



Appeal Decision

Site visit made on 30 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 DECEMBER 2021

Appeal Ref: APP/N1920/W/21/3273706
103 Shenley Road, Borehamwood WD6 1AG

- 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 Adam Elmasri of Leathbond Limited against the decision of Hertsmere Borough Council.
 - The application Ref 21/0068/FUL, dated 7 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is change of use of first floor from ancillary café (Use Class E) to 2no. self-contained residential flats (Use Class C3) and associated external alterations at ground and first floor.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of first floor from ancillary café (Use Class E) to 2no. self-contained residential flats (Use Class C3) and associated external alterations at ground and first floor at 103 Shenley Road, Borehamwood WD6 1AG in accordance with the terms of the application, Ref 21/0068/FUL, dated 7 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan (SR-001); Site Plan Existing (SR-100); Ground Floor Plan Existing (SR-110); First Floor Plan Existing (SR-111); South East and North East Elevations Existing (SR-120); Site Plan Proposed (SR-200); Ground Floor Plan Proposed (SR-210); First Floor Plan Proposed (SR-211); South East and North East Elevations Proposed (SR-220 Rev B); Shop front details (SR-221 Rev A).

Procedural matter

2. The appellant's appeal submission includes amended plans (ref. SR-220 Rev. B and SR-221 Rev A) showing the proposed residential entrance door as predominantly glazed as part of the new shop front at the appeal property. Having regard to the 'Wheatcroft' principles, as all parties have been consulted and provided with an opportunity to comments on this change, I consider that there would be no prejudice to any party by considering the amended plans. I have determined the appeal on the basis accordingly.

Main Issue

3. The main issue is the effect of the new entrance doorway to the proposed first floor flats on the character and appearance of the host property, the parade of shops in which it forms a part of and the area.

Reasons

4. The appeal site comprises of a three storey mid terrace building with a commercial cafe at ground floor level, ancillary cafe and storage uses at first floor level and residential use above in Borehamwood Town Centre. The proposal would involve the insertion of a new single glazed entrance doorway to the left hand side of the shop front onto Shenley Road to serve 2no. new self-contained residential flats at first floor level and associated external works.
5. The neighbouring properties comprise of a dense mix of two and three-storey terraced properties with ground floor commercial uses with predominantly glazed frontages of varying styles and designs with commercial and residential uses at the upper levels. The entrance doorways for pedestrians and customers are generally centrally positioned within the glazed shop frontages, although some have offset entrance doorways to the commercial uses and separate pedestrian doorways that provide access to the residential uses above. These offset and separate entrance doorways generally appear as clearly subordinate to the shopfronts along the parade in this location.
6. Whilst the proposed glazed entrance doorway would be located in a prominent position, it would be seen in the context of the current varied architectural styles of the buildings, shop fronts and entrance doorways around the appeal property, the parade of shops in this location and in the surrounding area.
7. Against this backdrop, the scale, form and design of the proposed glazed doorway, would not appear significantly out of place or excessive in relation to the shop fronts along the parade in this location. The modest overall scale and proportions of the proposed glazed doorway, together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the shop front and the built form of the main property. The proposed glazed doorway would therefore achieve an appropriate degree of subordination to the host property and the parade of shops in this location and as such would limit any significant adverse impacts on the street scene.
8. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
9. Consequently, I conclude that the new entrance doorway to the proposed first floor flats would not have a harmful effect on the character and appearance of the host property, the parade of shops in which it forms a part of and the area. It would be consistent with the design aims of Policy CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013, Policies SADM30 and SADM49 of the Site Allocations and Development Management Policies Plan 2016 and Part F of the Council's Planning and Design Guide Supplementary Planning Document 2011. These policies and guidance, amongst other things, seek to ensure that new development proposals, including shop fronts, are of a

high quality design that make a positive contribution to the built environment, recognise and complement the particular local character of the area and respect, enhance or improve the visual amenity of the area by virtue of their scale, mass, bulk, height and form.

10. It would accord with the aims of the National Planning Policy Framework that seek to ensure developments secure a high quality of design (paragraph 126); that are sympathetic to local character (paragraph 130).

Conditions

11. Having regard to the National Planning Policy Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council and the submission of the appellant. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR