
Appeal Decision

Site visit made on 22 May 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/N1920/W/17/3167967
6 Watford Road, Radlett WD7 8LD

- 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 AC RADCO LTD against the decision of Hertsmere Borough Council.
 - The application Ref 16/0988/FUL, dated 19 May 2016, was refused by notice dated 15 August 2016.
 - The development proposed is the demolition of dwelling and erection of two 2 storey detached homes with basement, rooms in the roof and associated vehicular access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of dwelling and erection of two 2 storey detached homes with basement, rooms in the roof and associated vehicular access, car parking and landscaping at 6 Watford Road, Radlett WD7 8LD in accordance with the terms of the application, Ref 16/0988/FUL, dated 19 May 2016, subject to the conditions set out at the end of my decision.

Procedural Matters

2. Since the application that is the subject of this appeal was dismissed, the Council have adopted their Site Allocations Plan¹ which has superseded the previous Local Plan. Some policies that were previously stated by the Council have been slightly renumbered. Both parties had the opportunity in their statements to refer to this change in the development plan.

Main Issues

3. The main issues in this case are as follows:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether future occupants of the proposed 'House 1' would experience satisfactory living conditions in terms of outlook.

Reasons

4. Park Road heads in a roughly south westerly direction from the centre of Radlett. Close to its eastern junction with Watling Street, the road is

¹ Hertsmere Local Plan Site Allocations and Development Management Policies Plan, November 2016.

characterised by fairly dense residential development in the form of detached and semi-detached dwellings set reasonably close to the road edge. Heading to the west up the hill, the buildings start to take on a general pattern of becoming slightly larger and landscaping in the form of mature trees becomes more evident, with this change continuing further to the west following the junction of the road with Newlands Avenue to the north and Watford Road to the south, from where the road takes on this latter name.

5. Despite this change in spatial character, house design and type is varied in the area with a mix of old and newer properties clearly visible. These include substantial detached dwellings, such as the appeal site and development such as a large grouping of flat roofed apartments on the other side of the road. Various sites in the local area appear to have been, or were in the process of redevelopment, with a reasonably sized site in Newlands Avenue under construction during my visit. Evidence also states that an extant scheme exists for apartments at No 8 Watford Road.
6. No 6 Watford Road lies on the north side of the road and consists of a substantial 2 storey property, with a red brick ground floor and white render above and a large garden to the side and rear. At the front the site is accessed directly off Watford Road, and has a driveway and turning area. Thick trees screen much of the site from public view, with substantial landscaping also present along the sites west boundary with No 8 and trees to the side between the site and No 4 Watford Road. No 8 is set back further in its plot than No 6, with No 4 set slightly further forward.
7. The proposal seeks to demolish the existing property and construct 2 individual detached homes, with one sited in a similar position to the existing property (House 2), and one sited gable onto the road on the west side of the site (House 1). A new access for House 1 would also be created. The properties would be 2½ storeys high with basements and are designed in a modern style to match each other, although they retain brickwork at single storey level and render above. Noticeable extensive catslide roofs would feature on the side elevation of the houses.
8. Although the proposal would result in more development on the overall site than is currently the case, the siting and layout with house 1 set further back in the plot and to the side would allow the site and its frontage to maintain a spacious feel, with a clear visible gap between the two proposed units. Clear gaps would also be maintained between the proposed units and the neighbouring dwellings. The siting of the two houses would also bridge the gap between the differing building lines of Nos 8 and 4, with the footprint of the two properties successfully relating to the surrounding units. A submitted street elevation shows that sufficient space would be retained even if the extant scheme at No 8 is constructed, and the garden/plot size of the site is sufficient to enable both sizable dwellings and their proposed gardens to be accommodated comfortably.
9. An arboricultural statement and plan details how the majority of the existing trees on site would be protected, thereby safeguarding during construction the green and verdant nature of the site and the character that these give to the area, with protection in particular to the substantial trees on the west side of the plot. Such details could be conditioned. Whilst the proposed new access would involve the removal of an area of hedge from the front of the site, this

would not look out of place within the character of the area and suitable conditions could be imposed to ensure that such alterations are mitigated and kept to a minimum, subject to necessary visibility splays.

10. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The proposal would comply with policy SADM30 of the Site Allocations Plan and policy CS22 of the Core Strategy², which when read together state that development should be of high quality design and make a positive contribution to the built and natural environment, creating attractive and usable places, and recognising and complementing the local character of the area in which it is located. The proposal would also comply with the National Planning Policy Framework (the Framework) which states that planning should always seek to secure high quality design and take account of the different character of different areas.

Living conditions

11. The second reason for refusal of the application refers to the limited outlook that would be possible from the ground floor habitable rooms of house 1. This reason for refusal is not amplified in the Council's case, although the minutes of the planning committee state that the windows of a habitable room would be less than 10m from a blank wall, contrary to the Council's Design Guide.
12. The habitable rooms of house 1 at ground floor comprise of a reception room, kitchen and dining room. The kitchen would have primary windows facing to the north over the rear garden of the proposal, which is of a reasonable depth. The reception room would presumably be a lounge/sitting room and would have windows on both the east and south elevations of the house. Whilst the eastern windows would be reasonably close to the blank west elevation of house 2, the southernmost window would wrap around the corner of the property and a further window on the southern elevation would overlook a clear space shown for car parking. All windows are full length and when considered together would provide sufficient outlook for the future residents of the house.
13. By the standards of some of the other proposed rooms, the dining room is relatively modest. One window would serve this room; such window would face towards the western boundary of the plot and the thick tree and hedge belt in this location. This would likely result in a fairly dark room. However, the window is full height floor to ceiling and would still present a reasonable outlook to a room which would likely be used less than the more substantial kitchen/family room and the reception room.
14. I have not been provided with a copy of the Council's Design Guide referred to in the Committee minutes, and so am unable to consider the scheme against these standards. I also note that the Guide is not referred to in the reasons for refusal. Moreover, I consider that the proposal, for the reasons outlined above, would comply with policy SADM30 of the Site Allocations Plan and Policy CS22 of the Core Strategy, which in this context state that development must have limited impact on the amenity of the occupiers of the site in terms of outlook and create attractive and usable places. The proposal would also comply with the core planning principle within the Framework that planning should always seek a good standard of amenity for all future occupants of buildings.

² Hertsmere Local Plan Development Plan Document Core Strategy, January 2013

Therefore I conclude that future occupants of the proposed 'House 1' would experience satisfactory living conditions in terms of outlook.

Other Matters

15. Concern is raised over highway matters and the proximity of the new proposed access to a pedestrian crossing. Submitted plans show the crossing to be slightly to the east of the proposed access, so that the proposal would not conflict with this feature. I also note that the County Highways Officer undertook a site visit and was content with the proposal, subject to conditions concerning visibility splays and a construction & demolition management plan. I agree that such conditions are necessary and reasonable.

Conditions

16. As well as the previously referred to conditions relating to highway safety and landscaping/arboricultural matters, I have imposed standard conditions relating to implementation and accordance with plans as this provides certainty, although I have slightly amended the plans condition recommended by the Council to remove references to superfluous plans. Conditions are also imposed relating to the agreement of materials, finished levels of the proposed development and for a detailed landscaping scheme to be agreed and implemented. All such conditions are necessary to ensure there is no harm to the character and appearance of the area. I have also imposed a condition requiring details of bin storage to be agreed, in the interests of character and appearance and the living conditions of the future residents of the scheme.
17. The Council have recommended a condition withdrawing permitted development, so as in their view to ensure that future development doesn't encroach within the rear private open space at the site and to ensure that the finished appearance of the development will enhance the character and visual amenities of the area. However, the site is reasonably large, with substantial rear gardens left for both proposed houses. Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances, which I do not consider apply in this case.

Conclusion

18. I have concluded that the proposal would not have an adverse impact on the character and appearance of the surrounding area; nor would the scheme result in unacceptable impacts on the living conditions of the future residents of house 1. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 13 CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:
 - a) a scheme of hard (including access roads, driveways and parking areas) and soft (including a schedule of plant species) landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks; and
 - b) details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development.

The development shall be carried out in accordance with the approved details.
- 4) The landscaping scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.
- 5) No development shall commence until details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.
- 6) No development shall commence until a method statement for the demolition and construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the demolition and development (excavation, site preparation and

construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

- 7) Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan (FOH-200 Rev B). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 8) Prior to the first occupation of the development hereby permitted details of sufficient bin storage and details of the collection point, including a suitable pathway between the dwellings and the collection point shall be submitted and approved in writing by the Local Planning Authority. The details so approved shall be implemented before first occupation of the development approved.
- 9) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 3 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998 (Tree Work).
- 10) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 11) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
[In conditions 9, 10 & 11 "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 12) The development hereby approved shall be carried out in accordance with the protection measures and recommendations of the submitted Arboricultural Development Report, prepared by Arbtech Consulting Limited, dated 19/5/16, unless otherwise agreed in writing by the local planning authority.
- 13) The development hereby permitted shall be carried out in accordance with the following approved plans: FOH-100 Revision A, FOH-200 Revision C, FOH-210 Revision B, FOH-211 Revision C, FOH-220 Revision B, FOH-221 Revision C, FOH-230 Revision B, FOH-250 Revision A, FOH-260, FOH-270 Revision A, Arbtech AIA 01, Arbtech TPP 01, Ref: OXF9676-LR-01a – Bat Building Assessment, prepared by RPS.