



Appeal Decision

Site visit made on 23 July 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/N1920/D/19/3227302

4 Kitswell Way, Radlett WD7 7HN

- 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 & Mrs Friedland against the decision of Hertsmere Borough Council.
 - The application Ref 19/0069/HSE, dated 15 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is the demolition of existing conservatory and garage. Construction of a new part single storey, part two storey side extension. Construction of a new two storey rear extension. Construction of a new covered front entrance portico.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and garage. Construction of a new part single storey, part two storey side extension. Construction of a new two storey rear extension. Construction of a new covered front entrance portico at 4 Kitswell Way, Radlett WD7 7HN in accordance with the terms of the application, Ref 19/0069/HSE, dated 15 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 301:11. 301:12, 301:13, 301:15 rev A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 301:15 rev A.

Procedural Matter

2. As part of the appeal, the appellants have included a parking layout plan (numbered 301:P1) that was not submitted to the local planning authority (LPA) as part of the planning application. This drawing does not amend the proposed extensions but shows a proposed layout for new parking spaces to the front garden area of the appeal property. As part of the appeal process, the LPA has had the opportunity to comment on the additional drawing, although it has not been the subject of any public consultation.
3. The proposed parking area as shown on the plan would markedly change the appearance of the front garden area of the appeal property. Consequently, it would represent a significant revision to the scheme determined by the local planning authority and made subject to public consultation. Parties may be

prejudiced or caused injustice by my consideration of this plan and therefore I have not taken it into account in the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) highway safety because of parking.

Reasons

Character and appearance

5. The appeal property (No 4) is a 2 storey, pitched roof dwelling in a row of 5 similar properties with open frontages in a residential cul-de-sac. In common with some of the other properties in the row, No 4 has a single storey, flat roof side garage with space above allowing views from the road to the rear. The appeal site and adjoining properties have lengthy back gardens that are mainly open but contain single storey rear extensions and outbuildings.
6. The proposed development includes the construction of a new covered front porch. This would be a relatively minor addition, similar in appearance and proportions to the existing canopy over the front door. As such, it would be in keeping with the appeal property and the area in general.
7. The proposed 2 storey side extension would replace the existing single storey garage. It would be set back slightly from the principal elevation of the main house, set in off the side boundary at first floor level and have a hipped roof significantly lower than the roof on the main house. Consequently, the proposed side extension would be subservient to the host property. The gap to the side boundary at first floor level would ensure the extension avoids creating an unduly cramped appearance.
8. When seen with the proposed side extension, the proposed 2 storey high rear extension would represent a sizeable wrap-around addition. However, the proposed extension would project out to the rear no further than the conservatory it would replace and would be generally in line with the single-storey extensions to the rear of neighbouring properties. Also, the wrap-around design would only be visible in limited localised views from the rear gardens to No 4 and the neighbouring properties. The pitch of the proposed hipped roof would allow views of the existing roof and help ensure the rear and side extensions together would not dominate the host building. Whilst at odds with the gabled roof form of No 4 and neighbouring properties, the proposed hipped roof would have a similar ridge height and angle of pitch to the main house roof. As such, it would not stand out as being an incongruous or disproportionate addition.
9. The proposed rear extension would be contrary to Section 3f of the Council's Design SPD¹ which states at first floor level, a rear extension should not be greater than half the width of the main house. However, the reason for this guidance is to avoid loss of outlook from neighbouring properties and there is no objection from the LPA to the proposal in this regard. In this case, the

¹ Hertsmere Local Development Framework Supplementary Planning Document, Planning and Design Guide, Part E: Guidelines for Residential Extensions and Alterations 2006.

various design features referred to above have the effect of ensuring the extensions would integrate with and appear proportionate to the host building.

10. For the reasons outlined above, I conclude that the development would not be harmful to the character and appearance of the area. Consequently, and in this regard, it would accord with policies SP1 and CS22 of the adopted Hertsmere Local Plan Development Plan Document Core Strategy 2013 (HLPDPDCS), policy SADM30 of the adopted Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 (HLP SADMPP) and the National Planning Policy Framework (the Framework), all of which aim, amongst other things, to protect or enhance the character and appearance of the area and to provide attractive environments. The appeal proposal would not be fully in accordance with the Design SPD in terms of the width of the first-floor element of the proposed rear extension. However, in this case, the other considerations set out above are of sufficient strength to collectively outweigh the non-compliance with part of the Design SPD.

Highway safety and parking provision

11. Policy CS25 of the HLPDPDCS sets out a list of factors that will be used to assess the quantity of off-street parking to be provided at new developments. These include a site's location, local on-street parking conditions and controls as well as parking standards set out in Table 13 and replicated in the Council's Parking SPD². The proposed development would result in the appeal property having 4 bedrooms and as such 3 off-street parking spaces would be required to comply with the Table 13 and the Parking SPD standards.
12. The appeal proposal would not significantly affect the extent of the driveway to the front of the garage and this is able to accommodate 1 car. However, without an increase of 2 parking spaces on the appeal site over above the existing driveway, the proposed development would result in a shortfall of parking provision against Table 13 and Parking SPD standards.
13. Given the range of factors set out under policy CS25, the failure to meet the standards is not in itself determinative as to whether sufficient off-road parking space would be provided. On-street parking is restricted on Kitswell Way between 11.00 am to 12 noon from Monday to Friday and so roadside parking is allowed most of the time. However, as the cul-de-sac contains only a small number of properties and all have parking areas to the front, it is unlikely that on-street parking demand is high. Even when vehicles are parked on the road, the carriageway is wide enough to let 2 vehicles pass. I also note the nearby bus stops and train station offer opportunities for occupiers of properties in Kitswell Way to use modes of transport other than private cars, thereby potentially reducing reliance to a degree on car travel and ownership.
14. As the cul-de-sac serves only a limited number of properties, emergency vehicle visits would not be commonplace. Whilst my site visit provides only a snapshot in time, I saw no evidence to suggest any significant problem of on-street parking obstructing emergency vehicles. In arriving at this view, I have had regard to the amount of off-road parking in the cul-de-sac and the need for on-road parking to avoid obstructing vehicular accesses to properties. No evidence has been provided to show that on-road parking in the cul-de-sac is so significant it would cause access problems for emergency vehicles.

² Hertsmere Local Plan Parking Standards Supplementary Planning Document 2014.

15. Insufficient off-street parking at the appeal site may lead to some additional on-road parking in the cul-de-sac. However, given the parking context in Kitswell Way, this is unlikely to result in any significant problem of obstruction to emergency vehicles or be the cause of any unacceptable highway safety issue.
16. For the reasons outlined above, I conclude that, on this occasion, the development would not be harmful to highway safety because of parking. Consequently, and in this regard, it would accord with the Framework, which seeks to ensure development does not cause unacceptable impact on highway safety. The appeal proposal would not accord fully with policy CS25 of the HLPDPDCS, policy SADM40 of the HLP SADMPP and the Parking SPD as the relevant parking standards would not be adhered to. However, the other considerations set out above are of sufficient strength to collectively outweigh that non-compliance such that planning permission should be granted.

Conditions

17. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. Planning permission is granted subject to the standard three-year time limit condition. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.
18. A condition requiring a site-specific flood risk assessment is unnecessary as the site has not been identified as lying in a flood risk area. A condition requiring details of drainage to be submitted and approved is unnecessary as the proposed extensions would lie on land that is already occupied by buildings or hard surfacing. Consequently, it is unlikely the development would create additional surface water run-off from the site to cause overload to existing drainage systems.

Conclusion

19. For the reasons given above, and taking into account all other matters raised, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR