



Appeal Decision

Site visit made on 25 September 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/N1920/W/19/3232764

The Royal British Legion, Cotton Road, Potters Bar EN6 5JG

- 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 P Kane of Dalkey Development Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 19/0250/FUL, dated 14 February 2019, was refused by notice dated 14 June 2019.
 - The development proposed is demolition of existing building & redevelopment to provide 8 x 2 bed flats on the upper floors with retention of a community use on the ground floor, together with associated landscaping, car parking & cycle spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in determining this appeal are:
 - The effect of the proposed development on the character and appearance of the street scene, with particular regard to the setting of the former Metropolitan Police Station; and,
 - Whether the proposed development makes adequate provision for off-street parking.

Reasons

3. The appeal site is a currently vacant plot at the junction of the Causeway and Cotton Road. Planning permission was granted by the Council in 2019 for a development of 6 flats with a ground floor community use¹. That permission establishes that the principle of development is acceptable and is a material consideration in determining this appeal.

Character and appearance

4. The proposed development would be significantly taller than any other property in the immediate vicinity of the site. It is located on a corner plot, at a point where pedestrian and vehicular traffic approaches from four directions. Due to its height and prominent location it would be a focal feature in the street scene.

¹ Application ref: 18/1994/FUL

5. Most of the surrounding properties to the appeal site are two storeys in height, including all the nearby houses on Cotton Road and the former Metropolitan Police Station (the former Station). On the opposite side of Cotton Road is a three-storey terrace comprising commercial properties on the ground floor with accommodation above. On the other side of the Causeway is a row of two-storey properties with commercial properties on the ground floor and accommodation above. There is a five-storey building on the High Street but this is some distance away, and it is not part of the street scene in the immediate vicinity of the appeal site.
6. In the context of this street scene, the proposed development would be disproportionately tall, appearing out of keeping with the scale of its surroundings. The Causeway elevation would project forward of both the front building lines of the former Station and the terrace on the other side of Cotton Road. This would accentuate the building's presence in the street scene, further emphasising its height in this prominent location.
7. Paragraph 197 of the National Planning Policy Framework (the Framework) requires that in determining applications that affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. The proposed development would be much taller than the former Station, a locally listed building. I am mindful that the approved development is also taller than the asset. However, the greater height of the appeal proposal would result in significant harm to its setting as it would dominate views of the street scene. This would diminish the importance in the street scene of the former Station, the listing of which recognises its strong design, retention of many of its original features and significant contribution to the local area and local historic interest.
8. For the reasons set out above, I therefore conclude that the proposed development would be harmful to the character and appearance of the street scene and the setting of the former Station, contrary to policies CS14 and CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy January 2013 (the Core Strategy), policies SADM3, SADM29 and SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan November 2016 (the DMP) and guidance in the draft Hertsmere Local Plan Supplementary Planning Document Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development September 2016 (the Design Guide). Taken together these seek to ensure that new residential development is of a scale and design which respects its immediate surroundings and which conserves or enhances the setting of any affected heritage asset. These are consistent with the heritage and design policies in the Framework.

Parking

9. The proposed development would provide 6 car parking and 8 cycle spaces for 8 flats. The extant permission provides 6 car parking and 6 cycle spaces for 6 flats.
10. Cotton Road is part of a controlled parking zone with restrictions in place from Monday to Saturday. The response from the Council's Parking Operations consultee states that residents of the proposed development would not be entitled to apply for parking permits in the zone.

11. The extant permission provided 1 parking space and 1 cycle space for each flat. This is a significant shortfall on the parking standards set out in the Hertsmere Local Plan Parking Standards Supplementary Planning Document July 2014 (the Parking Standards). However, it was deemed acceptable by the Council due to the site's proximity to the town centre and public transport facilities.
12. The proposed development would result in an even greater shortfall on the Council's parking standards, and this would be harmful to the amenities of occupiers of the proposed development. While the Framework encourages the promotion of sustainable transport modes where appropriate, each of the flats provides 2 bedrooms and is intended to house 3 or 4 people. For accommodation of this type, provision of a parking space for each unit is a reasonable expectation. Such units can accommodate small families for whom the use of a car, and a secure place to park it in the immediate vicinity, is often a necessity.
13. For the foregoing reasons, I conclude that the proposed development would therefore fail to make adequate provision for off-street parking, contrary to policies CS22 of the Core Strategy and SADM3 and SADM30 of the DMP, as well as guidance in the Parking Standards and the Design Guide. Taken together these seek to ensure that development makes sufficient provision for off-street parking to meet the needs of occupiers of new development. This is in accordance with the design aspects of the Framework, and therefore no conflict exists between local and national policy.

Other Matters

14. In determining this appeal, I have afforded weight to the extant permission that was granted by the Council. However, although the proposals are of somewhat similar scale and design, the increased height of the appeal scheme would result in a disproportionate scale of development out of keeping with the surrounding area.
15. The appellant contends that the development would not cause an undue loss of light, privacy or outlook to neighbouring occupiers. The absence of identified harm on these points is a neutral consideration in determining this appeal, and in any event would not absolve any decision maker from undertaking their own assessment of these points.

Planning Balance and Conclusion

16. The development would be harmful to the character and appearance of the street scene, and the setting of the former Station. It would also fail to make adequate provision for off-street parking. I afford this cumulative harm substantial weight.
17. Set against this harm, the development would contribute towards the Council's housing needs. It would also safeguard the community use. The units would meet or exceed minimum floorspace standards. The site is close to the town centre and a public park. I afford these benefits significant weight.
18. The appellant suggests that the Council is not meeting local housing delivery targets, although I have very limited evidence regarding housing land supply and delivery in the District. However, even if I were to conclude that the policies which are most important for determining the proposal are out of date, the adverse impacts of granting permission would significantly and

demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

19. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which indicate that the decision should be taken otherwise than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR