

Appeal Decision

Site Visit made on 22 February 2021

by Michael Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/N1920/W/20/3261837

Spylaw House, Newlands Avenue, Radlett, WD7 8EL

- 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 McGowan against the decision of Hertsmere Borough Council.
 - The application Ref 19/1162/FUL, dated 23 July 2019, was refused by notice dated 24 July 2020.
 - The development proposed is described as "Demolition of existing 2 storey dwelling and erection of replacement detached 7 bed house to include basement level with pool and accommodation in the roof space - resubmission of previous application ref: 18/1332/FUL to agree amended landscape proposals now herewith included."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Radlett North Conservation Area.

Reasons

3. The appeal site lies within the Radlett North Conservation Area (the CA). In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The appeal site lies at the edge of the CA, which includes Malt Lane and the neighbouring property at No 2, but no other part of Newlands Avenue. The CA comprises a range of properties of varying size and character, generally sitting on spacious plots. I find that the significance of the CA derives from this mix of properties and the established character.
5. Malt Lane is a sunken footpath that lies along the site boundary, and from which the existing house is visible on the approach to the junction with Newlands Avenue. The Radlett North Conservation Area Appraisal (the Appraisal) details the lane as being of significant value and special interest to the CA as it is a surviving rural country lane that follows an ancient land boundary and historic route in the area. Malt Lane provides views across the gardens of neighbouring properties within the CA and is lined with mature trees that contribute to the character of the CA. I see no reason to disagree with the Appraisal's assessment of its contribution to the significance of the CA.

6. The existing property is of little architectural interest and there is an extant permission for a replacement dwelling on the site. However, the appeal proposal is for a significantly larger dwelling that would lie immediately adjacent to the Malt Lane boundary at its closest point. The footprint of the proposed dwelling would project further forward, to the rear and towards Malt Lane than the approved. The development also includes a garage adjacent to the Malt Lane boundary which was not part of the approved scheme. The proposed dwelling would appear much more prominent from Malt Lane than the approved dwelling. The house and garage would dominate views along the approach to Newlands Avenue, resulting in a loss of the sense of spaciousness that is typical of the lane's character for much of its length and of plots in the CA in general. Landscape planting along the shared boundary would provide some screening from Malt Lane, but the house by reason of its size and proximity would still be an overly dominant feature.
7. Within Newlands Avenue there is a wide variety of design approaches, including the modernist design of the immediate neighbour at No 2. Properties typically occupy large plots, and the appearance of the proposed dwelling would not be out of keeping within the street scene. The proposed garage would lie forwards of the house and the front of the site would be mainly laid to hardstanding, but this arrangement occurs elsewhere in Newlands Avenue, and it would be a clearly subordinate structure within the site. The development would not therefore be harmful in the street scene and would preserve the appearance of the CA.
8. The harm arising from the development would consequently be to the character of the CA only through the loss of spaciousness. The effect would be localised to the vicinity of the site and principally felt from Malt Lane. It would therefore amount to less than substantial harm to the significance of the CA. However, the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to less than substantial harm.
9. The development involves a replacement dwelling of acceptable appearance in an accessible location. It would be built using sustainable measures and materials. However, the public benefits arising from the development would be limited and not sufficient to outweigh the harm that would result.
10. The appeal proposal would therefore fail to preserve the character of the CA. it would conflict with Policies CS14 and CS22 of the Hertsmere Core Strategy 2013 and Policies SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan 2016. These require, amongst other criteria, that development conserve or enhance the historic environment of the Borough and recognise and complement the particular local character of the area in which it is located.

Conclusion

11. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR