The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/N1920/W/19/3229386
185 Park Avenue, Bushey, Hertfordshire WD23 2DQ

- 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 D. Lawrence against the decision of Hertsmere Borough Council.
- The application Ref 18/1887/FUL, dated 25 September 2018, was refused by notice dated 7 December 2018.
- The development proposed is two storey side and rear extension, part single storey rear extension to facilitate conversion into 1 x one bedroom house and 2 x one bedroom flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework) and this post-dates the Council's refusal notice. I have taken the Framework into account as part of the determination of this appeal.

3. I note Part D: Guidelines for High Quality Sustainable Development of the Supplementary Planning Document Planning and Design Guide Draft for Executive September 2016 (SPD Part D) cited in the reasons for refusal. However, since there is no certainty that this document will be adopted in its current form, I attribute it limited weight only.

Main Issues

4. While the decision notice provides one reason for refusal, from the evidence before me the main issues are:

   - whether the proposed development would provide a suitable living environment for future occupiers with particular regard to private amenity space and internal space provisions; and

   - the effect of the proposed development on the character and appearance of the area.

Reasons

Living environment

5. The proposal would create a single two storey one-bedroom house and two one-bedroom flats with a private amenity area for each dwelling.

6. With regard to the private amenity provision, given that the number of future occupiers of each dwelling are likely to be limited, the proposed gardens would be acceptable in terms of size. However, the garden for the proposed house would be an awkward shape and narrow in parts such that the majority of the space would not be usable. There would also be an uncomfortable pinch point between the external wall of the kitchen and the fence that would result in the space being difficult to access. Therefore, the proposal would not provide adequate private amenity space provision for future occupiers.

7. The floor space of the one-bedroom house and one of the flats would fall below that set out in the Technical Standards: Nationally Described Space Standards (NDSS). However, since SPD Part D is not adopted, the provisions within the NDSS are not adopted policy. Moreover, from the evidence before me there is no policy connection with the NDSS. Since there are likely to be a limited number of future occupiers, the house and both flats would be of adequate internal size and proportions to meet their reasonable requirements.

8. However, the lack of harm with regard to the internal floor space of the proposed dwellings does not override the adverse effects of the insufficient private amenity area of the house.

9. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to private amenity space provisions. Therefore, it would conflict with Policies SP1 and CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy Adopted January 2013(CS) which among other things require developments to provide a healthy living environment for residents and ensure the creation of usable places.

10. The proposal would also conflict with Policy SADM30 of the Site Allocations and Development Management Policies Plan adopted November 2016 (DMP) which among other things requires developments to result in high quality design.

Character and appearance

11. The stretch of Park Avenue near the appeal site is characterised by predominantly two storey semi-detached and terraced dwellings set back from the pavement with moderate spacing such that the area has a spacious feel. The dwellings in the area have varied forms and materials such that the variety forms part of the character and appearance of the area.

12. The proposal includes single and two storey extensions to No 185 Park Avenue (No 185) to form an additional dwelling to the side of No 185. While the two-storey extension may be greater than half the width of the host property, from the evidence before me it would be significantly less than the width of the main house as required by Section 4 of the Supplementary Planning Document Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations November 2006 (SPD Part E) which relates to two storey and first floor side extensions.

13. While the proposed extension would be forward of the building line of the other side of the host property, it would be set back from the gable projection at the front of No 185. Together with the roof being in line with that of No 185, the proposal would result in an extension that would not dominate the host property. Moreover, given that the hipped roof of the proposed extension and the design of the proposed fenestration would be in keeping with the host building and other roofs in the area, the scheme would not be an incongruous addition to the existing building.

14. While the addition of a front door to the extension would give the appearance of a terrace rather than a semi-detached dwelling, since there are terraced dwellings in the area and the position of the existing building on the plot is to a certain degree disjointed from others along the street, this aspect of the proposal would not be a discordant addition to the street scene.

15. While the proposal would increase the amount of hardstanding at the front of the property, the proposals indicate some areas of landscaping. Since many driveways in the area are predominantly paved, the proposal would be in keeping with the character and appearance of the area in this regard.

16. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with CS Policies SP1 and CS22 which requires developments to be of appropriate in scale, appearance and function to the local context and to improve the character and quality of an area. It would also not conflict with DMP Policy SADM30 which among other things seeks development that recognises and complements the particular local character of the area in which it is located. The proposal would also not conflict with the Framework in this regard.

17. In addition, the proposal would also not conflict with SPD Part E which requires that two storey and first floor side extensions accurately reflect the design of the main house and remain secondary in their size and appearance.

Other Matters

18. While the Council has suggested that conditions be attached relating to drainage since the site lies within Flood Zone 2, the Framework states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. Since this has not been provided with the application or appeal, it has not been demonstrated that such a condition would be effective. Nevertheless, since I am dismissing the appeal for other reasons, this issue has not been determinative for the outcome of the appeal.

Conclusion

19. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR