
Appeal Decision

Site visit made on 11 July 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 19th July 2017

Appeal Ref: APP/N1920/W/17/3171486

16 Watling Street, Radlett, Hertfordshire WD7 7NJ

- 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 E Oguievetski (Kineret Properties Limited) against the decision of Hertsmere Borough Council.
 - The application Ref 16/2026/FUL, dated 23 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is single storey side extension, part single part 2 storey rear extension and conversion into 3 self-contained flats with parking provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A further plan has been submitted with the appeal (reference 454616-5). This does not alter the scheme to extend the property to create three flats but provides further details over vehicular manoeuvring within the forecourt space, storage provision for waste and recycling bins and the amenity space allocated for each residential unit.
3. Having applied the 'Wheatcroft Principles'¹, I am satisfied that considering this further plan would not prejudice the interests of any other party or deprive those who should have been consulted such an opportunity. Therefore these further details have been taken into account in the decision. As a result of this further plan the Council has withdrawn its fourth reason for refusal, in respect of the lack of private garden allocated to the proposed first-floor flat.

Main Issues

4. Consequently, the main issues are (i) whether the scheme would preserve or enhance the character or appearance of the Radlett North Conservation Area, (ii) the effect of the proposals on the safety and convenience of users of the adjacent highway and (iii) whether appropriate provision would be made for refuse and re-cycling storage.

Reasons

Character or appearance of the Radlett North Conservation Area

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 p37]

5. The appeal property falls within the Radlett North Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty that special attention be paid to the desirability of preserving or enhancing the character or appearance of this area. The National Planning Policy Framework (the Framework) states in paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Conservation Area, great weight should be given to the asset's conservation.
6. No 16 fronts the main street running through Radlett and is one of four properties within a row of what were originally two pairs of semi-detached houses of the same original design (Nos 14 – 20). Whilst Nos 14 and 16 each remain single dwellings, Nos 18 and 20 now form part of an extended site comprising the Radlett Synagogue.
7. The significance of this part of the Conservation Area (Character Zone 4) derives from the rectangular layout of large, spacious suburban housing within The Grove which is located at the rear the appeal site and accessed from Watling Street slightly further to the north. Although not part of this 1920s development the four semi-detached houses, including No 16, were built at around the same time and are included within Character Zone 4 of the Conservation Area. This is because these houses relate more to the character of the housing in The Grove than they do to the otherwise tighter grain of development along this section of Watling Street.
8. The Radlett (North) Conservation Area Appraisal of October 2010 (CAA) refers to the threatening impact that virtual rebuilds and large extensions would have on the Conservation Area status of Character Zone 4. The appellant refers to the property extensions that the Council has quite recently permitted within Character Zone 4 and I have noted the additions made at Nos 1, 2 and 3 The Grove, the end addition to the attached dwelling at No 14 and the extensive rear additions and alterations to Nos 18 and 20 where they have formed part of the Radlett Synagogue.
9. The nature of extensions to properties nearby would confer no relatively greater merit upon the proposal at No 16 which should be mainly considered individually. Furthermore, the fact that the extensions proposed would be mainly to the rear of No 16, and not readily visible from the public realm, would not obviate a need to consider and take account of their impact on the character and appearance of the Conservation Area generally, from within and at more private vantage points. Whilst at a roof pitch suitable for appropriately matching clay plain tiles the single storey rear addition would result in the loss of a bay window characteristic of the original design and the additions to the back as a whole would wrap across a matching half of the traditional rear elevation.
10. The additions would be of a design and materials which seek to reflect the character of the existing dwelling and, being mainly to the rear, would retain the balanced appearance of the semi-detached pair of dwellings in the street scene. However, the original architectural character of the rear elevation would nonetheless be harmed and the substantial two-storey addition would detract from the quite balanced appearance of the existing semi-detached pair, largely retained despite the later end extension to No 14.

11. Consequently, I am persuaded that the design, scale and mass of the extensions proposed would both dominate the original building and significantly diminish the integrity of this semi-detached pair of early 20th century houses. The CAA makes reference to the appearance of the buildings in The Grove reflecting their original period of construction, with those semi-detached being symmetrically designed, with large extensions posing a threat to the area's character.
12. Notwithstanding the extensions and alterations that have been permitted by the Council and carried out to other buildings in the Conservation Area, most notably the prominent front security gates to the adjacent synagogue and the expansive flat-roofed additions to the rear of Nos 18 and 20, the additions proposed to No 16 would nonetheless still serve to further erode the significance of this part of the Conservation Area, which rests largely on the character of the spacious residential layout and architectural designs exhibited by The Grove development and its comparable adjunct parts.
13. Furthermore, the creation of three flats would lead to more cars parked and areas set aside for waste and recycling storage which, by necessity at the front of the development and requiring some cutting back and managing of the roadside boundary hedge, would detract from the appearance of this property within the street-scene.
14. The harm to the Conservation Area as a result of this proposal would nevertheless be less than substantial. However, having applied the requirements of paragraph 134 of the Framework, I find there to be no public benefits which would outweigh the harm found which, whilst less than substantial, must be afforded considerable importance and weight in this decision.
15. The impact of the proposal would for the above reasons fail to preserve the character and appearance of the Radlett North Conservation Area. As a result there would be clear conflict with policies CS14 and CS22 of the Council's Core Strategy of 2013 (CS) in respect of the protection of heritage assets and securing high quality design. In respect of the local pattern of development to which No 16 relates the scheme would not respect its immediate surroundings and be contrary to Policy SADM3 of the Site Allocations and Development Management Policies Plan 2016 (DMP). The cumulative effect of the proposal would harm rather than enhance the Conservation Area thus conflicting with DMP Policy SADM29 and not provide the high quality of design sought by DMP Policy SADM30 and through the Council's Parts D² and E³ supplementary planning document design advice.

Safety and convenience of users of the adjacent highway

16. Paragraph 32 of the Framework requires that planning decisions take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 39 requires that residential parking standards take account of the accessibility of the development, its type, mix and use, public transport availability and opportunities, local car ownership levels and an overall need to reduce the use of high-emission vehicles. The Council's parking standards are

² Hertsmere Local Plan Supplementary Planning Document – Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development – September 2016.

³ Hertsmere Local Development Framework Supplementary Planning Document – Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations – November 2006.

set out in its Supplementary Planning Document of July 2014 (PSSPD)⁴ and are broadly consistent with the advice in the Framework.

17. The PSSPD would require five on-site car parking spaces for the development proposed. The Council's delegated report acknowledged the four spaces proposed would fall short of the PSSPD requirements but considered this would not support refusal as this amount of provision would not result in severe highway safety problems. However, recent case law⁵ has established that paragraph 32 of the Framework, which states that *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*, addresses matters of highway capacity and congestion and not highway safety considerations. Therefore meeting the severity test is not necessary in assessing whether the proposals would be deemed to have an unacceptable effect on the safety and convenience of users of the adjacent highway.
18. Taking into account the accessibility of the site to nearby facilities, public transport and on-street parking provision I am persuaded that the three flats proposed would likely require the provision of at least the four car parking spaces proposed. Plan 454616-5 provides tracking details which attempt to show that these four spaces could be utilised with the vehicles capable of entering and leaving the site in a forward gear. However, taking into account the desirability to retain the roadside hedge and the space required to accommodate the waste and recycling bins storage area, I am not persuaded the forecourt area would provide the space necessary to allow four cars to both park and manoeuvre and conveniently exit the site in a forward gear.
19. Furthermore, there is clearly insufficient parking width adjacent the proposed unit 1 ground floor kitchen and bedroom to accommodate two parked cars and at the same time allow drivers and passengers to comfortably get out of the vehicle when another is parked next to it. In addition to the restricted vehicular manoeuvring and parking space there would also be the clear potential for conflicting vehicular movements arising from the use of the shared entry point by Synagogue visitors. The tight parking arrangements at No 16 would also impede access to the rear garden areas for future occupiers, either on foot or with a bicycle.
20. The three flats proposed would generate a need for at least the four on-site parking spaces proposed. There would be insufficient space for these to be conveniently used and the proposal, coupled with the use of the existing Synagogue access, would therefore likely lead to the incidence of conflicting vehicular manoeuvres and reversing movements onto the busy Watling Street. This would be of material harm to the safety and convenience of users of the public highway.
21. Therefore, this proposal would not support the safe operation of the highway network nor provide adequate on-site car parking arrangements and would have a materially harmful effect on the safety and convenience of users of the adjacent highway. This would be contrary to the aims of CS policies CS24 and CS25, of DMP policies SADM3 and SADM40, of the PSSPD and the Council's other Supplementary Planning Document advice.

⁴ Hertsmere Local Plan - Parking Standards Supplementary Planning Document July 2014.

⁵ Mayowa-Emmanuel v RB Greenwich judgment [2015] EWHC 4076 (Admin) High Court 2 December 2015

Provision for refuse and re-cycling storage

22. The Council has agreed that the provision of waste bin facilities, as shown in plan 454616-5, would be sufficient for the three flats. I agree with the appellant that the Council has sought to introduce a further reason for refusal, not part of its original decision, relating to the harmful effect upon the living conditions of the occupiers of the Unit 1 ground floor flat of the bin storage adjacent to the front kitchen window. However, I am persuaded the adjacent waste/recycling bins would not be readily visible from the kitchen window and would not result in unacceptable living conditions for future occupiers.
23. The proposal would make adequate provision for refuse and re-cycling storage and I can therefore find no conflict with CS Policy CS22, with DMP policies SADM3 and SADM19 or with the Council's submitted Supplementary Planning Documents and Interim Technical Note⁶.

Conclusion

24. The proposal would provide a good standard of residential accommodation in a sustainable location where flatted accommodation would be acceptable in principle and help boost housing supply. However, in this case, these benefits would be outweighed by the harm I have found from the proposals to the character and appearance of the Radlett North Conservation Area and to the safety and convenience of users of the adjacent highway. Consequently I conclude, having taken into consideration all other matters raised, that the appeal should be dismissed.

Jonathan Price

INSPECTOR

⁶ Hertsmere Interim Technical note: Waste storage provision requirements for new residential developments – May 2014