



Appeal Decision

Site visit made on 18 August 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/P1940/D/20/3244134

79 Wolsey Road, Moor Park, Northwood HA6 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs A Soni against the decision of Three Rivers District Council.
 - The application Ref 19/1542/FUL, dated 13 August 2019, was refused by notice dated 16 October 2019.
 - The application sought planning permission for a "Two storey rear extension, insertion of flank dormer windows and alterations to fenestration detail" without complying with a condition attached to planning permission Ref 18/2059/FUL, dated 10 December 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: PL13.1, PL13A, PL15C, PL14A.
 - The reason given for the condition is: For the avoidance of doubt and in the proper interests of planning and in the interests of the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).
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Decision

1. The appeal is allowed and planning permission is granted for a "Two storey rear extension, insertion of flank dormer windows and alterations to fenestration detail" at 79 Wolsey Road, Moor Park, HA6 2ER in accordance with the application Ref 19/1542/FUL dated 13 August 2019, without compliance with condition number 2 previously imposed on planning permission Ref 18/2059/FUL dated 10 December 2018 and subject to the conditions set out in the schedule at the end of this decision.

Background and Main Issue

2. The appellant wishes to amend the approved drawings to allow gable instead of hipped roofs to the permitted rear extensions, the insertion of rooflights and various internal alterations. The main issue is therefore whether or not the condition, requiring compliance with the approved plans, is necessary and reasonable, having regard to the character and appearance of the area.
3. At the time of my site visit, the appeal development appeared to have substantially taken place. I have therefore dealt with this appeal as seeking to retain the development without complying with the disputed condition, the condition appearing to have been breached after the application was made.

Reasons

4. The appeal site is a large, detached house in a large plot, on an estate of generally large plots and large houses within the Moor Park Conservation Area (the CA). No particular form or style of either design or materials dominates the immediate surroundings of the appeal site, and there are houses with hipped-roofs, gabled-roofs and a mixture of the two.
5. To my mind, whilst the appeal site is characterised by its hipped roof form to the front elevation and those elements clearly visible from the road, the proposed rear elements are limited in their visibility by the neighbouring properties. Given the mixed wider street-scene, and that limited visibility I therefore consider that this proposal on this site would not therefore be harmful to the character and appearance of the area.
6. The Moor Park Conservation Area Appraisal 2006 (the CAA) sets out a number of features which justify the designation of the area, and highlights the character and visual quality created by large houses in individual plots with high quality landscaping, indicative of the original design of the estate as contributing to the significance of the CA as a heritage asset. The CAA also highlights that there are buildings within the CA which contribute more to its significance due to their relatively unaltered appearance.
7. I note the mixture of design styles and appearance throughout the CA, and in the immediate vicinity of the site. Given the previously approved changes, the appeal site is not one of those relatively unaltered buildings which the CAA highlights as contributing more to the significance of the CA. In my opinion, the proposal would continue to highlight the character and visual quality created by a large house in a large individual plot and would therefore maintain that element of the character of the CA. I do not agree that the hip-to-gable increase has significantly increased the scale of the dwelling, such that it appears contrary or confusing, incongruous or inconsistent with its surroundings. I also do not agree that the window detailing on this site is inappropriate or incongruous given the mixed design and detailing found amongst the neighbouring properties.
8. Having regard to the great weight to be given to the conservation of the CA as a heritage asset I consider that it would therefore have a neutral effect on the significance of the CA as a heritage asset. For the reasons outlined above, the proposal would therefore preserve the character of the CA.
9. The proposal would therefore comply with Policies CP1 and CP12 of the Three Rivers District Council Local Development Framework Core Strategy 2011. These policies seek, amongst other things to ensure that development protects historic environments and seek a high standard of design with regard to local character and context. The proposal would also be contrary to Policy DM1 and DM3 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document 2013, which seek, amongst other things to ensure that development satisfies design criteria and preserves or enhances the character or appearance of the CA. The proposal would also comply with aims of the CAA and the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment. I note that the proposal does not affect neighbouring amenity.

10. As a result of the impact of the proposal on the character and appearance of the area, I consider that Condition 2 is not necessary, in line with the Planning Practice Guidance (the PPG) and the Framework.

Conditions

11. The PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The application form states that the development has commenced, and that appeared to be the case on my site visit. As such, it is not necessary for me to impose a time limit condition. I have therefore imposed the conditions which control the materials to be used and restrict permitted development rights, but not that which seeks approval of a Construction Method Statement prior to the commencement of development. I have imposed a modified version of the condition requested by the Council concerning the glazing in the flank elevations, which I consider reasonable and necessary for the protection of the living conditions of occupiers of neighbouring properties. All of the conditions I have imposed are reasonable and necessary and meet the tests in the Framework and the PPG.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 020 (15/10/2019) (Rear Elevation and Flank Elevations), 021 (15/10/2019) (Loft and Roof Plans), 022 (First Floor Plan), PL15F (Front Elevation approved under 19/1095/NMA), 79W GF01 (Ground Floor Plan approved under 19/1095/NMA).
2. The development shall be carried out in accordance with the external finish materials approved under 19/0172/DIS and no external materials shall be used other than those approved.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings (other than those expressly authorised by this permission) shall be constructed in the flank elevations of the extensions hereby approved.
4. Prior to the occupation of the development hereby permitted, the windows in flank elevations above ground floor level shall be obscurely glazed and shall be top-level opening only at a height of 1.7m from the internal floor level of the rooms they serve.

End of Schedule of Conditions