



Appeal Decision

Site visit made on 14 October 2022

by J D Westbrook BSc(hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/P1940/D/22/3298276

36A Russell Road, Moor Park, NORTHWOOD, Middlesex, HA6 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Heather Jolliffe against the decision of Three Rivers District Council.
 - The application Ref 22/0024/FUL, dated 7 January 2022, was refused by notice dated 7 March 2022.
 - The application sought planning permission for the Variation of Condition 2 (Approved Plans) of application 21/0717/FUL (Variation of Condition 2 (approved plans) pursuant to planning permission 18/2245/FUL, to remove integral garage, alteration to fenestration detail and alterations to driveway) to include rooflights to flank roofslopes, without complying with a condition attached to planning permission 21/0717/FUL, dated 19 March 2021.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), 1133/P/1F, 1133/P/2C, 1133/P/3C, 1133/P/4B, 1133/P/6B, 1133/P/7B, 1133/P/8, 01 (Topographical Survey), 1133/P/10, 1133/P/11B.*
 - The reason given for the condition is: *For the avoidance of doubt, in the proper interests of planning and to protect the visual amenities of the Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (1996).*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Appendix 4 of the appellants grounds of appeal purports to include the officer's report relating to planning application 18/2245/FUL which was approved by the Council in early 2019. In fact the report supplied relates to a different application (ref: 18/2445/FUL) for a property in Maple Lodge Close. In the interests of clarity, I have not included any references to this officer's report or the property in Maple Lodge Close in my considerations for the current appeal.

Main Issue

3. The main issue in this case is the effect of varying the terms of Condition No 2 of application ref: 21/0717/FUL, to include the insertion of rooflights to flank roofslopes, on the character and appearance of Moor Park Conservation Area.

Reasons

4. No 36A is a detached dwelling, currently under construction, situated on the western side of Russell Road. It lies within the Moor Park Conservation Area (CA) which is largely made up of private roads within a residential estate, characterised by detached houses in large plots. Russell Road is a long thoroughfare forming something of a spine through the centre of the main estate. At the time of my visit, the house had been largely constructed up to roof level and the roof trusses were in place.
5. The proposed development would involve the addition of rooflights to each of the flank roofslopes of the property, towards the top of the hipped roof elements to the north and south sides of the house. These would serve rooms both of which are of a size that could be considered potential habitable rooms.
6. Policy CP1 of the Council's Adopted Core Strategy (CS) seeks to promote buildings of a high design quality that respects local distinctiveness. Policy CP12 of the CS indicates that in seeking a high standard of design the Council will expect development proposals to have regard to the local context and to conserve or enhance the character and quality of an area, respecting the distinctiveness of the surrounding area in terms of its character.
7. Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (LDD) also provide further guidance with regard to residential development and set out that development should not appear excessively prominent within the street scene. Furthermore, windows of habitable rooms at first floor level should not generally be located in flank elevations. Policy DM3 of the LDD relates to heritage assets and advises that development should preserve or enhance the wider architectural features of the Conservation Area. In addition, planning applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
8. The Moor Park Conservation Area Appraisal (CAA) indicates that rooflights are considered an incongruous feature of the conservation area and any proposed rooflights visible from the street are unlikely to be acceptable.
9. The Council contends that the proposed rooflights, by reason of their siting and positioning to the flank roofslopes, would result in incongruous additions which would be harmful to the appearance of the replacement dwelling, the street scene of Russell Road, and the wider CA.
10. The appellant contends that the rooflights would be on the flank roofslopes and so would be unlikely to be visible from Russell Road. Moreover, even if they were visible from Russell Road, views would be oblique. The appellant also notes that there are several examples of rooflights of a similar size and positioning that have been installed along Russell Road and in the wider area in close proximity to the site, and so the development would be in keeping with the character of the CA.
11. The dwelling under construction at No 36A is set back some 20 metres from the front boundary and occupies an elevated position. The front elevation follows the general building line presented by the dwellings on the neighbouring plots. At the time of my visit, the roof trusses of the building

were in place and the flank hipped roofs that would contain the disputed rooflights were prominent within views from both the south and north, though screened to a limited extent by mature trees in the front gardens of the appeal property and adjacent dwellings. The proposed rooflights would be clearly visible from the street.

12. I have visited the roads within the main body of the CA between Sandy Lodge Road to the north and Batchworth Lane to the South. There are a few examples of rooflights on flank roofslopes, but they are by no means a characteristic feature of the area. I have very little background information on these limited examples, though the appellant has provided details on certain properties, including some on Russell Road itself. Of these, I note that rooflights on the flank roofslopes of No 11 Russell Road are not shown on the drawings approved by the Council as part of the planning permission relating to that property. The rooflights referred to at No 8 Russell Road appear to be to the rear and not the flank elevations.
13. Other examples of rooflights referred to include development at No 7 Astons Road, which appears to relate to a rear outbuilding, and No 25 Bedford Road, which has rooflights on flank elevations. In this case, the south-side flank roofslope is not readily visible in the street scene, and the rooflight in the north-side flank roofslope is set well back on the side elevation, whereas the rooflights at the appeal property would be towards the front of their respective flank roofslopes and, therefore, more prominent in the street scene.
14. On the basis of the above, I do not consider the examples referred to above as potential precedents for the scheme at No 36A. Moreover, given the very limited existing examples of rooflights on flank roofslopes within the CA, and the fact that, in any case, many of these may well be unauthorised or dating from a time before current planning policy was adopted, I find that the proposed flank rooflights at the appeal property would be harmful to the character and appearance of the CA. Although this harm would be less than substantial, there are no public benefits to outweigh the harm.
15. In the light of the above, I find that the proposal would not preserve or enhance the character or appearance of the CA. It would conflict with criteria for development in the CAA, and with Policies CP1 and CP12 of the CS and Policies DM1, DM3 and Appendix 2 of the LPP. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR