



Appeal Decision

Site visit made on 17 February 2020

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 March 2020

Appeal Ref: APP/P1940/D/19/3241418

125 Abbots Road, Abbots Langley, Herts WD5 0BJ

- 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 Dominic Jackson against the decision of Three Rivers District Council.
 - The application Ref 19/1273/FUL, dated 5 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is the construction of a two storey side extension with garage and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the area
 - The effects of the proposal in relation to trees.

Reasons

Character and appearance of the area

3. The appeal relates to this detached house which is set within a large and mature plot. The house is said to be of late-Victorian age and is of an attractive design with symmetrical bays on the ground floor with a central entrance. The ground levels fall across the site and also from front to rear and the 'basement' is at the ground level at the rear.
4. The house has been extended in the past with a side extension which added accommodation at the ground and basement level. The extension is set back considerably from the main front wall of the house and contains a bay, similar to those on the original house, at ground floor level.
5. The proposal would provide a garage at the lower level and living accommodation at the ground floor. The ground levels would need to be altered in order to allow a car to access the proposed garage. The proposal would be set back from the front of the main house but not by as much as the existing extension at the other side. It would have a bay at the ground floor level and its side wall would be set off the boundary at the upper level, whilst it

would sit adjacent to the boundary at the lower (basement) level. The proposal would have a pitched roof over the front section and a flat roof over its rear part. The proposed pitched roof would be higher than that over the existing extension. The proposed extension would also be narrower than the existing extension, particularly at the ground floor level.

6. I have carefully considered the visual effects that the proposal would have on the existing building, and the area in general. In my judgement, the proposed bay at the front would visually crowd the existing bays on the original house and, having slightly different dimensions, would appear awkward and visually disruptive. Whilst it is not for me to seek to justify or criticise the existing extension on the other side of the house, the greater set-back and the distance between the bay and those on the existing house means that this part of the house has a different and lesser effect than the proposal. In addition, the proposal's different height and width would combine with the factors already mentioned, to have a considerably disruptive and negative effect on the design and appearance of the property. In this way the proposal would conflict with Policy CP12 of the Core Strategy and Policy DM1 of the Development Management Policies.
7. The appellant refers to the need to set the upper floor of the proposal off the boundary in order to satisfy the Council's normal requirements for such an extension. However, this does not mean that a visually unacceptable extension should be allowed, in my view. He also refers to informal discussions with the Council's officers who are said to have expressed some support for a single storey extension in this position. I can afford this very limited weight in the determination of this appeal as there appears to have been no planning application in this respect and if such a view was offered it would have been informal and not binding on the Council. Therefore, these matters do not alter my opinion.

Effects on Trees

8. The appeal site contains trees at its front which are included with Tree Preservation Order number 760. Specifically, the Council refers to an Ash tree (noted as T167) and 2 Lime trees (noted as G45). The proposal would bring about an inevitable alteration in the ground levels at the front of the appeal site. The appellant has not submitted any detailed evidence which shows precisely the nature of the proposed alterations in this respect. The appellant has also not submitted any professional assessment of the likely effects of the proposal in relation to the effects on these trees. The Council's view is that there will be an inevitable effect on the root protection area of these trees.
9. The appellant states that he is willing to accept a pre-commencement condition so that the impact on the trees can be assessed and the relevant protection measures put in place. In my judgement there is a serious shortcoming in such an approach in that it pre-supposes that the effects of the proposal on the trees would not be unacceptable and can be mitigated. There is no evidence before me which seeks to address the effects of the proposal on these important trees. I can draw no confidence that their future well-being could be assured within the implementation of the proposal. Therefore, the proposal conflicts with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies, in this respect.

Conclusions

10. For the reasons set out above the proposal would conflict with the Council's relevant policies and I find nothing which outweighs that harm. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR