Malt Lane, a public footpath, and the design of the dwelling. An arboricultural report and landscaping plan were also submitted. The appeal was considered on this basis.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Radlett North Conservation Area.

Reasons

Character and appearance

5. The appeal site comprises a 1960/1970s style dwelling with a two storey front projecting bay and a flat-roofed garage to the front. Its neighbour at 2 Newlands Avenue is a unique modernist styled property whilst to the north, there is the Malt Lane public footpath between it and the recent infill properties at Malthouse Place. The site lies within the western part of the Radlett North Conservation Area, along with No 2, the 1920s properties in The Grove to the north east and Victorian/later dated properties on Park Road to the south.
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6. As the site is within a Conservation Area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The Conservation Area comprises a range of dwellings forms, designs and ages. The appeal site lies at the western extremity of the Conservation Area but despite variation in age and style of properties, traditional housing design prevails with properties having bay windows and noticeable porch details, with attractive architectural detailing around windows and openings. There is the 1960/1970s style appeal property, its modernist styled neighbour at No 2, and Nightingale Court on Park Road but these are exceptions. Although plots vary in shape, properties are also spacious and landscaped.
8. The Radlett (North) Conservation Area Appraisal (RCAA) 2010 identifies Malt Lane as a sunken narrow footpath with the appearance of a rural lane, particularly as its western end. The lane is indicated to be an ancient boundary and historic route, with hedges and trees either side, and that a manmade tarmac path is only visible at its eastern end where it is wider. Having walked along it, the footpath does enable views and vistas of the large gardens and vegetation either side of it within the Conservation Area, and itself has banks and vegetation which contribute to the landscaped nature of the Conservation Area. In summary, it is the traditional building design, vegetation and space about dwellings, along with the rural nature of the footpath, that are of significance and value, and are of special interest to the Conservation Area as a whole.
9. The dwelling on the appeal plot is of no great architectural merit by reason of its construction, materials and form. Nevertheless, its plot is spacious with the dwelling set off its boundaries, especially in relation to Malt Lane. It has been indicated that some trees and vegetation have been removed from the site. However, some vegetation still remains and the spacious nature of the plot would allow further trees and vegetation to be become established. The spacious and landscaped nature of the site would also provide context to the footpath along Malt Lane and its rural quality. For these reasons, the appeal site does make a positive contribution to the character and appearance of the Conservation Area.
10. The design of the new dwelling would be neo-classical style and would replace a dwelling of little architectural merit. It would also be adjacent to a modernist styled dwelling. Although mostly outside of the Conservation Area, it is also within Newlands Avenue street frontage where there is a variation of different designed dwellings. Some of which are not dissimilar in appearance to that proposed. For these reasons, the detailed aesthetic design of the dwelling would not be out of keeping with the Conservation Area given its particular site context.
11. However, the proposal would demolish the existing L-shaped dwelling and replace it with a larger square shaped dwelling. This would result in a building close to the boundary with Malt Lane and the separation gap would be smaller than that currently existing despite the amendments made. There has been a landscaping scheme submitted showing planting along this boundary but the reduction in gap narrows the opportunity for this alongside the dwelling. In this regard, the landscaping scheme shows trees to be planted along the road

frontage of the site but there is little substantive landscaping shown between the new dwelling and the footpath. The landscaping plan shows a thin evergreen hedgerow, some grass and a rear access pathway.

12. Furthermore, the proposed dwelling's elevation facing the footpath would be significantly greater in mass and bulk, and in closer proximity to the footpath than the existing dwelling. The overall depth of the northern boundary of the site is great but given the size of the dwelling, along with hard surfaced areas including a rear patio, there would be substantive built form dominating the footpath. Together with the lack of potential substantive landscaping, this would result in an overly dominant impact adversely affecting the rural nature of the lane and the landscaped character and appearance of the Conservation Area.
13. In conclusion, the development would fail to preserve the character and appearance of the Conservation Area for the reasons indicated. Accordingly, the proposal would conflict with Policies SADM29 and SADM30 of the SADM, and policies D21, E19, E22 and E23 of the Hertsmere Local Plan 2003 and Policy CS14 of the Core Strategy 2013, which collectively and amongst other matters, require high quality design, retention of important open spaces and views, respect of the visual amenity of the area having regard to scale, mass, bulk, height and urban form, and compliance with the statutory test in relation to Conservation Areas.

Other matters

14. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to a heritage asset. In this situation, paragraph 134 of the Framework states the harm should be weighed against the public benefits of the proposal. The replacement dwelling would provide accommodation for residents sustainably located in relation to services and facilities, and sustainably constructed with photo-voltaic electrical generation. However, the proposal is to demolish and replace an existing dwelling limiting such benefits. Although the detailed aesthetic design of the dwelling would be an improvement on the existing dwelling, this would be more than offset by the adverse impact on the rural nature of the lane and landscaped nature of Conservation Area.
15. The benefits have to be weighed against the identified adverse impact on the heritage asset, for which considerable importance and weight has to be attached. In this regard, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm for the proposal.

Conclusion

16. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR