



Appeal Decision

Site visit made on 1 December 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/N1920/W/20/3255860

82 Watling Street, Radlett WD7 7AB

- 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 Alex King against the decision of Hertsmere Borough Council.
 - The application Ref 19/1190/FUL, dated 29 July 2019, was refused by notice dated 13 February 2020.
 - The development proposed is a new building comprising of parking and two 2 bed apartments on land at the rear of existing building.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Some of the plans provided by the appellant were named 'Rev A', whilst the plans listed on the Council's decision notice did not refer to any revisions. The Council provided copies of all the plans considered at application stage and they are identical to those provided by the appellant. Accordingly, I have considered the same plans as determined by the Council in their decision.
4. The appellant submitted a graphical illustration of the proposed development, named: "Visuals 3 as Proposed". This illustration does not substantially alter the nature of the proposal, and I am satisfied that the parties' interests would not be prejudiced by the illustration being considered in this appeal. Therefore, I have considered the additional illustration as part of this appeal.
5. The appellant has referred to London Plan policies in their documentation. These are not applicable in this instance as Hertsmere is not a London borough.
6. A neighbourhood plan has been prepared for Radlett. It has been examined and The Radlett Plan 2020 to 2036 referendum version was produced in October 2020 with the aim of holding the referendum in May 2021. Although it has not yet been adopted, it has reached an advanced stage of development.
7. Whilst mention has been made of a refusal of listed building consent¹, this appeal relates to planning permission only.

¹ Local Planning Authority reference: 19/1191/LBC

Main Issue

8. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Radlett (North) Conservation Area and whether the setting of the adjacent listed building at 1 to 4 Primrose Cottages would be preserved.

Reasons for the Recommendation

Conservation area

9. The appeal site is a vacant area of land behind 82 Watling Street (No 82). The site is presently surrounded by hoardings and fronts Aldenham Road. It lies within the Radlett (North) Conservation Area ('conservation area'). The conservation area's significance as a designated heritage asset is detailed in the Radlett (North) Conservation Area Appraisal 2010 (RNCAA) and includes its significant historic and landmark buildings, and houses on Aldenham Road, constructed in a variety of styles but with their original character generally maintained.
10. The site is flanked by No 82², a large rendered building with high pitched roofs and a front gable which turns the corner of Watling Street and Aldenham Road. This building is presently used as a restaurant. Located adjacent to the site on Aldenham Road are 1 to 4 Primrose Cottages, a small group of Grade II listed, late 18th century terraced houses which the RNCAA describes as being built of red brick with distinctive casement windows. 5 – 7 Primrose Cottages, a slightly later residential terrace which is a locally important building, faces the site. Located adjacent to the boundary of No 82 and the site, the former NatWest building dates from 1913.
11. Opposite the site is the distinctive Red Lion public house constructed of brick with roughcast render and large prominent gables in the arts and crafts style. The RNCAA identifies the Red Lion and No 82 as locally important and landmark buildings, and the former NatWest building as locally important within the conservation area. Opposite the Red Lion at the junction of Watling Street and Station Approach are several Grade II listed buildings dating from the 1850s which the RNCAA describes as distinctive decorative flint-built properties.
12. It is accepted that the development of small sites, such as this, can in principle, and subject to their detailed design, add to the charm of the historic core of an English town such as Radlett. The proposal, for a new building comprising two two-bed apartments with parking, would incorporate a large gable containing windows. It would share some design cues with the front of the Red Lion and with some of the examples provided by the appellant from The Radlett Plan, and would reflect some of the National Design Guide's principles.
13. The proposal's ridge height would be lower than the surrounding buildings, which The Radlett Plan supports, and its prominence would be reduced somewhat by it being set back from Aldenham Road by a large forecourt and a small front patio garden. The materials proposed would be acceptable. Although the proposal would have minimal visibility from much of Watling Street, it would be clearly visible from near the junction of Aldenham Road and Watling Street, and from across the forecourt at the Red Lion.

² Referred to in the RNCAA as The Cross Keys, Railway Inn, and Prezzo.

14. Despite these positive design features, the large gable element would be flanked by bulky and jagged roof forms which would appear overly contrived and clumsy for a residential building in the context of the nearby historic buildings. Similarly, the inset part of the side elevation facing the rear of No 82, proposed to be used to accommodate a fire exit route, would create a staggered arrangement which would be architecturally awkward. Additionally, the combination of the step back to the front for the first floor full-width balcony and the pitched roof above the ground floor windows would result in stark protruding elements which would lack coherence in this sensitive location.
15. Therefore, whilst the overall scale of the proposal would be fairly modest, these factors would combine to give the impression of a contrived and awkward building crammed into its plot. This would be significantly at odds with many of the residential buildings nearby, particularly 1 to 4 Primrose Cottages. In addition, the side elevation facing the rear of No 82 would be largely featureless, which would not add interest to its surroundings and would not assimilate with the bank of windows present on the side of No 82 facing Aldenham Road or the wider streetscene.
16. The proposal would add elements of planting and would retain all existing trees. This would soften the impact of the development, visually enhance the existing side seating area at the restaurant, and obscure much of the retaining wall of the development at the rear of the former NatWest building. However, these factors would not be sufficient to off-set the harm identified. I observed the examples provided by the appellant³, and I accept that they share some similarities with the proposal. However, the context of the site, being so close to a number of locally important and landmark buildings and a listed building at 1 to 4 Primrose Cottages near a prominent corner location, is quite particular. Thus, their presence does not change my findings.
17. Given the harm that I have identified, it follows that the proposal would neither preserve nor enhance the character or appearance of the conservation area. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be less than substantial, this harm needs to be weighed against the public benefits of the proposal, which are considered below.

Listed building

18. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. The site is located adjacent to Grade II listed 1 to 4 Primrose Cottages. The proposal would be seen in the context of that building by passers-by along Aldenham Road. The significance of 1 to 4 Primrose Cottages derives in part from its fine brickwork, tiled roof, and casement windows. In accordance with the National Planning Policy Framework (the Framework), when considering the impact of the proposal on the significance of this designated heritage asset (significance deriving not only from the heritage asset's physical presence, but also from its setting), great weight has been given to the asset's conservation.

³ Including the rear of NatWest development, Slade Court, and Yard Studios

20. Given the harm that I have identified in relation to the conservation area above, it is clear that the proposal would not preserve the setting of 1 to 4 Primrose Cottages. Whilst the harm to 1 to 4 Primrose Cottages would be less than substantial, this harm needs to be weighed against the public benefits of the proposal, which are considered below.

Public benefits and balance

21. The harm to the significance of the conservation area and the listed building at 1 – 4 Primrose Cottages would be less than substantial, but still important. In line with paragraph 196 of the Framework, a balancing exercise should be undertaken between “less than substantial harm” to the designated heritage assets, on the one hand, and the public benefits of the proposal, on the other.
22. The site is in an accessible location close to shops and services on Radlett’s high street, the train station, a bus stop and taxi provision. The proposal would bring an unused parcel of land into use, providing two modern and pleasant two-bed residential units. The proposal would contribute to the Government’s objective to significantly boost the supply of homes.
23. This would be in accordance with the requirements of Policies CS1 and CS2 of the Hertsmere Local Plan Core Strategy (January 2013) (CS) and Policy SADM3 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan (November 2016) (DMPP) only insofar as it relates to the provision of additional housing units, and paragraphs 2.14, 2.16 and 2.18 of the DMPP. It would also accord with Policy HD1 of The Radlett Plan, and the objective in the Government’s *Fixing our broken housing market* document for the building of more homes. However, considering the quantum proposed, the increase in the supply of housing would be small. I afford these factors only modest weight.
24. This proposal would intensify the use of the site and would, when considered in the context of No 82, provide a mixed use development. However, whilst the site would be used more efficiently, the evidence does not clearly demonstrate that the proposal would bring forward development which secures its optimum viable use, in respect of paragraph 196 of the Framework. Although it is acknowledged that the restaurant at No 82 will have experienced periods of closure due to the Covid-19 pandemic, little evidence has been provided to demonstrate to what extent the proposal would assist the viability of the adjacent restaurant. Thus, limited weight has been given to these matters.
25. The proposal would improve the fire exit route, and would not affect deliveries to the restaurant. It would also remove unsightly debris, which may improve the attractiveness of the site when viewed by patrons using the Red Lion’s forecourt nearby. Limited weight has been given to these factors.
26. It would incorporate energy-efficient heating and appliances and would provide garden areas, which could be of assistance to its future occupants during any future Covid-19 related ‘lockdown’ period. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims. The appellant has stated that the proposal could assist local businesses by reducing the rent, but little evidence has been provided to substantiate this. I afford limited weight to these matters.
27. The proposal would be acceptable with respect to the living conditions of future occupants including adherence to the Technical housing standards – nationally

described space standard (March 2015 (amended 19 May 2016)). Furthermore, the living conditions of the occupants of neighbouring properties and patrons of the restaurant lower courtyard would be maintained, including with respect to privacy, light, overshadowing, outlook, highway safety, access, and traffic generation. Additionally, the proposal would not involve any demolition or affect gas provision to the restaurant. However, these are all neutral matters, which do not weigh in favour of the proposal.

28. The Framework makes clear that great weight needs to be given to designated heritage assets' conservation, which in this case are the conservation area and 1 to 4 Primrose Cottages. I give moderate weight to the benefits of the proposal and find that they do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area and 1 to 4 Primrose Cottages. I therefore conclude the proposal would fail to comply with national policy outlined in Section 16 of the Framework on conserving and enhancing the historic environment.
29. I also conclude that the proposal would neither preserve nor enhance the character or appearance of the Radlett (North) Conservation Area and would fail to preserve the setting of the adjacent listed building at 1 to 4 Primrose Cottages. As such, it conflicts with CS Policies CS14 and CS22 and DMPP Policies SADM3, SADM29 and SADM30. Policies CS14, CS22 and SADM29 require all development proposals to conserve or enhance the historic environment, while Policies SADM3 and SADM30 state, amongst other things, that development must respect its immediate surroundings including the local character and pattern of development.
30. It would also conflict with the Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (Draft for Executive September 2016) (Supplementary Planning Document) which requires new development to be sensitive to local character. The appellant has asserted that housing need in the London area is particularly high and that the Council cannot meet its housing supply objectives, but little evidence has been provided to support this assertion. Notwithstanding this, it can be seen from the paragraphs above that paragraph 11 d) i) of the Framework applies in this instance.

Other Matters

31. Although the appellant has raised concerns about the level of communication and negotiation with the Council at application stage, this is a matter for the appellant and the Council in the first instance. It is also noted that the restaurant operator has not objected to the proposal, and neither have the Aldenham Parish Council (subject to an assessment by a Highways Officer). However, the lack of objections from these parties does not alter my findings on this appeal.

Conclusion and Recommendation

32. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

33. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Joanna Gilbert

INSPECTOR