

Appeal Decision

Site visit made on 22 March 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/P1940/D/18/3219341

71 Nightingale Road, Rickmansworth, WD3 7BU

- 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 J Hanley against the decision of Three Rivers District Council.
 - The application Ref 18/1877/FUL, dated 12 September 2018, was refused by notice dated 6 November 2018.
 - The development proposed is single storey rear infill and wrap around side extension. Additional/replacement Conservation Velux Roof Windows to front and rear elevation of the existing converted loft and a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above has been taken from the application form. The appeal form and the decision notice sets out the following different description, "proposed alterations to existing converted loft including alterations, installation of rooflights to front and rear roof slopes, first floor rear extension (over utility room) and single storey side and rear extension." This more accurately describes the proposal. The Council made its decision on this basis and so have I.
3. I note that the appellant has made a number of alterations to their proposals throughout the application process.
4. The Council only objected to the single-storey side element of the proposal, thus this decision only addresses this matter as the rest of the proposal is considered acceptable.

Main Issues

5. The main issues relating to this appeal are the effect of the proposal on the character and appearance of the original dwelling and the Upper Nightingale Road Conservation Area.

Reasons

Character and Appearance

6. The appeal site consists of a two storey detached dwelling located on a large corner plot within the Upper Nightingale Road Conservation Area. The property is an attractive dwelling with brick detailing around the windows, decorative

brick pilasters with ornate finials, sliding sash windows and large ridge tiles. The dwelling is gable ended to the flank elevations.

7. The adjacent property at No 69 is located at a slightly lower level and its rear elevation projects beyond the rear wall of No 71. Along the boundary with this neighbour is an area of decking. The rear boundary of the site adjoins the flank boundary of No 73 Nightingale Road. No 71 appears have a larger plot ratio than other plots in the area, with a large gap between the flank elevation and the boundary wall.
8. During my site visit I noted that No 69 is somewhat of an anomaly in the street scene, a newer, infill property that is somewhat out of keeping with the character of the area. I also noted that No 67 is an almost identical property to the appeal property, which has an integral garage to the side. The appeal property has some altered brickwork on the side elevation fronting Nightingale Road, which suggests that at some point there was some form of development attached to the side of the property.
9. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
10. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
11. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.
12. The Upper Nightingale Road Conservation Area, which the appeal site forms part of, is therefore highly significant, to which I attach great weight. The Framework and the Councils validation requirements state that a detailed historic analysis should be provided in support of applications involving heritage assets, however, no heritage report is before me.
13. The proposed side extension is single-storey and has been sensitively designed to blend in with the existing materials and somewhat mirror No 67 Nightingale Road, albeit I note that that gable roof of the proposed garage is different to that of No 67.
14. I accept that the proposals are of a width that would extend beyond the building line of the properties along Nightingale Road to the rear of the appeal property, however, given the curvature in the road and the angle with which the appeal

property fronts the street, this will not result harm to the street scene and the Council also acknowledge that this would not be a reason to refuse the appeal.

15. I do not therefore find the proposed single-storey extension to be excessive in terms of its width, height or proximity to the boundary. However, the design would erode the spacing to the side of the dwelling, which is an important feature of the Conservation Area. In culmination with the set back position of the buildings on the street, the open frontages and the tree-lined road, the open corner plot makes a positive contribution to the openness of the attractive suburban setting and the Conservation Area as a whole.
16. The proposal would result in the loss of a number of features of the existing dwelling such as sash windows, however, this would be minimal and the property would retain all of its original features and windows on the front elevation.
17. The rear glazed gable feature would be somewhat visible in the street scene given the corner plot, however, the dwelling does have a vertical emphasis so the glazing is not considered to be out of keeping with the host property or the surrounding area. The proposed contemporary extension has been sensitively designed to blend in with the design of the original dwelling adding character to the surrounding area.
18. In conclusion, the proposal would result in a loss of openness, which would be harmful to the character, or appearance of the Conservation Area as a whole. I therefore conclude that the proposal would be contrary to Policies CP1 and CP12 of the Three Rivers District Council Core Strategy, Policies DM1 and DM3 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document 2013.

Other Matters

19. I have noted the concerns of the neighbouring residents, which have been addressed above. I also note the concerns regarding the sycamore trees, however, the Council's tree officer has not raised any objection to the development on these grounds and I have no reason to dispute this.

Planning Balance and Conclusion

20. Paragraph 196 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
21. The proposal would lead to less than substantial harm to the significance of the Conservation Area. The public benefits of the proposal are limited and whilst it would result in some small scale employment during the construction phase and larger accommodation for families within the area, and an attractive, sensitively designed dwelling these reasons do not outweigh the harm that the proposal would result in.
22. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

Gemma Jenkinson

INSPECTOR