



Appeal Decision

Site visit made on 22 June 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2020

Appeal Ref: APP/N1920/D/20/3248268
168, High Road, Bushey Heath, WD23 1NP

- 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 Gavin Collins against the decision of Hertsmere Borough Council.
 - The application Ref: 19/1768/HSE dated 31 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is retention of electronic gates.
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Decision

1. The appeal is allowed, and planning permission is granted for electronic gates at 168, High Road, Bushey Heath, WD23 1NP in accordance with the terms of application Ref: 19/1768/HSE dated 31 October 2019, and the approved plans/drawings numbered 145/001 P01, 145/010 P01, and 145/020 P01.

Procedural Matters

2. The applicant's name from the original planning application form and the Council's decision notice is Mrs Helen Morris-Ruffle of Visionary Planning UK. However, the appeal form names the appellant as Mr Gavin Collins. The previously named applicant has provided correspondence on 6 and 8 March 2020 confirming that the planning application was made with a clerical error, and the applicant was Mr Gavin Collins. Therefore, the appeal proceeds in the name of Mr Gavin Collins and I have set this out in the banner heading above.
3. The description of development in the banner heading above is taken from the original planning application form. In the decision paragraph above, I have omitted the reference to retention, as this is not an act of development.
4. The planning application form states that the development commenced on 3 July 2015 and was completed by 7 July 2015. However, the gates were damaged and replaced as a consequence of a traffic accident in November 2018. At my visit it appeared the development had taken place as set out on the submitted plans. I am considering the appeal on this basis, as a retrospective proposal.

Main Issues

5. The main issues are: whether the development preserves or enhances the character and appearance of the Bushey Heath High Road Conservation as a

designated heritage asset; and, the effect upon the setting of No 168 High Road as a non-designated heritage asset.

Reasons

6. The appeal site dwelling is a locally listed building in the Bushey Heath High Road Conservation Area (the CA). It is finished in red brick with painted white timber and stone detailing, featuring varied roof forms including prominent front gables. In common with many of the surrounding historic properties within the CA the dwelling is set back within a large front plot enclosed by walls and substantial mature vegetation.
7. Within the CA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a designated heritage asset (such as a Conservation Area) great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194). Where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits (paragraph 196). Development affecting non-designated heritage assets requires a balanced judgement having regard to the scale of harm or loss and the significance of the asset (paragraph 197).
8. The CA is centred around the busy thoroughfare of the Bushey High Road and exhibits development of a considerable variance of age and character. At and around the appeal site the CA derives its significance from the generously sized generally well-preserved historic properties set in generous walled and maturely vegetated boundaries. To the south east of the appeal site within the CA are larger more modern buildings, but these are generally screened from High Road by walls and tall mature vegetation.
9. The scale of the gates appears modest in relation to the appeal site and surrounding dwellings. They are aligned with the established boundaries on the north eastern side of High Road, and are significantly lower than much of the boundary vegetation that characterises the appeal site and this part of the CA. The gates reduce the view of the driveway and part of the ground floor of the appeal site dwelling. However, the reduction in view is very limited. This is because the gates are curved with their highest point at the centre, reducing downwards considerably to the pillars. The side of the dwelling is visible above the boundary with Perrin Close. From the near footway there is visibility to almost all of the ground and the first floor of the dwelling. Distance and perspective mean a similar proportion is visible from the carriageway and far side footway.
10. In practice the gates make a modest difference to the overall visibility of the dwelling. Its attractive frontage and features of significance such as the wooden features around the gables, and window and door surrounds are still highly appreciable with the gates present. In combination with the tall mature vegetation, the gates allow and frame the sort of limited glimpsed views of the appeal site dwelling, that are reflective and characteristic of other properties in this part of the CA. Their curved shape also complements the stone arches above the front door and first floor window.

11. The presence of the dark painted gates at No. 158 and the older gates at No 174, means their existence is not out of keeping with some of the other properties in the CA. Whilst appearing significantly older, those at No. 174 have a similar relationship with their host property in terms of positioning, height, boundary vegetation and framed views. I did not regard this as harmful to the character and appearance of the CA, or the setting of that building. The treatment of the appeal site gates enhances the wood colour and contrasts with the red colour of the appeal site brickwork. I do not agree that the gates appear stark, harmful or incongruous to the street scene or appeal site dwelling. I am also satisfied that were they allowed, they would weather to a patina that would also be in keeping with character and appearance of the CA.
12. For the reasons set out above, the development preserves the elements that make a positive contribution to the significance of, and preserves the character and appearance of the CA. It is also not harmful to the setting or significance of No 168 as a non-designated heritage asset. As I have found the development does not adversely affect the significance of these heritage assets, there is not a balancing exercise required to be undertaken in accordance with paragraph 196 of the Framework.
13. The development does not conflict with paragraphs 193, 194, 196 and 197 of the Framework or with section and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development does not conflict with Policy CS14 of the Hertsmere Core Strategy (2013) or Policy SADM29 of the Hertsmere Site Allocation and Development Management Policies Plan (2016). In combination and amongst other things, these policies require development does not cause harm, but conserves or where possible enhances the significance, character and appearance of heritage assets and their settings.

Other Matters

14. I note the representation stating the gates may give an impression of nervousness and distrust. The desire for security may be a reason for the gates. However, as they preserve the character and appearance of the CA and do not appear incongruous, whilst the gates are noticeable, I am satisfied attention is not drawn to them as an incongruous feature or reflecting a fear of crime. The Council has not raised an objection in respect of perception of crime, and I see no reason to disagree.
15. The Council as advised the development is in proximity to some statutory listed buildings. However, it has not raised an objection to the development for this reason. From the High Road due to the high mature comprehensive vegetation surrounding and within the plots, the settings of those buildings and the significance of the settings appear defined by their front plots and the areas of thoroughfare in front of them. The gates are visually screened from the listed buildings and there is no discernible inter visibility due to the tall comprehensively vegetated boundaries of those plots and at the appeal site. Therefore, the development preserves and does not affect the settings of those listed buildings.

Conditions

16. As the development has commenced and is complete, it is not necessary to impose the standard time limit condition or a condition to require compliance with the approved plans. No other conditions are considered necessary.

Conclusion

17. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR