



Appeal Decision

Site visit made on 5 January 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2022

Appeal Ref: APP/N1920/W/21/3278391

32 Links Drive, Radlett, WD7 8BE

- 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 Gary Holloway against the decision of Hertsmere Borough Council.
 - The application Ref 21/0730/FUL dated 31 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is demolition of existing dwelling and construction of a new detached 2-storey, 4 bed dwelling with lower ground level to include associated parking, bin store and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development. This is noted as acceptable within the appellant's submissions.
3. Since refusal of this application the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. The Framework does not, of course, change the starting point for determination as being the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Given the main issues to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination. In any case the elements the appellant references with regard to the Framework (the presumption in favour of sustainable development) remain the same.
4. The 2021 Housing Delivery Test Results were published on 14th January 2022. Both parties have confirmed they have no comments to make in relation to these in relation to this appeal.

Main Issue

5. The main issue is the impact of the proposal upon the character of the area as a result of the loss of the bungalows character.

Reasons

6. The appeal site is a detached bungalow with a hipped roof which benefits from a single storey side extension and garage that is accessed off a private road – Links Drive. The appeal proposal seeks to replace the one-bedroom bungalow with a four-bedroom family dwelling with accommodation over three floors

including a lower ground floor level. Whilst I did not access the site during my site visit and viewed from the road, I note from the submissions before me, that the site levels vary and that they drop away from the rear of the existing bungalow to the garden boundary as well as having differing levels of access from the road.

7. The refusal reason references a single policy – Policy HD7 of the Radlett Neighbourhood Development Plan 2021 (NP). This policy relates to the Radlett Bungalows and identifies said bungalows on the policy inset maps. Despite the mixed character of the area, noted below, the appeal site, a bungalow, is identified on inset map 2 (group 8). The proposal falls to be assessed, therefore, within the scope of NP Policy HD7 which has been adopted within the last twelve months and thus carries full weight.
8. At the time of my site visit I noted that the properties along Links Drive are varied in character with a mixture of bungalows and two-storey dwellings. I found that the bungalow contributed positively to this mixed character combined with the neighbouring bungalow which also forms part of the same group. The Council's delegated report also acknowledges this mixed character and also notes the heights of the neighbouring dwelling in comparison to the appeal proposal.
9. Despite this the proposal would result in an overall increased ridge height of 1.3m. The ridge of the existing bungalow is; however, a single point when viewed from the street scene and I find that exceeding this by 1.3m for the full width of the plot would add considerable bulk and massing above the overall existing outline of the roof of the existing bungalow. I find that this bulk and massing would result in a loss of the essentially single storey character of the bungalow when combined with the proposed external materials and general design before me. I do not find that the proposal is corresponding in proportion in terms of its existing ridge height and nor is it in keeping with the key features typical of local bungalows identified within the NP.
10. I have before me the decision notice for 14 Links Drive¹. I note that the Inspector placed weight, in favour of the proposal for replacement in that appeal, as a result of the poor condition and extensive works stated to be required, to both the interior and exterior to bring it up to a modern, liveable standard of accommodation. I have no further information such as plans, or documents from that site, to allow me to understand the context of the Inspector's findings but from the decision letter I would assume that 14 Links Drive was in a much poorer state of repair due to the reference to a need for a liveable standard of accommodation. Greater weight was given to the Hertsmere Core Strategy 2013 (CS) policies in that case as a result of the NP not yet forming part of the Council's development plan, which it now does.
11. Photographs from within the appeal site are noted, however, there is no further evidence before me such as a structural survey which supports the overall condition claimed. I note the letter from Attewell and Hardwick Letting Agents. The letter is specific in listing works that would be required to essentially make the property able to be rented out in terms of legislative requirements. I place limited weight upon its contents as I find that it is essentially vague and outlines works which I would expect to be reasonably required as part of the refurbishment of an older property. Based upon the evidence before me I do

¹ APP/N1920/W/20/3263191

not find that the works stated realistically provide justification for demolition and replacement of the property at the scale proposed and that the proposal at 14 Links Drive was likely not in comparable condition to the appeal site before me. The letter from Village Estates (Estate Agent) is essentially a market demand matter and I do not find this supports the policy based objection with regard to loss of the character of the bungalow.

12. The overall thrust of NP Policy HD7 is, I find, to retain the character of the bungalows themselves if they are to be replaced as well as respecting the wider setting. I note comments regarding the site levels and access for older generations but similarly these could be likely addressed with a replacement dwelling of a scale which does not result in the loss of the bungalow's character. The Council's report is clear, as is NP Policy HD7, the principle of replacing the bungalow is acceptable. It is the scale, bulk and massing of the proposal which would result in the loss of the bungalow's character which forms the basis for refusal. The replacement of such bungalows must be broadly commensurate as outlined earlier within this decision letter.
13. I acknowledge the appellant's reference to R v Rochdale Metropolitan Borough Council ex parte Milne (Queens Bench Division), July 2000 but find that this case significantly pre-dates both the Framework and the Planning and Compulsory Purchase Act 2004. It is of course the objective of the Framework to deliver sustainable development but the Framework does not change the starting point for determination which is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 11 of the Framework is clear that decisions should apply a presumption in favour of sustainable development, however, paragraph 12 is also clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
14. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. CS Policy SP2 reflects this exact approach of the Framework. The NP is a statutory planning document which forms part of the Local Plan and thus carries significant weight in the determination of this appeal. I have found the proposal to directly conflict with clear policy guidance contained within NP Policy HD7. I do not find the proposal to be considered as one within the context of a planning balance given the application of relevant policy as outlined.
15. The proposal would be contrary to NP Policy HD7 which states that proposals which impact on any of the Radlett Bungalows identified for their individual or group value in contributing positively to local townscape character should protect or enhance this position. Replacement of an existing bungalow is allowed in principle but it must be broadly commensurate in terms of its existing ridge height and respect its wider setting. Applications should be in keeping with key features typical of local bungalows and their setting. The proposal fails to meet these latter two points.

Other Matters

16. I note that the appellant references a recent decision on Links Drive within their final comments. Whilst I understand the timings of decisions may be unfortunate, in that they were unable to be included in the appellant's original

submissions, final comments are not the place for submission of new evidence. Even if this was not the case the appellant has only stated the reference number of the application in question and I have no further details before me, such as plans or the decision, to enable me to attribute weight to this within the determination of this appeal.

17. This is also the case with several other sites within the appellant's design and access statement, however, there is no information regarding each site other than the address, description and application number. A good number appear to be in Goodyers Avenue but I have insufficient information to draw conclusion or attribute weight to them within this appeal. Notwithstanding this, each case falls to be considered on its own merits and the approval referred to in final comments is also stated to be a prior approval which would fall to be assessed against the relevant legislation i.e. not as a full planning application which is the subject of this appeal.
18. I note that a proposed dwelling at no. 40 Links Drive is shown as an outline within the street scene drawings (with consent referenced as 19/0967/FUL). I have no further information before me and in any case, this appears, based upon the application number, to have been determined prior to the adoption of the NP which is now a material consideration and upon which this appeal proposal's main issue is based.
19. I note comments in support of the proposal; however, a lack of objection is a neutral consideration. I note that there are a number of objections, however, given that I am dismissing this appeal for the reasons outlined above I see limited merit in directly addressing those comments relating to this scheme directly on this occasion.
20. The Council did submit ten suggested conditions as part of this appeal and I note the appellant's willingness to accept conditions on any consent granted. Despite this given that I have found the proposal unacceptable in principle, as a result of scale resulting in the loss of the bungalow's character, I do not find the imposition of conditions could overcome this issue.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR