
Appeal Decision

Site visit made on 29 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2020

Appeal Ref: APP/N1920/W/19/3234773

174 Balmoral Drive, Borehamwood WD6 2QS

- 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 Dean Smith against the decision of Hertsmere Borough Council.
 - The application Ref 19/0503/FUL, dated 30 March 2019, was refused by notice dated 11 June 2019.
 - The development proposed is erection of a first storey extension above existing ground floor and conversion to flats.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The effect of the proposed development upon:
 - the character and appearance of the host building and the area; and,
 - highway safety.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is in a predominantly residential area close to the roundabout junction with Ripon Way, Ashley Drive and Balmoral Drive. The roundabout, and the green spaces around it, provide a focal point for the area. The host dwelling, and the adjoining property, 13 Ripon Way, sit at a corner location and mirror other similar buildings located around the roundabout. The design of the dwellings and the spaces between them make a positive contribution to the character of the area. Balmoral Drive is comprised of a mix of semi-detached dwellings, short terraces and apartments set back a short distance from the highway. Although some of the properties have been altered and extended, the symmetry of the estate layout remains a very strong feature in the area.
6. The Hertsmere Local Development Framework, Supplementary Planning Document - Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations 2006 (SPDE) seeks to secure extensions that reflect the design of the main house and remain secondary in their size and appearance. In particular the SPDE seeks to secure extensions that are proportionate to the dimensions of the main house and do not exceed more than half the width of the main building when viewed from the front. It also recommends that two storey extensions should be set back by at least 1 metre from the main front wall to allow the original proportions of the main building to remain the prominent feature.
7. A single storey flat roofed extension currently exists at the side of the Appeal Property which provides living accommodation and a garage. The proposed extensions would sit above the extension and its gable wall would be close to the site boundary. If the appeal was to be allowed the resultant building would have a frontage twice the length of the original property and would significantly larger than the size of the original property. It is acknowledged that the appellant has sought to make the extension subservient by setting it back from the front wall of the original house and setting the ridge of the extension below the roof of the original dwelling. However, due to its width it would still be out of scale with the host property and would not be subservient to the main house. Furthermore, it would extend up to the northern boundary of the appeal site and be in very close proximity to the extended property at No. 172 resulting in the loss of an important gap between the buildings.
8. Moreover, the provision of additional parking spaces on the Balmoral Drive frontage, would necessitate the removal of a length of existing hedgerow, which currently provides some screening to the host property. Consequently, the extended property would have increased prominence within the streetscene and as a result of its scale and mass would dominate an important corner position detracting from the appearance and character of the host property and the wider area.
9. The appellant has drawn attention to developments north of the appeal site, within Balmoral Drive. During my site visit I saw the extension at No 172 and the development and between 138 and 148 Balmoral Drive, incorporating a mix of houses and apartments. However, I am unaware of the individual circumstances of these cases. In any event, each appeal should be determined on its individual merits, and this is the approach that I have adopted.

10. In light of the above, I conclude that the first floor side extension would be harmful to the character and appearance of the host property. The contribution it makes to the quality of the locality would be significantly diminished as a result and it follows that harm to the character and appearance of the area would occur. Consequently the appeal proposal would be contrary to Policies SP1 and CS22 of the Hertsmere Local Plan – Development Plan Document – Core Strategy (Adopted January 2013) (CS), Policies SADM3 and SADM30 of the Hertsmere Local Plan – Site Allocations and Development Management Policies Plan (Adopted November 2016) (SADM), the Hertsmere Local Development Framework, Supplementary Planning Document - Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations 2006 (SPDE) and the Draft Hertsmere Local Plan Supplementary Planning Document - Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (SPDD) which collectively require new development to respect the character and appearance of their surroundings and provide good quality design development which contribute positively to the surroundings and are appropriate to the local setting and context.

Highway Safety and Car Parking Provision

11. The Council are concerned that the provision of three parking spaces would be inadequate to meet the parking needs of a four bedroom house and 2 one bedroom flats and consequently there would be additional on street parking which would be detrimental to highway and pedestrian safety. In particular it has concerns about the length of dropped kerb that would result if the development was to proceed and the impact on the bus stop at the front of the appeal property.
12. During my daytime site visit I was able to observe that Balmoral Drive was well used by vehicles and had a bus route running along it. Whilst most properties had off street parking within their curtilage there was some on street parking. It is likely that parking demands would increase in the evening and at weekends when people return to their homes. I acknowledge that these observations can only provide a snapshot of traffic conditions at a particular time of day, however, I have no evidence to suggest that they are not representative of typical traffic conditions. Furthermore, I saw that the bus stop was located immediately in front of the Appeal Property and passengers congregate on the pavement awaiting the arrival of their bus.
13. The Hertsmere Local Plan Parking Standards Supplementary Planning Document July 2014 (SPDP) sets out parking requirements for new development. It indicates that provision for six car parking spaces would be required to meet the requirements of the retained family house and the proposed flats. Whilst acknowledging that the appeal site is in a sustainable location it is likely that future residents will have access to a car. The proposal makes provision for three parking spaces and, given the shortfall below the Council's requirements, there may be some limited additional on-street parking as a result. However, no evidence has been produced by the Council to indicate that there are any existing highway safety problems arising in Balmoral Drive at the present time. Moreover, there is no indication that existing on-street parking levels are such that the limited, additional on-street parking that would arise would exacerbate any such problems that may exist. Consequently, I

cannot conclude that the appeal proposal would add significantly to on street parking to the detriment of highway and pedestrian safety.

14. Passengers waiting at the bus stop would have no defined area in where they could safely stand and would have to negotiate a lengthy section of vehicular crossing, with vehicles turning to access existing and proposed off street parking spaces. However, the Highway Authority acknowledge that there is space within the appeal site to create a new access to enable separation of crossovers. If the appeal was allowed this could be addressed by a suitably worded condition.
15. I conclude, therefore, that the development would not unduly affect highway safety, and would not as such be contrary to Policy SADM40 of the SADM, and the SPDP, which jointly seek to secure adequate off street parking to meet the needs of new developments and a safe highway network for all users.

Other Matters

16. I acknowledge that the appellant had sought the advice of the Council as to what would be acceptable development and formed the opinion that changes made to an earlier scheme were positive. However, such advice is given in good faith and does not bind the Council to any future decision. Likewise, the appellant has also raised concerns about the way the Planning Committee dealt with the planning application. Whilst acknowledging that this issue has been raised, I am not able to respond to these accusations. Other avenues are available if the Appellant is aggrieved by the conduct of the Council.
17. I note the sustainable location of the appeal site, as well as the contribution the proposal would make to the housing supply within the area. However, the provision of 2 one bed apartments would be a relatively modest contribution.

Planning Balance and Conclusion

18. The proposed development would be in an established residential area which is accessible to local services and facilities. I have found that the development would not result in harm to highway safety. Notwithstanding this, the first floor side extension would be harmful to the character and appearance of the host property. The contribution it makes to the quality of the locality would be significantly diminished as a result and it follows that harm to the character and appearance of the area would occur.
19. Therefore, having carefully considered all of the above matters, I find that on balance the benefits of the proposed development would not outweigh the significant harm I have identified.

Recommendation

20. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

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 should be dismissed.

J Whitfield

INSPECTOR