
Appeal Decision

Site visit made on 17 September 2019 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/N1920/D/19/3231104

4A Rendlesham Avenue, Radlett, WD7 8PF

- 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 Richard Packman against the decision of Hertsmere Borough Council.
 - The application Ref 19/0288/HSE, dated 21 February 2019, was refused by notice dated 21 May 2019.
 - The development proposed is described as "Erection of part single part 2 storey rear extension following removal of existing conservatory, 2 storey rear infill extension and side access to rear garden".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey side extension and part single part 2 storey rear extension following removal of existing conservatory, and creation of new side access at 4A Rendlesham Avenue, Radlett, WD7 8PF, in accordance with the terms of application Ref 19/0288/HSE, dated 21 February 2019 and subject to the 5 conditions set out on the attached Schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. During the course of the planning application the description of development was amended. I have considered the proposal on the same basis as the Council as the erection of 2 storey side extension and part single part 2 storey rear extension following removal of existing conservatory, and creation of new access, as this description reflects more concisely the proposed development than the description taken from the application form, which appears in the header banner above.

Main Issue

4. It is clear that the Council considers the creation of the new side access to be acceptable. I have no evidence before me to reach a contrary view in respect of this matter.

5. The main issue in this case therefore is the effect of the part single, part two storey rear extension and the two storey side extension on the character and appearance of the host property and surrounding area.

Reasons for the Recommendation

6. The appeal site comprises a detached dwelling house located on the north side of Rendlesham Avenue, approximately half-way along this residential cul-de-sac. To the immediate east sits a semi-detached pair of dwellings and to the west is a lane which provides access to a number of properties. The surrounding area is residential in character with Rendlesham Avenue made up predominantly of semi-detached properties with spacious gaps between. The appeal property is an exception to this sitting upon a narrow wedge shaped plot. A number of properties in the street benefit from two storey side extensions of various styles and sizes.
7. The proposal includes removing an existing conservatory to the rear of the property, which would be replaced by a part single, part two storey extension. The ridge of this gabled end extension would sit significantly below that of the main ridge of the existing house. Due to its scale, simple design and the use of matching materials this element would be a subservient and sympathetic addition to the host property.
8. The side elevation of the host property has two distinct sections, created by a step in the building line just under the half-way point. The proposed two storey side extension would be situated between the longest section of the side elevation and the west boundary. Its eaves would match the eaves of the host building and the extension would be finished with a flat roof and glazed roof lantern. The ground floor would be finished in brick and the first floor in render to match the host property. While the shape of the extension would be slightly irregular, this would simply reflect the tapered nature of the site.
9. Although flat roofs are not a feature of the area, the proposal's location to the rear of the existing 2 storey element of the dwelling would ensure that this aspect of the proposal would not be unduly prominent in the street scene. Moreover, this part of the extension would be small in scale and would be read against the mass of the existing dwelling when viewed from the lane and the head of the cul-de-sac. It would not be intrusive in the street scene.
10. The proposal would not result in an overdevelopment of the site as asserted by the Council as the extensions would be subservient in scale to the host dwelling and would allow a similar amount of garden area to that which exists to remain. The spacious characteristics of the area would not be affected by the proposal to the degree that harm would be caused to the character and appearance of the area.
11. In light of the foregoing I conclude that the proposed extensions would be sympathetic to the host property. The contribution that the dwelling makes to the attractive character and appearance of the area would not be diminished as a result of the extensions. The proposal accords with Policies SP1 and CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy (2013) and Policy SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan (2016) (SADMP), which collectively seek, among other things, for development to be of a high quality design and appropriate in scale and appearance to the local context. There would also be

no conflict with the aims of the Hertsmere Local Development Framework Supplementary Planning Document Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations or the draft Planning and Design Supplementary Planning Document, Part D, Guidelines for High Quality Sustainable Development which require development, amongst other matters, to be of a high quality design, with extensions being secondary to the original house, ensuring that a significant loss of rear garden space would not result.

12. The Council refers to Policy SP2 of the Core Strategy (2013) and SADMP Policy SADM3 within its refusal reason. These policies are not directly relevant to the proposal before me, as they set out how the presumption in favour of sustainable development will be reflected in the Council's approach to considering development proposals and relate to new residential development or development resulting in a loss of residential development.

Other Matters

13. Concerns have been raised regarding the effect of the proposal on the living conditions for the occupants of the property at No.4 Rendlesham Avenue, with particular regard to loss of sunlight. I note that the Council consider the effect of the proposal on the living conditions for occupants of neighbouring properties would be acceptable. Having considered this matter and observed the relationship with this property, and in the absence of substantive evidence to demonstrate otherwise, I have no reason to reach a different conclusion.
14. Concerns have also been expressed in respect of potential disturbance during the construction phase from noise and dust, should the proposal be allowed, and the effect on the living conditions and wellbeing for occupants of neighbouring and nearby properties. The proposal is domestic in scale and relates to a property within a built up area. Development is common within such a context and while some effects may be experienced during construction, I do not consider that these would be so detrimental to living conditions to warrant dismissing the appeal.
15. The west boundary of the site currently consists of a hedge. The proposal includes the creation of a new pedestrian access to the rear garden, which would require the removal of a small section of that hedge. Concerns have been expressed that additional sections of the hedge may be removed to facilitate the proposal or that it may be damaged during construction. However, other than for the new access gate, the proposed plans¹ show the hedge is to be retained. An issue over the ownership of the hedge has also been raised amongst concerns that works may be carried out without the owner's permission. This, however, would be a private matter, as would any damage that may be caused as a result of the proposed development. Consequently, I do not consider the issues raised over the boundary hedge to be a determinative matter in this appeal.
16. The site is located adjacent to a lane that provides access to other properties. Based upon the evidence before me the lane is the only form of access to the properties at Nos 5 and 6 Rendlesham Avenue. Concerns have been raised that the lane may become blocked during construction by activities relating to the build. Given that the lane is the only access to at least the two

¹ Proposed Ground Floor Plan - PL-PR-001

aforementioned dwellings, it is important that it remains open and passable, both for the occupants of these properties, their visitors and in the event of an emergency. Given that the access to the rear of the property is restricted, with only a narrow gap between the side of the dwelling and the side boundary, it is likely that the lane would be used to transfer plant and materials to the rear garden. A planning condition controlling such activities could however be imposed to prevent unnecessary inconvenience in this regard.

Conditions

17. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. These include the standard plans condition which I will attach for certainty. To protect the character and appearance of the area a condition is necessary controlling the external materials to be used on the extensions.
18. Given the relationship between the proposed extension and No 7 Rendlesham Avenue, which has a number of ground floor windows in its side elevation, a condition requiring that the en-suite window is obscure glazed with limited opening is necessary. Although not suggested by the Council, a condition is necessary in respect of the submission of, and adherence to a Construction Method Statement in the interests of the living conditions of nearby occupiers. The appellant has indicated that he has no objection to the imposition of such a condition.
19. The Council has also requested a condition that the (flat) roof area of the two storey side extension shall not be used as a balcony, roof garden or similar amenity area. There is, however, no obvious access for the occupants of the appeal site to the flat roof. Further, given the presence of the glass roof lantern, there would be little space upon the roof for it to be used for the purposes that the Council have outlined. Consequently, I do not consider that it is necessary for such a condition to be attached.

Recommendation

20. For the reasons given above, I conclude that the appeal should be allowed, and planning permission be granted, with the conditions set out in the attached Schedule.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, and planning permission be granted.

R C Kirby

INSPECTOR

Schedule

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered Site Location Plan, PL-EX-001, PL-PR-001, PL-EX-002 Revision B, PL-PR-002 Revision B.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall be retained as such thereafter.
4. Prior to first occupation of the two storey side extension hereby permitted the window at first floor within the west (side) elevation of the, shown on approved plan PL-PR-001 to serve an en-suite bathroom, shall be obscure glazed (to Pilkington Level 3 or equivalent). It shall be non-opening below a height of 1.7 metres measured from the internal finished floor level and shall be retained as such thereafter.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - The parking of vehicles of site operatives and visitors, including deliveries
 - Loading and unloading of plant and materials
 - Storage of plant and materials

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.