



Appeal Decision

Site visit made on 4 February 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/N1920/W/19/3240295

40 Links Drive, Radlett WD7 8BE

- 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 Mrs Weiner against the decision of Hertsmere Borough Council.
 - The application Ref 19/0967/FUL, dated 19 June 2019, was refused by notice dated 23 September 2019.
 - The development proposed is demolition of detached bungalow and construction of two storey house with lower ground and habitable loft accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of detached bungalow and construction of two storey house with lower ground and habitable loft accommodation at 40 Links Drive, Radlett WD7 8BE in accordance with the terms of the application, Ref 19/0967/FUL, dated 19 June 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. Reference is made to an emerging Radlett Neighbourhood Plan (RNP). As this plan may be subject to change, I attach limited weight to its policies in my assessment.

Main Issues

3. The main issues are (i) the effect on the character and appearance of the area, and (ii) the effect on the living conditions of occupiers of 38 and 42 Links Drive (Nos 38 and 42) in respect of outlook and any overbearing effect.

Reasons

Character and appearance

4. Links Drive is characterised by residential properties of various styles and sizes, but dwellings are generally detached and seen from the road. The appeal property is a bungalow with dormer window additions to the front and rear.
5. The proposed house would appear 2 storeys high when seen from the road. It would be larger than the dwelling on the site but would be of a similar scale to other nearby properties and so would not be incongruous in the street scene.
6. The proposal would be larger and higher than the neighbouring properties and it would be positioned on part of the road where there is a number of

bungalows. However, several 2 storey houses lie adjacent to bungalows close to the site and so the position of the proposal in between smaller dwellings would be in keeping with the character of the area.

7. The proposal would lead to a loss of openness of the site at first floor and roof levels. Nevertheless, nearby properties are generally close to each other and the proposal would be set down below the road. As such, the development would not appear uncharacteristically cramped or dominant in the street scene.
8. The additional parking area would be seen from the road but would be a minor addition to the existing hardstanding. Hard surfaced parking areas to the front of properties are common features in the road and the proposal would not require the removal of any vegetation that contributes significantly to the street scene. As such, the proposed parking area would be compatible with the character of the locality.
9. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the area. As such, and in this regard, it would accord with policy CS22 of the Hertsmere Development Plan Document Core Strategy 2013 (CS), policy SADM30 of the Hertsmere Local Plan Site Allocation and Development Management Policies Plan 2016 (SADMPP), the Hertsmere Local Development Framework Supplementary Planning Document – Planning and Design Guide Part D draft 2016 (SPD) and the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development responds positively to its surroundings.

Living conditions

10. Nos 38 and 42 have rear facing ground floor windows in close proximity to the boundaries of the site. The proposed house would be near to the boundaries and project out further towards the rear of the site and so would be visible over boundary features from the neighbours' windows and gardens.
11. The back gardens of Nos 38 and 42 drop away from the dwellings, thereby allowing elevated views from their rear windows towards trees at the end of the properties. Part of the side elevations of the proposed house would be seen at an angle from these windows, but the more direct views out towards the back gardens would be unaffected by the proposal.
12. The Council claim that the proposed development would breach the 45° line code as referred to under Part 3.a) of the SPD in respect of the closest windows in the rear of Nos 38 and 42. However, the appeal drawings indicate that the main part of the proposed house would not contravene the code. Only a small part of the proposed raised terrace would cross the 45° line taken from No 38's closest window. This minor breach of the code in respect of a lower part of the proposal fails to demonstrate any significant harm to outlook.
13. The rear elevation of the proposed house would be seen from Nos 38 and 42's gardens and would look markedly taller than the existing dwelling. However, any overbearing effect as a result of the proposal would be limited to small parts of the neighbours' gardens closest to the proposed house and the majority of the garden areas would be relatively unaffected. Given that the back gardens are large, the proposal would ensure the retention of a high standard of outdoor space at Nos 38 and 42.

14. For these reasons, I conclude the proposal would not harm the living conditions of the occupiers of Nos 38 and 42 in respect of outlook or any overbearing effect. As such, and in this regard, it would accord with policies SP1 and CS22 of the CS, policy SADM30 of the SADMPP and the Framework. These all aim, amongst other things, to ensure a high standard of amenity for occupiers of properties. The proposal fails to fully comply with the SPD in that the 45° line code would be breached, but the other considerations set out above are of sufficient strength to collectively outweigh that non-compliance.

Other Matters

15. A number of other issues have been raised in respect of the proposal. The proposed dwelling would include ground floor rooms that could be utilised as a bedroom and shower room and so it would not be less suited to accommodate those with reduced mobility compared to the existing property. The RNP includes a policy that seeks the retention of smaller dwellings but as this is an emerging document which may change, I attach limited weight to the policy.
16. The front windows in the proposal would be far enough away from the properties on the opposite side of the road to avoid an unacceptable loss of privacy. Given the scale of the development, it is unlikely that construction works associated with the proposal would prejudice highway safety or traffic movement. Hours of construction could be restricted to prevent noise causing harm to the living conditions of occupiers of nearby properties. I have no reason to find that construction works would damage neighbouring properties, but in any case, this would be a private matter between the property owners.
17. The site would be of a size to accommodate an appropriate surface water drainage system to serve the dwelling and additional hardstanding. The proposal would incorporate sufficient parking spaces to serve the development and there is no evidence that demonstrates the road is too narrow to allow safe access to and egress from the proposed development. As it falls outside the defined site boundaries, a planning permission for the proposal would not allow work to the grass verge in front of the site.
18. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issues.

Conditions

19. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision.
20. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition is imposed to ensure the development is carried out in accordance with the submitted arboricultural impact appraisal and method statement and to protect trees to be retained. There is no need for such a condition to require additional information relating to protective fencing as adequate details are included within the submitted statement.
21. To protect the privacy of neighbouring properties, it is necessary to impose a condition requiring obscure glazing to windows on the side elevations of the proposed house. Also, the appellant has raised no comment to a condition

suggested by a neighbour that would limit hours of construction. Such a condition is necessary to ensure the development does not cause harm to the living conditions of occupiers of nearby properties by reason of noise.

22. Thames Water has suggested a condition that requires the approval of a method statement should piling be carried out as part of construction works. This condition is necessary to protect nearby sewerage infrastructure.

Conclusion

23. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered location plan, production date 19/06/2019; 3275 PPL3 G; 3275 PPL4 G and 3275 PPL5 G.
- 3) The development shall be carried out in accordance with the submitted Abbots Aboricultural Advice Arboricultural Impact Appraisal and Method Statement dated 22nd July 2019. "Retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect from the commencement of development hereby approved until the expiration of 3 years from the date of the first occupation of the development:-
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and aboricultural statement.
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 4) The house hereby permitted shall not be occupied until the windows at first floor level in both side elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscure glazing should be to Pilkington Level 3 or equivalent and once installed the obscured glazing shall be retained thereafter.
- 5) Demolition or construction works shall take place only between 08:00 to 17:00 on Mondays to Fridays, between 09:30 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No piling shall take place as part of the construction of the development hereby permitted until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such

piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling carried out as part of the construction works must be undertaken in accordance with the terms of the approved piling method statement.