
Appeal Decision

Site visit made on 8 May 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/N1920/W/19/3223015

The Royal Oak, 42 Sparrows Herne, Bushey, Hertfordshire, WD23 1FU.

- 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 Setha Sparrow Lane Ltd against the decision of Hertsmere Borough Council.
 - The application ref: 18/0444/FUL, dated 1 March 2018, was refused by notice dated 14 September 2018.
 - The development proposed is: "Extensions and change of use from public house (A4) to 8 flats (C3)."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was refused for two reasons, the second of which related to the original design of the means of access to the site which would have created the potential for vehicles entering the site to obstruct the free flow of traffic along Sparrows Herne.
3. Following advice from Hertfordshire County Council Highways Authority, the Borough Council has confirmed by email dated 16 April 2019 that it will not be contesting the second reason for refusal. I have therefore considered this appeal by reference to the first reason for refusal only.
4. The Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

Main Issue

5. The main issue in this case is the effect of the development upon the character and appearance of the host building and that of the surrounding area.

Reasons

6. The subject property comprises The Royal Oak public house, together with its associated access, car parking and garden areas. It is located within the built-up area of Bushey fronting Sparrows Herne, which is a busy classified highway and 'bus route.

7. The building was originally constructed in the 19th Century as part of a terrace of three cottages. I understand that between 1936 and 1959 two of these cottages were adapted to form a public house. The remaining cottage in the terrace (no. 40) has been the subject of a two storey rear extension. It is in separate ownership, with a commercial use at ground floor level and residential accommodation above.
8. The subject property is not listed, nor is it within or adjacent to a Conservation Area or Area of Special Character. There are, however, two listed buildings close by, including the former Metropolitan Police Station opposite.
9. The Royal Oak has been identified by Hertsmeire Borough Council's specialist Conservation Advisers as a non-designated heritage asset. I note that these three former cottages have not been added to the Council's Local List despite comprehensive Boroughwide reviews, the most recent of which was in 2016.
10. On behalf of the appellant it has been suggested that whilst the cottages help to illustrate the historic linear settlement known as Clay Hill, subsequent changes to them have severely compromised their original composition. All three have been the subject of later extensions and additions that obscure and enclose the original rear elevations.
11. The existing two storey extension to the public house was designed to reflect the low pitch slate roof and rendered elevations of the host building. The scheme the subject of this appeal would extend built development a much greater distance to the rear, aligning with the extension to no. 40 next door. It would be a full three storeys in height, with a flat roof to that part of the scheme sited immediately to the rear of the original building.
12. The side element of the scheme would span the car park entrance and would also be three storeys in height. Although it would be set away from the back edge of pavement by some 13.5m and utilise a low pitch slated roof to mimic that of the host building, it would nevertheless represent a bulky and dominant structure that would overwhelm the low key appearance of the original.
13. I appreciate the need to make full and effective use of sustainably located sites such as this. I have nevertheless concluded that by reason of its height, mass and form the scheme before me is unsympathetic and out of scale with the existing modest building, which is a non-designated heritage asset. The three storey side element would also be highly visible within the street scene, notwithstanding its set back, while its southeast flank elevation immediately abutting the adjoining pedestrian access would appear as an overbearing and dominant feature.
14. I therefore find upon the main issue that development as proposed would fail to conserve or enhance the character and appearance of the host building and that of the surrounding area and would conflict with the design, sustainability and heritage conservation aims of national policy at Chapters 12 and 16 of the Framework, Policies CS14 and SP1 of the Core Strategy¹, Policies SADM29 and SADM30 of the SADM Policies Plan² and the Council's Planning and Design Guide SPD³.

¹ Hertsmeire Local Plan Development Plan Document: Core Strategy (January 2013).

² Hertsmeire Local Plan Site Allocations and Development Management Policies Plan (November 2016).

³ Hertsmeire Local Plan Supplementary Planning Document - Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (Draft October 2016).

Conclusion

15. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR