



Appeal Decision

Site Visit made on 9 March 2021

by Steven Rennie BA (Hons), BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/N1920/W/20/3258238

Land Rear of 12-14 High Road, Bushey Heath, WD23 1SE

- 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 Messrs Gavin and Peter Saunders against the decision of Hertsmere Borough Council.
 - The application Ref 19/2004/FUL, dated 17 December 2019, was refused by notice dated 27 February 2020.
 - The development proposed is for the demolition of existing outbuildings and erection of a pair of 2 storey, 2 bed, semi-detached dwellings to include access, landscaping, parking and bin store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on the character and appearance of the area, with particular regard to The Lakes Conservation Area, (2) the living conditions of neighbours to the site, and (3) trees at the site.

Reasons

Conservation Area

3. The proposals are for the erection of 2no semi-detached dwellings to the rear of High Road, fronting onto Springfield. These are long plots and to the rear are outbuildings which are accessed from Springfield, which is a cul-de-sac characterised by two storey terraced dwellings.
4. This proposal follows a dismissed appeal which included, as part of a larger scale development, the construction of a semi-detached pair of houses on the site of the rear outbuildings, also accessing onto Springfield (ref: APP/N1920/W/17/3184883). This appeal is a material consideration to this latest appeal, due to the similarities in the proposals.
5. The appeal site is located within The Lakes Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the 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.

6. This site is on the edge of the CA, which is characterised in part by a mix of modern and older properties, many fronting High Road, which is the main road through the settlement. There is a variety of types and styles of buildings, with many of the more positive buildings exhibiting local building materials and traditional elements. Springfields is located outside of, but adjacent to, the CA boundary, but it is generally a pleasant residential street with many traditional older properties which are positive to the setting of the CA.
7. The proposed dwellings are scaled down from what was previously proposed and dismissed at appeal. However, whilst of a suitable height with pitched roof, the houses proposed would sit uncomfortably within Springfield as they would not reflect the prevailing characteristics of this street, whilst being particularly visually prominent at the end of the cul-de-sac. They would appear as a modern suburban pair of dwellings with a design that does not sufficiently respond to the street scene context.
8. I would agree with the Council that the integrated side carport would appear as an unusual and prominent feature for Plot 1. I am not satisfied that the materials, fenestration and detailing proposed would be suitable, such as the brick detailing on the window lintels and the GRP chimney. The small gables to the front elevations are also not a characteristic feature of Springfield. Overall, the design is more typical of a modern housing estate and does not reflect or incorporate some of the more positive aspects that makes Springfield a positive street within the CA setting. I regard the use of conditions to not be a sufficient route to address these matters satisfactorily as there would need to be potentially a significant degree of change from the dwellings currently proposed.
9. This is a sensitive location within the CA and within a street scene which contributes positively to the setting of this CA, but the proposed dwellings would be a negative addition within this setting. They would be incongruous within the street-scene of Springfield, failing to reflect the prevailing character of this street. I note that there is some variety within Springfield, with some examples of dwellings not of traditional appearance and also some featuring aspects incorporated within the proposed design. However, these examples are not prevalent within the existing street scene. Furthermore, the proposed dwellings would be in a particularly prominent location at the visual end-stop for the cul-de-sac and would be within the CA rather than adjacent to it.
10. The plots are smaller than some of those seen along High Road, but they are more reflecting of those along Springfield. I note the previous Inspector for a proposed development at this site found the development to be cramped, but these are now smaller houses proposed and would be more spacious within the plots. I also note that it appears that the plots of Nos 12 and 14 High Road were severed some time ago from the commercial units currently occupying the site of the proposed houses.
11. The existing collection of old commercial outbuildings and hardstanding area are not positive aspects of the CA or the Springfield street scene. However, they are low profile structures which have little visual impact. The two proposed dwellings would have a greater prominence, whilst still not having a positive visual impact. Furthermore, paragraph 200 of the Framework states that Councils "should look for opportunities for new development within Conservation Areasto enhance or better reveal their significance." As such,

the poor state of the site currently is not reason to allow development which would not be suitable within the CA and would not enhance the site.

12. Although the proposed dwellings would not be readily visible from High Road, they would be to the edge of the CA. The development would be harmful to the character and appearance of the Conservation Area and its significance by introducing dwellings of a less than suitable design for their context. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, such harm should be weighed against any public benefits of the proposal.
13. The proposal would provide two dwellings on this site towards local housing supply. It would make an efficient use of a site also. However, whilst the benefits of the development are noted, they do not outweigh the identified heritage asset harm, to which I must attach considerable importance and weight.
14. The proposal would be harmful to the CA with no overriding public benefits. Therefore, the development would fail to accord with Core Strategy Policies SP1, CS14 and CS22, and policies SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan (2016). These policies require that development be of a high quality design which is appropriate in terms of scale and appearance; should take advantage of opportunities to improve the character and quality of areas; and have regard to the significance of heritage assets, amongst other things.

Living Conditions

15. The proposed semi-detached dwellings would be set back within the plot, with car parking to the front, with the rear gardens approximately 10m in length. Whilst these would be relatively small gardens, they would provide sufficient outdoor space for future occupants, with these proposed dwellings smaller than those with the previous appeal scheme.
16. However, there would only be limited separation distance between the rear of the proposed dwellings and the rear of Nos 12, 14 and 16 High Road. As set out by the Council's Planning and Design Supplementary Planning Document (SPD) Part, it suggests a distance of 28m as a "starting point" to prevent undue levels of overlooking. But it makes clear that this 28m distance should not be used in all cases. In my opinion, as the area is urban in character of relatively high density a lesser distance could be appropriate and some level of overlooking may be acceptable. Whilst any residents of Nos 12 and 14 currently experience limited overlooking, following my site visit and consideration of all factors the separation distance would be sufficient to allow for a reasonable level of privacy and avoidance of unacceptable levels of overlooking between windows of habitable rooms.
17. Likewise, there would remain a significant distance between the proposed dwellings and the rear elevations of No 16. With the reduced height with no rear dormers proposed at second floor level (as there was with the previous appeal on this site) I would regard the overall level of overlooking impact (to both house and rear garden) as minimal to this neighbour.
18. Whilst not included in the reasons for refusal, there is also mention of concern regarding the impacts to the living conditions of those occupants of 40

Springfield. Whilst I note the close proximity of Plot 2 and No 40, the separation distance and angled orientation are sufficient to avoid any unacceptable levels of impact to these neighbouring occupants.

19. Due to these separation distances involved from neighbours to the site, together with the sufficient size of private amenity space, future occupants of the proposed dwellings would have suitable living condition standards.
20. Overall, I conclude that the development would not result in harm to neighbour or future occupants. The development would therefore accord with the Core Strategy policies SP1 and CS22, and Site Allocations and Development Management Policies Plan (2016) policies SADM3 and SADM30. These policies state that permission will be refused where the size of garden space would be inadequate and where there would be impacts on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.

Tree Impacts

21. The silver birch tree that was on the site has now been felled. The appellant has set out reasons why this may have been done, but ultimately, I cannot consider the effect of the development on a tree that does not exist. It is for the Council to consider any future course of action on this matter. A replacement tree or landscaping condition could have been considered, but as this appeal is not being allowed I have not pursued this matter further.

Planning Balance

22. The appellant has set out the benefits of the proposal. I would agree that the site currently is not a positive aspect of the CA, but as set out above the proposed dwellings would fall short of what would be a development appropriate for a CA in this location.
23. The proposal would redevelop this accessible 'brownfield' site and bring some social and economic benefits in doing so. I particularly note the financial figures relating to house building benefits for England and Wales, as included in the appellant's statement. However, this is for only two dwellings and so the benefits would be limited.
24. Overall, the harm to the CA, to which I must attribute great weight, would outweigh the benefits associated with the proposed development.

Conclusion

25. For the reasons given above and considering all matters raised I conclude that the appeal should be dismissed.

Steven Rennie

INSPECTOR

