



Appeal Decision

Site visit made on 30 September 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/N1920/W/19/3234177 23 Shenley Hill, Radlett WD7 7AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Broderick (JPB Architects) against the decision of Hertsmere Borough Council.
 - The application Ref 19/0452/VOC, dated 22 March 2019, was refused by notice dated 6 June 2019
 - The application sought planning permission for the demolition of existing detached house and garage and erection of 3 x 4 bed, 2 storey, detached dwellings, all to include an integral garage and 3 car parking spaces with formation of new crossovers onto Shenley Hill, to include associated landscaping without complying with a condition attached to planning permission Ref 16/2358/FUL, dated 30 May 2017.
 - The condition in dispute is No2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Land survey (Drawing No 916335, received 08.12.16)
 - Site plan/ground floor plans (Drawing No 1076 01 Rev D, received 01.03.17)
 - First, second and roof plans (Drawing No 1076 02 Rev A, received 12.01.17)
 - Front and rear elevations (Drawing No 1076 03 Rev A, received 12.01.17)
 - NE and SW elevations (Drawing No 1075 04, received 08.12.16)
 - Internal elevations (Drawing No 1075 05, received 08.12.16)
 - Arboricultural Impact Assessment (GHA Trees, received 24.01.17)
 - Tree Protection Plan Rev A March 2017 (GHA Trees, received 07.03.17)
 - Arboricultural and Planning Integration Report Ref GHA/DS/13360:17a March 2017 (GHA Trees, received 07.03.17).
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission granted for the demolition of existing detached house and garage and erection of 3 x 4 bed, 2 storey, detached dwellings, all to include an integral garage and 3 car parking spaces with formation of new crossovers onto Shenley Hill, to include associated landscaping, at 23 Shenley Hill, Radlett WD7 7AU in accordance with the application Ref 19/0452/VOC made on the 22 March 2019, without complying with condition No2 set out in planning permission No 16/2358/FUL granted on 30 May 2019 by the Hertsmere Borough Council, is varied by deleting condition No2 and substituting it with the following condition:

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Land survey (Drawing No 916335, received 08.12.16); Proposed plans and elevations House 1 (Drawing No 10976 121 Rev P1, dated Mar'19); Proposed plans and elevations House 2 (Drawing No 10976 122 Rev P1, dated Mar'19); Proposed plans and elevations House 3 (Drawing No 10976 123 Rev P1, dated Mar'19); NE and SW elevations (Drawing No 1075 04, received 08.12.16); Internal elevations (Drawing No 1075 05, received 08.12.16); Arboricultural Impact Assessment (GHA Trees, received 24.01.17); Tree Protection Plan Rev A March 2017 (GHA Trees, received 07.03.17); Arboricultural and Planning Integration Report Ref GHA/DS/13360:17a March 2017; (GHA Trees, received 07.03.17)

Background and main issue

3. The original planning permission was granted under reference 16/2358/FUL. In summary this was for the redevelopment of the site, including the demolition of the original detached house and garage and the erection of three, four bedroom detached dwellings.
4. The planning application 19/0452/VOC, subject to this appeal sought to vary condition 2 (Plans list) by replacing a number of drawing numbers to allow for changes to the design of the roof. These changes would give each building a part crown roof, with additional dormers and a fifth bedroom within the roof space. The application was refused and has led to this appeal.
5. Since the submission of this appeal and confirmed by my site visit, the existing house has been demolished and the site cleared with some limited works on what appears to be foundations taking place. I shall return to this later, however it is clear that the disputed condition has not been breached and the original permission is still in time for implementation. Therefore, I have dealt with this appeal as a section 73 appeal against the disputed condition.
6. I consider that the above condition is both reasonable, necessary and satisfies the tests set out in the Planning Policy Guidance. I therefore consider that the main issue is, the effect that the proposed changes to the roof design would have on the character and appearance of the area.

Reasons

7. The appeal site is located on the corner of Shenley Hill and Aldenham Grove which is a private road. The area is characterised by mainly large detached properties set well back in large plots. There is a variety of housing designs in the general area. At this point on Shenley Hill, the land slopes up from west to east. Aldenham Grove also slopes up from the junction with Shenley Hill although to a lesser degree.
8. My attention has been drawn to the Councils Planning and Design Guide - Part D: Guidelines for High Quality Sustainable Development (draft revised version 2016). This has yet to be formally adopted by the Council and therefore I give it only limited weight.
9. Reference is also made to Policy SADM 30 of the Hertsmere Local Plan, Site Allocations and Development Management Policies Plan (2016) (LP). In summary this policy states that development will be permitted where it recognises and complements the particular local character of the area and

respects, enhances or improves the visual amenity of the area by virtue of its scale, mass, bulk.

10. The proposal would replace the approved roof design of each house with a part crown roof and additional dormer windows. The proposal would result in the infilling of part of the valley section between the double hipped roofs to provide a flattened section at approximately the same height as the remainder of the roof.
11. From the evidence before me it is clear that the hip and gable roof features that formed part of the original scheme were an important consideration. It was considered that they helped to ensure that the new dwellings would not appear over bulky and ensure that the development would integrate appropriately into the area. Nonetheless, the proposed changes are mainly to the centre of the roof. The height of the crown roofs would be similar to that of the remaining side gable features. Consequently, even given the sloping topography of the surrounding area the changes would not be readily discernible from outside the appeal site.
12. I acknowledge that crown roofs are not a common design feature in the surrounding area and that they can appear bulky and overbearing. However, it is necessary to consider the proposal on its merits. There are a wide variety of house and roof designs evident in the surrounding area. Accordingly, I do not find that the proposal would have any materially harmful effect on the character and appearance of this diverse area.
13. For the above reasons I find that the proposed changes to the roof design are acceptable in the context of the surrounding area and would allow the proposed development to integrate successfully into the street scene and the wider area.
14. For the above reasons I find that the proposed changes to the roof would not result in material harm to the character and appearance of the area. It therefore accords with Policy DADM30 of the LP.

Conditions

15. The guidance in the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Conditions 3 and 5 of the original permission have been discharged although there are ongoing requirements for compliance. I have therefore amended these conditions to reflect this position and this has been agreed by the Appellant and the Council made aware.
16. An application ref. 19/1159/DOC to discharge the condition relating to the on-site storage and regulated discharge of surface water run-off was submitted to the LPA in July but has not yet been determined. We therefore consider only the details for discharge of surface water run-off needs to be covered by a pre-commencement condition in relation to the S73 application. The proposed amendments to the roof would not alter or affect any of the details already approved. I shall however, impose all those that I consider remain relevant and have changed the plan numbers on Condition 2 to reflect this decision.
17. The PPG also indicates that a grant of permission under section 73 should not extend the time period for implementation. At the time of my site visit the original dwelling had been demolished and some development was taking place

on the site. However, I have insufficient information to conclude that these works constitute implementation of planning permission 16/2358/FUL. I have therefore amended Condition 1 to reflect the date that 16/2358/FUL was granted.

Other matters

18. A number of matters have been raised by third parties, including objections to the original planning permission which fall outside the scope of this appeal. Concerns have been expressed that each crown roof would accommodate an additional bedroom on an already dense development. However, this appeal only relates to the alterations to the roof and not the development as a whole. As I have already found that the proposal would not materially harm the character and appearance of the area this does not alter my decision.
19. A further concern has been expressed about the implications on highway safety. However, the parking requirements for both a four and five bedroom property would remain the same. I accept that future applications for changes to the dwellings cannot be ruled out in the future. However, this appeal only relates to the alterations to the roof and I have therefore considered the appeal on the basis of the evidence before me.

Conclusion

20. I have had regard to all of the matters raised but for the above reasons the appeal is allowed subject to the attached schedule of conditions.

Hilary Orr

INSPECTOR

Schedule of conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from 30 May 2017.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Land survey (Drawing No 916335, received 08.12.16)
 - Existing site plan (Drawing No 10976 206 Rev P1) dated mar' 19
 - Proposed site plan (Drawing No 10976 210 rev P1) dated Feb'19
 - Site Location Plan (Drawing No 10976 101 rev P1) dated Jan' 19
 - Proposed plans and elevations House 1 (Drawing No 10976 121 Rev P1, dated Mar'19)
 - Proposed plans and elevations House 2 (Drawing No 10976 122 Rev P1, dated Mar'19)
 - Proposed plans and elevations House 3 (Drawing No 10976 123 Rev P1, dated Mar'19)
 - NE and SW elevations (Drawing No 1075 04, received 08.12.16)
 - Internal elevations (Drawing No 1075 05, received 08.12.16)
 - Arboricultural Impact Assessment (GHA Trees, received 24.01.17)
 - Tree Protection Plan Rev A March 2017 (GHA Trees, received 07.03.17)

- Arboricultural and Planning Integration Report Ref GHA/DS/13360:17a March 2017
 - (GHA Trees, received 07.03.17)
3. With regard to materials, landscaping scheme, boundary treatments and arboricultural method statement, the development shall be carried out in accordance with the details approved on 15 August 2019 (application number 19/0790/DOC). Within two weeks of each arboricultural site supervision visit, the arboriculturalist shall provide a written summary of the visit to the Local Planning Authority.
 4. No development shall take place before, a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
 5. With regard to construction management, the demolition and construction works shall be carried out in accordance with the details approved on 22 March 2019 (application number 19/0118/DOC).
 6. Prior to first occupation or use of the development:
 - the accesses and parking areas shown on the approved plans shall be completed, and they shall be thereafter permanently retained for access, parking and manoeuvring purposes;
 - boundary treatments as shown on the approved plans and as approved under Condition 3 of this permission shall be installed, and they shall be thereafter permanently retained and maintained or replaced with similar boundary treatments;
 - bird and bat boxes shall be installed in accordance with the recommendations in paragraph 4.2.3 of the Preliminary Bat Roost Assessment (ArbTech, 20 February 2017).
 7. The bathroom windows to be created in the first floor side elevations indicated on Drawing No. 1076-02 Rev A shall be in fully obscure glass (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
 8. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D, E and F, and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification):
 - there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof;
 - no new building or enclosure shall be constructed within the application site;
 - no new hardstanding for vehicles shall be constructed on, nor means of vehicular access to the highway be formed, laid out or constructed within the site;

- no new fences, gates, walls or other means of enclosure shall be erected;

Without the prior written approval of the Local Planning Authority.

9. The flat roof areas of the ground floor rear projections hereby permitted shall not be used as balconies, roof gardens or similar amenity areas without the grant of further specific permission from the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

End of schedule