



Appeal Decision

Site visit made on 3 August 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/N1920/W/20/3263111

1 Loom Lane, Radlett WD7 8AA

- 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 G Temple against the decision of Hertsmere Borough Council.
 - The application Ref 20/0422/FUL, dated 20 March 2020, was refused by notice dated 21 July 2020.
 - The development proposed is demolition of existing house and outbuildings to facilitate construction of 2 x dwellings (1 x 4 bed & 1 x 5 bed) to include accommodation at basement level with associated landscaping and parking (revised application to 18/2261/FUL).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Hertsmere Borough Council. That application is the subject of a separate decision.

Preliminary Matters

3. The description I have used above is taken from the appeal form and the Council's decision notice as that describes the development more succinctly than the description given on the application form.
4. During the course of the appeal, a revised version of the National Planning Policy Framework (the Framework) was published¹ and the Radlett Neighbourhood Plan (RNP) was adopted². Whilst the main parties made their appeal submissions based on the earlier Framework (2019) and the Referendum Version of the RNP, the policies that are material to this appeal have not changed fundamentally.
5. I am satisfied that the revised Framework (2021) and the adopted version of the RNP carry forward the main relevant policy areas from the earlier documents as relevant to this appeal. As such, it is not necessary to revert to the parties further.

¹ 20 July 2021

² 06 May 2021

Main Issue

6. The Council's third reason for refusal relates to the lack of a Preliminary Roost Assessment. Since the decision notice was issued, the appellant has provided an Emergence and Activity Bat Survey with this appeal. In light of this, the Council has confirmed its concerns set out in refusal reason 3 have been addressed. Based on the submitted evidence and my observations, I have no reason to consider otherwise.
7. Against this background, I consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Radlett South Conservation Area (RSCA)

Reasons

8. The appeal site is located at the junction of Loom Lane and the main road through Radlett which, adjacent to the site, is known as Watling Street and then Cobden Hill to the south. Loom Lane and the surrounding properties, including the site, fall within the boundaries of the RSCA. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
9. The Radlett South Conservation Area Appraisal 2012 (Appraisal) identifies the principal features of the RSCA as including (amongst others) original houses in Loom Lane, in secluded settings, with narrow access points; and extensive tree and shrub planting to elevated gardens and along the boundaries to houses in Loom Lane. The Appraisal advises that the common character of the original houses on Loom Lane is their 'Arts and Crafts' influenced form and materials. The Appraisal goes on to advise that the sunken and verdant nature of Loom Lane has been maintained by the siting of the houses being well back on their plots, generally with ample space between them. The appellant has referred to many other dwellings in the RSCA and I accept that there is some variety in the design and layout of dwellings along Loom Lane. This variety does not, however, alter the prevailing common characteristics of the RSCA as identified within the Appraisal and I concur with the findings of the Appraisal in this regard.
10. Trees on the site are afforded protection by virtue of their location within a conservation area and numerous trees on site are also subject to a tree preservation order³. I note that the proposal involves the removal of one category 'B' tree, one category 'C' tree, one category 'C' Hedge and a section of one category 'C' Hedge. Furthermore, the proposal would involve the pruning of several retained trees and works within the root protection areas of numerous trees within the site, including many category 'A' trees. The trees to be removed are not significant within the site, or of a particularly high quality, and they make a limited contribution to the character of the wider RSCA. The rooms that would be most affected by the retained trees on the eastern boundary would be a library, ensuite bathroom and a dressing room. Given the uses of these adjacent facing rooms, I am not persuaded that maintaining appropriate living conditions within the adjacent dwelling would result in undue pressure to unacceptably prune the retained trees. In any case, any future works to the trees on site would be subject to formal application.

³ TPO/376/1997

11. I note that the Council's Tree Officer considers that the encroachment of works into the root protection areas of retained trees may have a long term impact on the affected trees. Whilst I acknowledge that incursion into root protection areas can represent a risk to trees, that risk can be controlled and limited by appropriate working practices. The appellant has submitted an Arboricultural Implications Assessment that sets out the required tree protection and necessary site specific method statements to ensure retained trees are suitably protected. Subject to these matters being secured by condition, in combination with an appropriate landscaping scheme, I am satisfied that the proposed tree works would not have an unacceptable impact on the character of the RSCA.
12. As such, with regards to the proposed tree works and landscaping, I find the proposal does not conflict with Policies SP1, CS12, CS14 and CS22 of the Hertsmere Core Strategy (2013), nor does it conflict with Policies SADM12, SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan (2016) and Policy HD5 of the RNP. These policies, taken together, amongst other things, seek to protect healthy, high quality trees and the conservation and enhancement of the natural environment. The proposal would also comply with the Framework requirements in paragraphs 130, 131 and 174 to retain existing trees wherever possible, recognising the wider benefits from natural capital.
13. Notwithstanding my findings with regards to the effect of the proposal on the trees on the site, it is necessary to assess the overall effect of the proposal on the RSCA. Whilst I note the dwelling at 1 Loom Lane is not highlighted within the Appraisal as making a positive contribution to the RSCA, it is an original dwelling from the early 20th century and is of an 'Arts and Crafts' influenced design. Architectural details of the dwelling, many of which are shared with other original dwellings on Loom Lane, include the plain clay tile and hipped main roof, casement windows, a redbrick ground floor, decorative brick band and rendered first floor elevations. Existing mature trees and vegetation are located along the site's northern (Loom Lane) and eastern boundaries (Watling Street/Cobden Hill). The existing dwelling is set well back within its spacious plot behind an elevated garden. The boundary planting limits public views of the existing dwelling to only glimpses up the narrow access driveway and through the vegetation. The setting of the dwelling is verdant and secluded. As such, I find the site shares many of the important features of RSCA identified within the Appraisal and it, therefore, contributes positively to the character, appearance and significance of the RSCA.
14. I note that the proposed dwellings would include design details shared with the 'Arts and Crafts' influenced dwellings on Loom Lane, including brick at ground floor level, a decorative brick band and rendered first floor elevations. The depth of the dwellings would, however, be much greater than existing dwellings in the area and this results in uncomfortably bulky flank elevations. Whilst I acknowledge the attempts to break up the lengthy mass of the flank elevations, these elevations lack articulation and provide limited visual relief.
15. Furthermore, the dwellings would be sited in a staggered arrangement incongruously forward of the relatively consistent building line of existing dwellings on the southern side of Loom Lane. Whilst I have had regard to the appellant's reference to 1A Loom Lane and the existing outbuildings on the site, no 1A is situated to the rear of the prevailing building line and the outbuildings are of limited scale. As such, the detrimental impact of the proposed large

dwelling on the building line and prevailing pattern of development on the southern side of Loom Lane would be significantly greater.

16. I acknowledge that public views of the dwellings would be limited by the retained boundary planting. Nevertheless, the incongruous depth, siting and bulky design of the dwellings would be glimpsed in public views. The loss of an original arts and crafts influenced dwelling, in combination with the incongruous design of the proposed dwellings, the limited space between them, and the loss of set back from both Loom Lane and Cobden Hill, would result in harm to the identified important common characteristics of the RSCA, including its verdant and spacious character.
17. For the reasons identified above, the development would fail to preserve the character and appearance of the RSCA. The proposal would, consequently, also harm the significance of the RSCA as a designated heritage asset. In these regards, the proposal would conflict with Policies SP1, CS14 and CS22 of the Hertsmere Core Strategy (2013), Policies SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan (2016), Policy HD3 of the RNP. These policies, taken together, amongst other things, require development to conserve or enhance the historic environment and to recognise and complement the particular local character of the area in which it is located. Furthermore, the proposal would conflict with the requirement for development to be sympathetic to local character and history set out at Framework paragraph 130.

Heritage Balance

18. With reference to Paragraphs 199 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this case, under the terms of the Framework, I consider the harm to be 'less than substantial'. However, less than substantial harm does not equate to less than substantial weight in the planning balance, and in accordance with Framework paragraph 199, the harm attracts great weight. Under such circumstances, paragraph 202 of the Framework requires that the harm be weighed against any public benefits that the proposal might secure.
19. The proposal would result in some economic and social benefits, including through the dwellings' construction and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for only a single additional dwelling, the benefits identified attract limited weight.
20. These public benefits would fail to outweigh the considerable importance and great weight I must afford to the identified harm to the RSCA. As such, the proposal would conflict Framework's aim to conserve heritage assets in a manner appropriate to their significance as set out in paragraphs 189, 197, 199 and 202.

Other Matters

21. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. The nearest listed building to the site is Christ Church (Grade II) located approximately 100 m to the north-west of the site. The appellant asserts that the proposed development would not impact on the significance or the setting of Christ Church. Given that Christ Church is detached from the site, with no apparent direct functional or historic relationship with the site, I see no reason to disagree.
22. I acknowledge that Policy CS14 of the Hertsmere Core Strategy (2013) fails to provide for the balancing of any harm to designated heritage assets against public benefits as required by Framework paragraph 202. Nevertheless, this policy does broadly follow the advice in the Framework that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. As such, the identified conflict with Policy CS14 is given significant weight.
23. The appellant has drawn my attention to the planning permissions⁴ granted at no 6 Loom Lane on the northern side of Loom Lane. Those permissions, taken together, granted permission for the demolition of the existing dwelling, the sub-division of the plot, and the development of two new dwellings. The proposals at no 6 are of a significantly different design, layout, and context in terms of building line, to the current proposals. As such, the circumstances of those earlier permissions are not directly comparable with those that apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal based on the evidence before me.
24. I have also had regard to other matters raised by interested parties. As I am dismissing the appeal on the main issue, I have not addressed these matters further.

Conclusion

25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. I have acknowledged the benefits of the proposal in the above heritage balance. Overall, however, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.
26. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR

⁴ LPA refs: 16/2325/FUL & 18/2245/FUL