



Appeal Decision

Site visit made on 8 September 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/N1920/W/19/3242941

Watt Cottage & Wick Lodge, Catsey Lane, Bushey WD23 4FY

- 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 Santok Homes against the decision of Hertsmere Borough Council.
 - The application Ref 19/0770/FUL, dated 16 May 2019, was refused by notice dated 4 September 2019.
 - The development proposed is the demolition of existing houses and construction of 2 apartment blocks to create 7 x 2-bed and 1 x 3-bed apartments to include boundary works, new pedestrian and vehicle access from Catsey Lane, car parking, cycle and bin storage.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing houses and construction of 2 apartment blocks to create 7 x 2-bed and 1 x 3-bed apartments to include boundary works, new pedestrian and vehicle access from Catsey Lane, car parking, cycle and bin storage at Watt Cottage & Wick Lodge, Catsey Lane, Bushey WD23 4FY, in accordance with the terms of the application Ref 19/0770/FUL, dated 16 May 2019, subject to the conditions in Appendix A.

Preliminary Matter

2. The appellant submitted revised drawings with the appeal. These proposed alterations to fairly substantial bin and cycle store buildings, and to the location and accessibility of car parking spaces. I have therefore not accepted the revised drawings because to do so would materially alter the nature of the proposal and potentially prejudice the interests of interested parties who would not have been given the opportunity to comment on the revised proposal.
3. I have used the description of the proposed development used by the Council on the decision notice in favour of that on the original planning application form as it provides a more concise summary of development proposed, and because it has been accepted by the appellant in their Statement of Case.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Wick and Watt Lodges are two detached dwellings, one is 2-storeys and one is 2-storeys with accommodation also at loft level. The existing dwellings have fairly large footprints and occupy a significant part of the footprint of the site. The site sits on the corner of the main road running through Bushey, Sparrows Herne, and a series of suburban residential streets, with boundaries with Catsey Lane, Burchell Court, and Brooke Close. The surrounding area is characterised by a mix of 2-storey semi-detached dwellings set along the side streets off of Sparrows Herne, and 3/4-storey flatted developments and a 2-storey terrace with commercial units to the ground floors along Sparrow Herne itself. This includes fairly substantial 4-storey blocks of flats directly opposite the site on the other side of Catsey Lane, and nearly opposite on the other side of Sparrows Herne.
6. It is proposed to demolish the existing dwellings and to construct two 3-storey blocks of flats. The 3rd storey would be within the roof level. The roof level design would be a mixture of hips, slopes, dormer windows, and cut-outs, all of which combined reduce the bulk and mass of the proposed buildings at this top level. The overall scale of the proposed buildings is constrained and falls in-between the size of the semi-detached dwellings and the blocks of flats in the surrounding area. The proposed buildings would be of similar height to the nearest suburban residential properties, respecting this setting. The articulation of the buildings, particularly at roof level, also helps to add visual interest to the proposed buildings. Overall, the proposed design responds positively to the site's location on a transitional corner between the main road and the suburban side streets.
7. The two buildings would be separated by hard standing car park areas and smaller areas of green landscaping. However, this is a common feature to the blocks of flats in the area and is in-keeping with this local character. The two buildings also respect the siting of the two existing buildings, being in similar locations, and breathing space is provided to the immediately adjacent residential property. The proposals thereby respect the siting, layout, spacing and setting of neighbouring development, and the character of the local area.
8. The proposal would not therefore harm the character and appearance of the area and would comply with the relevant parts of Policies SP1 and CS22 of the Core Strategy 2013 which, amongst other criteria, seek high quality design. It also complies with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 which, amongst other criteria, seek high quality design which respects local character.

Other Matters

9. A number of objections have been received from neighbours, raising concerns with the bulk and mass and overall design of the proposal, loss of light and harm to the privacy to neighbours, insufficient car parking proposed leading to on-street parking, loss of existing on-street parking spaces, noise to neighbours, surface water flooding towards Burchell Court, impact on local services such as school places, disruption during construction, safety of vehicular access to the site, too many flats being built in the area which is losing its character, the potential for increase in crime, damage to neighbouring properties during construction, objection to the principle of the loss of the existing properties, and the loss of trees on the site.

10. I have taken into consideration the design aspects above. The proposed conditions would mitigate any unacceptable harm to neighbours in relation to the living conditions of neighbouring occupiers, tree protection, and disruption during construction. I have also given consideration to the remaining factors, but these issues are not in dispute between the main parties and I see no reason to disagree with this and find no unacceptable harm in those regards.

Conditions

11. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. The Council have requested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions.
12. The materials and landscaping conditions are necessary in order to ensure that the proposal would not harm the character and appearance of the area. The tree protection condition is necessary in order to ensure that the existing tree the subject of a Tree Protection Order is appropriately protected during construction. The drainage condition is necessary in order to ensure that surface water run-off is appropriately controlled. The refuse condition is necessary in order to ensure that the detailed design of the proposed bin stores is acceptable and meets the Council's requirements. The obscure glazing condition is necessary in order to protect the living conditions of the neighbouring occupiers of the adjacent property on Brooke Close. The Construction Management Plan condition is necessary in order to protect the living conditions of neighbours and highway safety.
13. It is necessary for the construction management, materials, landscaping, tree protection, and drainage conditions to be pre-commencement because these details need to be finalised prior to construction of the development.

Conclusion

14. For the reasons above, I conclude that the appeal be allowed.

O S Woodward

INSPECTOR

Appendix A: Conditions for Appeal Ref APP/N1920/W/19/3242941

- 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: 005/EX/100, 005/EX/101, 005/EX/102, 005/EX/121, 005/EX/122, 005/EX/161, 005/EX/162, 005/PL/001, 005/PL/002, 005/PL/200 Rev C, 005/PL/201 Rev B, 005/PL/202 Rev B, 005/PL/203 Rev B, 005/PL/205, 005/PL/006, 005/PL/220 Rev B, 005/PL/221 Rev B, and, 005/PL/222 Rev B.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
 - a. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - b. Siting and details of wheel washing facilities;
 - c. Cleaning of site entrances, site tracks and the adjacent public highway;
 - d. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - e. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
 - f. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- 4) No development shall take place until a scheme for the protection of the existing tree as labelled within the Arboricultural Impact Assessment and on Drawing No PJC/5151/19/C Rev 02 has been submitted to and approved in writing by the local planning authority. The approved scheme for the protection of the existing trees shall be implemented before commencement of development and be maintained in full until the development has been completed. The tree shall thereafter be retained.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 6) No development shall commence until details of hard and soft landscaping and boundary treatment in and around the site have been submitted to and agreed in writing with the local planning authority. The development shall be constructed in accordance with the approved details.
- 7) No development shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

- 8) Prior to construction of the relevant part of the development, details of the provisions for the storage and recycling of refuse must be submitted to and approved in writing by the local planning authority. Such provisions shall be made/constructed prior to the first occupation of the buildings and shall thereafter be made permanently available for the occupants of the buildings.
- 9) The windows to be created at first floor to the south west elevation of Block A and the south east elevation of Block B, as labelled on drawings Refs PL201 Rev B and PL202 Rev B shall be in fully obscure glass (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the local planning authority.