



Appeal Decision

Site visit made on 10 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/N1920/W/20/3254519

High Cross Garage, High Cross, Aldenham, Watford WD25 8BN

- 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 John Tidball against the decision of Hertsmere Borough Council.
 - The application Ref 20/0294/FUL, dated 26 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is described as: Demolition of commercial workshop premises. Construction of new dwellinghouse. Formation of new driveways, front gardens and rear amenity space for dwelling. Revised following application 19/1960/FUL.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area, with particular regard to scale, mass, form and design, and
 - the effect on the living conditions of occupiers of the existing neighbouring property number 4 Kemprow, with particular regard to privacy levels.

Reasons

Effect on the character and appearance of the area

3. The site lies in the small village of High Cross, in a rural location within the Green Belt. I note that the parties agree that the proposal does not constitute inappropriate development in the Green Belt, the Council having concluded that the proposal would constitute redevelopment of previously developed land that would have no greater impact on the openness of the Green Belt than the existing development.
4. I acknowledge that there is some variation among the dwellings that surround the site in terms of type, size, architectural detail and external materials used. Thus, there are detached and semi-detached properties; most are 2-storeys high, though there are a few bungalows; external materials mainly comprise of brick, render and stone and tiled or slate roofs.

5. However, the properties share some characteristics. Except for a small number, most are of a moderate size, of a traditional form with traditional design features. Leaving aside extensions added to dwellings later, the houses tend to have a broadly simple oblong or square form with dual-pitched roofs, some of which are hipped; window and door openings tend to be proportionate and subservient to the elevations they are inserted in and their sizes tend not to vary to any great extent on each respective property; the dormer windows that exist are small-scale and proportionate, nearly all of which have roof pitches similar to the pitches of the main roofs within which they are sited, and virtually all have chimneys.
6. The proposed dwelling would contrast with the main characteristics of the dwellings that surround it. Including the car port, it would have a 'H' shaped footprint; the first floor would overhang the ground floor at the rear and the eaves heights at the front and rear would vary. These features combined result in an irregular, fussy building form, compared to the simple form of surrounding properties. There would be no consistency between the sizes, or shapes, of the window openings on the front, side and rear elevations of the property; and the range of windows and glazed doors on the rear elevation would dominate the elevation.
7. The design of the rear elevation, with overhang at first floor level, and the different window/glazed door surrounds on each of the 3 levels, would result in dormers being offset from the glazed doors on the floor below (first floor). Furthermore, the overhanging first-floor at the rear would create an imbalance, with the upper section of the building compressing and dominating the ground floor. The relatively wide dormers with flat roof design would add to what would be a significantly dominating, predominantly glazed appearance of the rear elevation. The conspicuous absence of a chimney would add to the contrasting appearance of the building.
8. The proposed dwelling would be sited to the rear of properties located along High cross and Kemprow. Although views of the proposal from these roads would be limited, the building would be visible to a degree. It would also be visible from several of the surrounding properties, quite a proportion of properties in the context of the limited number that exist along High Cross and Kemprow. In this context, and for the reasons outlined above, I consider that the design and form of the proposed dwelling would be out of keeping with the designs and simple forms of surrounding properties.
9. Bearing in mind the range of buildings that would be removed from the site and the fact that the proposed dwelling would be comparable in height, width and depth to surrounding properties, I consider that the scale and mass of the proposed dwelling would not contribute to harming the character and appearance of the area.
10. Notwithstanding my conclusions regarding scale and mass, due to the harm I have found in respect of design and form, I conclude that the proposal would harm the character and appearance of the area. Consequently, the proposal does not accord with policies SP1 and CS22 of the Hertsmere Local Plan, Development Plan Document: Core Strategy-2013 (CS), SADM11 and SADM30 of the Hertsmere Local Plan, Site Allocations and Development Management Policies Plan-2016 (DMPP), or paragraph 127 of the National Planning Policy Framework (the Framework). Collectively, and among other things, these

policies require new development to be of high-quality design, appropriate in appearance to local context and sympathetic to local character, to ensure the creation of attractive places. As there is no dispute between the parties regarding Green Belt issues, I consider Policy SAD26 is not relevant to the determination of the appeal.

Effect on the living conditions of occupiers of the existing properties

11. The proposed dwelling would be sited around 7 m from the rear boundary of the site and around 1 m in from each of the side boundaries, whereas the existing buildings abut the rear and side boundaries. According to the figures submitted by the Council, which I have no reason to doubt, the rear elevation of the proposed dwelling would be around 28 m from the rear elevation of number 4 Kemprow. Although the proposed rear elevation would have several windows in it serving habitable rooms at first floor level and in the roof space, with a distance of around 28 m between it and No 4, I consider that the proposal would not result in the privacy levels of the occupiers of No 4, either within the dwelling or in the garden, being reduced to a level that would warrant planning permission being withheld. As such, I conclude that the proposal would not harm the living conditions of the occupiers of the existing neighbouring property 4 Kemprow, with particular regard to privacy levels.
12. Therefore, the proposal accords with paragraph 127 of the Framework which, among other things, requires new development to create places with a high standard of amenity for the occupiers of existing buildings. As policies SP1 and CS22 of the CS and SADM30 of the DMPP do not specifically refer to the effect of development on the living conditions of occupiers of existing properties, I do not consider them to be relevant to the assessment and determination of the appeal as respect of this issue.

Other considerations & planning balance

13. The appellant suggests that replacing the existing commercial unit with a dwelling, thereby removing the noise, fumes and vehicle movements associated with the motor vehicle repair/maintenance business, would be of benefit to the living conditions of occupiers of existing neighbouring properties. I agree with this assertion, and I attach moderate weight to this aspect.
14. The appellant also contends that the proposal would result in a visual improvement to the site. I agree that the proposed building would be an improvement on the old, utilitarian buildings that currently exist. However, as I have found that the design and form of the proposal would harm the character and appearance of the area, I consider this is not an aspect that weighs in favour of the proposal.
15. I would add that the provision of an additional dwelling would be of minor social benefit and there would be minor economic benefits resulting from the construction phase. However, given the minor scale of these benefits I attach limited weight to them.
16. On balance, I conclude that the other considerations outlined above do not outweigh the harm I have found in respect of the character and appearance of the area, due to the design and form of the proposed dwelling.

Conclusion

17. Notwithstanding my conclusions regarding living conditions of existing neighbours and the scale and mass of the proposal, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR