
Appeal Decision

Site visit made on 8 June 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 30th June 2017

Appeal Ref: APP/P1940/W/16/3161934

48 Russell Road, Moor Park, Northwood HA6 2LR

- 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 Mansoor Karim against the decision of Three Rivers District Council.
 - The application Ref 16/1153/FUL, dated 27 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is the erection of 2 No. detached two storey houses with basement accommodation. Erection of 2 No. sets of entrance gates and alterations to the front boundary and all following the demolition of the existing house on the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Moor Park Conservation Area.

Reasons

3. The appeal site is located within a residential area of Moor Park where the Three Rivers Core Strategy advises that residential development on appropriate infill sites is acceptable in principle.

Conservation Area

4. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
 5. The appeal site is located within the Moor Park Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies CP1, CP3 and CP12 of the S25 of the Three Rivers Core Strategy and policies DM1, DM3 and Appendix 2 of the Three Rivers Development Management Policies document (DMPD) in seeking high standards of design that protects historic areas are consistent with this test.
 6. In terms of assessing the significance of the Conservation Area and the contribution that the at the appeal property makes to it, I have taken into account the Moor Park Conservation Area Appraisal (MPCAA), the comments of
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the main parties and my observations during the site visit. As the MPCA has been formally adopted following public consultation I attach significant weight to it. The Conservation Area covers a residential area developed between the 1920s and 1950s. The 'Metroland' pattern of development, upon which the layout of the area is based, is characterised by large detached two storey houses of individual design on plots along grass verged roads set back behind open frontages or low front boundaries. As a result, Moor Park has a distinctive and attractive residential environment. The significance of the Conservation Area is therefore architectural and historical.

7. Consents for demolition of the house at No 48 have been granted in the past, but the most recent consent has expired. Since the last consent was granted the DMPD has been adopted. Policy DM3 requires that if the structure to be demolished makes a material contribution to the special character of the area and is capable of repair, permission for demolition should not be granted unless the replacement building(s) would lead to an enhancement of the Conservation Area.
8. The house, which the Council states dates from 1954, occupies a wide plot and is two storeys in height. Its steeply pitched hipped roof with deep eaves and steel framed windows means that the dwelling is characteristic of the Conservation Area. Although it has been extended to the side and rear, the extensions are sufficiently subservient to the original building for them not to alter my assessment that the property makes a positive contribution to the special character of the conservation area.
9. The appellants introduced reference at final comments stage to a deed from 1959 which they interpret as appearing to show that the plot had two separate dwellings on it. This, they suggest, could mean that the existing house is not a pre-1958 house forming part of the original historic fabric of Moor Park. However, on the basis of its design and appearance, I have found that the house is in keeping with the original historic fabric of Moor Park and makes a positive contribution to its special character. As a consequence, the doubt that has been raised regarding its date of construction has not altered my assessment of its value to the character and appearance of the locality.
10. I have found that the existing house makes a contribution to the special character of the Conservation Area. It also appears to be in a reasonable state of repair. The question which therefore remains, as to whether its demolition would be policy compliant, is whether the proposed development would enhance the Conservation Area. It is to this matter that I now turn.
11. The proposed development would involve demolition of the existing house, the sub division of the plot into two and the erection of a large detached house on each plot. The new two storey houses would be level with the front building line of the existing dwelling and occupy most of the width of each plot. Whilst the gap between the proposed houses and plot side boundaries would exceed the 1.5m minimum required by the development criteria in the MPCA, their front elevations would be more closely spaced to each other than to the houses on either side. In combination with the two storey depth of the replacement houses, which would be significantly greater than the existing dwelling and Nos 44 and 50, this would result in the two houses massing together to the extent that they would appear cramped within their plots and out of keeping with the street scene. The depth of the houses and their close separation would also block oblique views between them of garden backdrops to the rear. The

- adverse massing effect and blocking of oblique views would be contrary to the criteria for development contained within the MPCAA.
12. There is a very tall front boundary hedge that currently screens a significant part of the front of the existing house from public view. As part of the proposed development, submitted reports¹, together with the proposed street elevation view in the appellants' appeal statement, show that a much lower hedge is proposed that would be in keeping with the Conservation Area. As a result, this massing effect of the proposed houses and blocking of oblique views between them would be readily apparent features within the street scene.
 13. In terms of appearance and architectural features, the two houses would be more similar to each other than is typical of properties within the Conservation Area. This adds to my concerns that the proposed development would appear at odds in relation to its context.
 14. The scheme would comply with most of the MPCAA development criteria (including plot coverage) and, subject to the control that could be achieved by condition, the houses would be well landscaped and constructed to a high standard using sympathetic materials. However, this would not overcome the adverse effect on the character and appearance of the area from the shortcomings that I have described of its design.
 15. Permission has recently been granted for the demolition of the existing house on the appeal site and its replacement by two houses (ref 17/0270/FUL). In this scheme, the width and depth of the houses have been reduced and the separation between the proposed dwellings and the houses on either side has been increased. In terms of appearance, the two houses would also be distinctly different. As a consequence, unlike the appeal scheme before me, due to the improved quality of their design, the houses in the scheme for which permission has been granted would enhance the street scene and the special character of the Conservation Area.
 16. Reference has been made to permissions for the demolition and replacement of houses on other plots in the Conservation Area. These include 35 Astons Road, where the 45 degree amenity line is breached, and 27 Bedford Road and 31 Bedford Road, where the plots are a similar width to the appeal proposal but the replacement houses are of greater width and depth. The circumstances in each proposal are likely to be different, and in any event the fact that development on other roads which is similar in some regards has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and have found that for the reasons given above, it would adversely affect the character and appearance of the Conservation Area and its significance, rather than preserve or enhance it.
 17. The harm that would be caused by the proposal to the significance of the Conservation Area as a whole would be less than substantial. In such circumstances paragraph 134 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
 18. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the Conservation Area. On the other side of the balance, socially the proposal would result in the net gain of an additional house in an accessible location, increasing the

¹ Arboricultural Impact Assessment and Method Statement, Design and Access Statement

housing stock by a nominal amount. Both houses would also be constructed to life time homes standards. Environmentally, the energy efficient construction of the houses which would exceed Building Regulation requirements and the landscaping of the plot would improve. Economically, the scheme would generate some construction employment, although by its nature it would be short lived. The additional household would also boost by a slight amount local spending power to the benefit of the local economy.

19. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the demonstrable harm that would be caused to the Moor Park Conservation Area. The proposal would therefore be contrary to the Framework, as well as failing the statutory test. As such it would be contrary to policies CP1, CP3 and CP12 of the S25 of the Core Strategy, policies DM1, DM3 and Appendix 2 of the DMPD and the Moor Park Conservation Area Appraisal.
20. The Framework contains a presumption in favour of sustainable development. In circumstances such as where less than a 5 year housing land supply exists, the Framework advises that permission should be granted, unless the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, or specific policies in the Framework indicate that development should be restricted.
21. There is disagreement between the parties as to whether or not a five year housing land supply can be demonstrated. The evidence that has been provided to me on this matter is inconclusive. Nonetheless, even if there is not such a supply, I have found above that the proposal would be contrary to a specific policy contained in paragraph 134 of the Framework in relation to a designated heritage asset. As a result, the proposal would be contrary to paragraph 14 of the Framework and would not constitute a sustainable development.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Ian Radcliffe

Inspector