



Appeal Decision

Site visit made on 15 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/N1920/W/21/3281815

8 Aldenham Grove, Radlett WD7 7BW

- 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 and Mrs A Quinn against the decision of Hertsmere Borough Council.
 - The application Ref 21/0729/FUL, dated 1 April 2021, was refused by notice dated 3 June 2021.
 - The development proposed is demolition of existing dwellinghouse and garage building and erection of a two-storey dwellinghouse with associated basement and outbuilding, and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwellinghouse and garage building and erection of a two-storey dwellinghouse with associated basement and outbuilding, and landscaping, at 8 Aldenham Grove, Radlett WD7 7BW in accordance with the terms of the application, Ref 21/0759/FUL, dated 6 April 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appellant has submitted amended plans as part of the appeal which seek to address the Council's reason for refusal. It is indicated that these plans were put to the Council as part of pre-planning discussions. In short, the amended plans reduce the height of the elevations and the size of the crown roof, but the overall form and appearance of the dwelling remains as originally proposed. The amended plans do not introduce any new elements to the proposal, and result in the overall scale of the dwelling being reduced. Both the Council and interested parties have had the opportunity to comment on these plans at the appeal stage. Having regard to the *Wheatcroft*¹ principles, I am satisfied that the amendments introduced by these plans are not substantially different to the previous plans and no party would be prejudiced by my considering the appeal on the basis of these revised plans.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Aldenham Grove is a private residential road with large, detached properties set in spacious grounds with mature landscaping, particularly to the rear,

¹ ¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

lending the surroundings a sylvan quality. The dwellings are individual in their designs and some are set well back from the street, but there is a degree of consistency to the plot widths and some rhythm to the development along the street.

5. The appeal site differs from this pattern, encompassing a substantial site around as large as the combined area of the three properties to the south. The site is screened from the road by a dense copse of trees to the front half. A large, detached dwelling stands to the rear corner, angled to face the interior of the site. At the time of my visit, the dwelling was in a state of some disrepair and unoccupied.
6. The proposal seeks the demolition of the existing dwelling and its replacement with a substantial mansion-style dwelling in roughly the same rear corner of the site. However, the proposed dwelling would have a significantly larger footprint and would stand closer to the interior of the site. The dwelling would stand two storeys above ground, with a partially exposed basement level to one corner. There would also be a garage wing projecting at an angle towards the rear boundary and a long, detached outbuilding to the side of the dwelling facing the garden.
7. The Council is not opposed to the principle of demolition and rebuilding on the site. I note the existing dwelling is not listed, nor is the site located within a conservation area. It is also heavily screened from public views and has limited effect on the street scene as a result. Its demolition would not upset an established or consistent pattern of development. Therefore, I am satisfied that the demolition of the existing dwelling would not be harmful to the character and appearance of the area.
8. The Council's reason for refusal instead relates to the scale and design of the proposed dwelling. Specifically, it points to the proposed crown roof being uncharacteristic of the area, and that it would facilitate a building with a large span that, combined with tall elevations and the exposed basement forming a visible third storey, would result in a building of excessive scale that would be at odds with the more understated character of neighbouring dwellings.
9. The proposed dwelling would be substantial in size, with wide elevations embellished with prominent projecting bays and a full height window to the rear elevation, and a central gable to the front elevation. The parapet height would be consistent across each elevation of the main dwelling, creating significant high level massing across the whole building and an overall box-like shape. Added to this would be the garage projection and the garden building, which although detached would be close to the main dwelling and read in context with it.
10. As originally proposed, the parapet level would have reached nearly 8 metres above ground level. However, the revised plans submitted by the appellant would lower the overall height of the building by some 560mm. The dwelling would still be substantial in size, but the lowered height would create a less overwhelming, more domestic character to the building. Moreover, the pitch of the roof would be made shallower, further reducing high level massing and the prominence of the crown roof.
11. I recognise that neighbouring dwellings generally demonstrate more varied massing and articulation, both to their elevations and roofs, which tend to be

traditional pitched or hipped roofs rather than the crown roof proposed. However, the proposed dwelling would be heavily screened from view by the copse of trees to the front of the site, and would not therefore be easily read in context with surrounding development. Views would be limited to those from the nearest dwelling in Lamorne Close to the rear and from 10 Aldenham Grove to the side, whilst the partially exposed basement would only be readily visible from the site entrance.

12. However, I also note that there are a number of substantial detached properties nearby, including several immediately to the north on The Avenue. The appeal site is also considerably larger than others on Aldenham Grove, and is capable of accommodating a dwelling of larger size than neighbouring plots. Therefore, whilst the dwelling would be observable from certain neighbouring vantage points, its overall scale and design would not be excessive or dominant within its plot, nor would it dominate the wider surroundings given its largely concealed position to the rear of the plot and the screening provided by trees.
13. The appellants make reference to a recent planning permission at 1 Aldenham Grove² for demolition and reconstruction of a dwellinghouse as evidence of inconsistent decision making by the Council, which has provided comments in response to this pointing to differences in design of the two proposals. Ultimately, I have limited information before me in respect of this other permission, and I have considered the appeal scheme on its own planning merits and my observations on site.
14. For the reasons set out, I conclude that the proposal would preserve the character and appearance of the area. No conflict therefore arises with Policy CS22 of the Hertsmere Local Plan Core Strategy (January 2013) (the CS); Policy SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Plan (November 2016) (the SADMP) or Policy HD3 of the Made (adopted) Radlett Neighbourhood Plan 2021, which together require development to be of a high quality design which ensures the creation of attractive and usable places and recognises and complements the particular local character of the area in which it is located. Nor would there be conflict with the guidance of the draft Planning and Design Guide Part D (Sept 2016).

Other Matters

Living Conditions

15. Concern is raised at the potential for the outbuilding to be a source of noise and disturbance due to its size, enabling use by a large number of people and bi-fold doors to two sides creating an open structure that would allow noise to dissipate. The outbuilding would be located near to the side boundary with 10 Aldenham Grove, the rear elevation of which is orientated towards the appeal site.
16. The nature of the proposed outbuilding, with kitchen and living facilities, means that it could be used for socialising by residents. Whilst it would be larger than most outbuildings, it would still form an ancillary structure to the main dwelling, for use as part of normal domestic activity, as would the rest of the garden. There is no clear evidence to indicate that the use of the outbuilding for such purposes would give rise to significant levels of noise or disturbance.

² Council Ref: 21/2362/FUL

17. The appellants and Council also acknowledge that an outbuilding could be erected on the site under permitted development. I concur with the Council that removal of permitted development rights would not be justified given the size of the site, and this represents a fall-back position for the appellants. Given these factors, I do not find that the proposed outbuilding would cause demonstrable harm in terms of noise and disturbance.
18. In other respects, the Council has not raised concern. I saw that the dwelling to the rear to be at higher level than the appeal site, and whilst there would be some intervisibility between the dwellings, the level changes and boundary vegetation would prevent a noticeable loss of privacy for adjoining occupants.
19. Concern is also expressed in terms of noise and disturbance from construction work. Such effects would inevitably be temporary, but I recognise that the scale of the proposal has the potential to be disruptive whilst taking place. It would be possible to mitigate these impacts through a planning condition requiring a construction method statement that would set out measures to control the impacts of construction, including working hours, vehicular movements, security, dust and waste.
20. Overall, I am satisfied that the proposal would not lead to significant harm to neighbours' living conditions.

Trees

21. I note that the site contains a number of trees protected through a tree preservation order. The appellants have submitted an arboricultural impact assessment and method statement. No objection has been raised by the Council to the details contained in these statements or the methodologies for protecting existing trees, except for potential further investigations in respect of level changes to the driveway, which would need to be the subject of a pre-commencement condition in order to protect existing trees that may be adversely affected by any level changes.

Ecology

22. The appellants submitted an ecological survey during the course of the application following initial comments from Hertfordshire Wildlife Trust. The survey concluded that the potential impacts on existing wildlife are likely to be minimal, and that there are no significant ecological constraints to redeveloping the site. The survey recommends enhancements such as new bird nesting and bat roosting opportunities and wildlife-friendly landscaping to encourage biodiversity. I have no substantive evidence to contradict these findings. The suggested enhancements could be secured by planning condition.

Other Issues Raised

23. The Council did not oppose the application in respect of any other matter, including drainage, waste, sustainable design, highway safety or the standard of accommodation to be provided. On the evidence before me, I do not have firm reasons to conclude otherwise in these matters.
24. I have had regard to other concerns raised by interested parties beyond those already addressed. Ultimately, taking account of the evidence before me, I have not identified other matters of such significance as to result in further material benefits or harms to be factored into the overall planning balance.

Conditions

25. I have had regard to the list of conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant test for conditions set out in the Framework. The appellants have also confirmed their agreement to those conditions which would be pre-commencement.
26. In addition to the statutory time limit for implementation, a condition setting out the approved plans is necessary to provide certainty.
27. Given the proximity of residential properties, a condition requiring a construction method statement is necessary to mitigate the potential disturbance arising from building works and construction traffic. It is also necessary to secure further investigative arboricultural works relating to potential level changes to the front drive, to protect existing trees. These conditions are pre-commencement as they relate specifically to impacts that would arise from the outset of the construction phase and would be ineffective or lead to harm or loss were they required to be addressed at a later stage.
28. It is also necessary to condition other proposed measures to protect existing trees during the construction phase in line with details given in the appellant's arboricultural impact assessment and method statement. Details of proposed landscaping and external materials are also required to ensure a satisfactory appearance. Finally, it is necessary to secure the aforementioned ecological enhancements to provide for biodiversity gains.

Conclusion

29. For the reasons given, I conclude that the proposal would accord with the development plan, taken as a whole, and other material considerations in this case do not indicate that permission should nevertheless be withheld.
30. Therefore, the appeal should be allowed.

K. Savage

INSPECTOR

Schedule of 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 following approved plans:
 - 2659-PL01 (Site Location Plan)
 - 2659-PL02 (Existing Site Plan)
 - 2659-PL03 (Existing Floor Plans)
 - 2659-PL04A (Proposed Site Plan)
 - 2659-PL05A (Proposed Ground Floor Plan)
 - 2659-PL06A (Proposed First Floor Plan)
 - 2659-PL07A (Proposed Basement Plan)
 - 2659-PL08B (Proposed Roof Plan)
 - 2659-PL09A (Proposed Front Elevation)
 - 2659-PL10A (Proposed Rear Elevation)
 - 2659-PL11A (Proposed Left Elevation)
 - 2659-PL12A (Proposed Right Elevation)
 - 2659-PL13 (Garden Room Plans)
 - 2659-PL14 (Garden Room Elevations)
 - 2659-PL15A (Proposed Site Section)
 - 2659-PL16A (Proposed Visual 1)
 - 2659-PL17A (Proposed Visual 2)
 - 2659-PL19B (Proposed Visual 3 – Existing and Proposed View from Gate)
 - 2659-PL20 (Proposed Existing and Proposed View from Entrance)
 - TPP/8AGRH/010A (Tree Protection Plan)
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control and monitor the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until the results of the Further Site Investigation set out in Section 14 of the Arboricultural Impact Assessment (by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, dated March 2021) have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and any required amendments or changes to plans and subsequent method statements.
- 5) Other than where so amended by the approved details of Condition No 4, the development hereby permitted shall be carried out in complete accordance with the recommendations and timescales of the Arboricultural Impact Assessment and Arboricultural Method Statement (both by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, dated March 2021) and Tree Protection Plan TPP/8AGRH/010A.
- 6) Excluding demolition and below ground works, no development shall take place on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate), boundary treatments, hard surfacing and a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The approved soft landscaping works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. The approved hard landscaping works shall be implemented prior to occupation of the dwelling. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
- 7) The development hereby permitted shall be carried out in accordance with the Recommendations set out in Section 7 of the Ecological Assessment (May 2021, prepared by Green Environmental Consultants).
- 8) Excluding demolition and below ground works, no works shall commence until samples of the materials to be used in the construction of the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

End of Schedule