



Appeal Decision

Site visit made on 25 October 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/N1920/W/22/3295450

82 Watling Street, Radlett WD7 7AB

- 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 Alex King against the decision of Hertsmere Borough Council.
 - The application Ref 21/1689/FUL, dated 15 August 2021, was refused by notice dated 28 September 2021.
 - The development proposed is construction of a new detached 2-bed dwelling at the rear of the existing restaurant to include parking and amenity space.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of a new detached 2-bed dwelling at the rear of the existing restaurant to include parking and amenity space at 82 Watling Street, Radlett WD7 7AB in accordance with the terms of the application, Ref 21/1689/FUL, dated 15 August 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. The description of development provided on the application form did not specify the use of the proposed building, although it is identified clearly elsewhere in the application as a two bedroom dwelling. In the banner heading and decision above, I have used the Council's amended description. I am satisfied, and the appellant has confirmed, that this accurately describes the proposed development.

Main Issue

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the Radlett North Conservation Area, and
 - the effect of the proposed development on the setting of nearby listed buildings and non-designated heritage assets.

Reasons

Character and Appearance of Conservation Area

4. The appeal site is a yard and small garden area to the rear of an existing restaurant, at the crossroads of Watling Street, Aldenham Road and Shenley Hill. Watling Street is a traditional linear High Street of two to three storey buildings. Shops and other commercial premises front the street at ground

floor level, sometimes with residential uses above. Generally, these form a continuous built frontage, but in several places alleys and paths between buildings provide access to smaller ancillary buildings to the rear.

5. The significance of the Conservation Area includes the vibrant mix of well-detailed buildings along Watling Street and the mainly residential streets which radiate out from it. Although architectural styles and materials are varied, the high proportion of 19th and early 20th century buildings clearly reflects an historic period of commercial and residential growth around a longer-established crossroads.
6. The existing restaurant building, also known as 82 Watling Street, is locally listed and is one of several notable buildings fronting the crossroads. The appeal site also adjoins 1-4 Primrose Cottages; a Grade II listed building which is part of the residential area extending along Aldenham Road. As such, the appeal site is positioned at the interface between the commercial frontage and the residential areas which radiate out from it.
7. The Council has raised no concern about the principle of the proposed dwelling or its scale and form, which the Officer Report describes as being modest and subservient to the established built environment. Based on the evidence before me, I see no reason to reach a different view. The proposed design alludes to that of an ancillary building located to the rear of the more prominent restaurant building. As noted above, this is a pattern found elsewhere in the Conservation Area.
8. The focus of the Council's concern is the proposed fenestration; particularly the extensive areas of glass to the side elevation and the use of patio doors to the front. While this level of glazing is not typical of the more traditional cottages and dwellings around the appeal site, the proposed dwelling does not purport to replicate that style of housing. Furthermore, larger areas of glass are not an inherently alien feature of the Conservation Area, given the site's proximity to the commercial area, with its extensively glazed shopfronts.
9. The largest area of glazing, on the side elevation of the proposed dwelling, would be screened behind the projecting bedrooms and an existing single storey projection at the rear of the restaurant building. A design rationale has been presented for including a larger expanse of glazing here. The opposite wall of the dwelling would be set against the adjacent higher land, preventing any opportunity to introduce windows. The south-facing windows also provide an opportunity to maximise solar gain. This aspect of the design therefore supports provision of a suitable living environment on a physically constrained site, while minimising any potential public impact due to the level of screening.
10. The proposed front elevation would be set back from the road. In oblique views, it would be screened by the existing trees to one side and the existing restaurant building to the other. As such, despite fronting the road, this narrow elevation would not be especially prominent in the street scene. Each of the front openings would be relatively narrow, vertically proportioned and partly screened behind the patio wall. The level of glazing would be in reasonable proportion to the scale of the front elevation.
11. The plans indicate use of darker window frames, blending with the external boarding. This would help to maintain a low key appearance, typical of an ancillary building. Contrasting colour or materials would be more intrusive and

as such would be inappropriate within the Conservation Area. However, the use of appropriate materials and detailing can be secured through use of an appropriate condition and this is included in the schedule of conditions below.

12. Given the wide variety of materials and building designs in this part of the Conservation Area, and the position of the proposed dwelling at the interface between commercial and residential uses, the level of fenestration would not be visually intrusive. Neither would it appear at odds with the character and appearance of the surroundings.
13. For the reasons set out above, I conclude that the proposed development, including the proposed fenestration, would preserve the character and appearance of the Conservation Area and would not harm its significance. As such, it would meet the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
14. The proposed development would not conflict with Policies CS14 and CS22 of the Hertsmere Local Plan Core Strategy, adopted January 2013, Policies SADM3, SADM29 or SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan adopted November 2016, Policy HD3 or HD4 of the Radlett Neighbourhood Plan 2021 or relevant paragraphs in the National Planning Policy Framework July 2021 (the Framework). These policies, amongst other things, require that proposed development should be of high quality design, reflecting and responding positively to local townscape character and should protect, conserve or where possible enhance heritage assets, including Conservation Areas.
15. I note that the Hertsmere Local Plan Planning and Design Guide Supplementary Planning Document Part D is in draft form, despite dating from September 2016. No evidence has been provided as to the extent of any public consultation on the draft SPD, or whether it has proceeded beyond draft stage to adoption. As such, I have given the guidance in this SPD limited weight. In any event, I note that the draft SPD allows for more irregular patterns of fenestration where required by the proposed design style and also supports developments which make effective use of solar gain.

Setting of Listed Buildings and Non-Designated Heritage Assets

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
17. The appeal site adjoins a short terrace of cottages known as 1-4 Primrose Cottages, which are a Grade II listed building. These 18th century cottages have a more modest scale and a quieter, less ornate character than much of the later housing. As such, their significance includes both their age and the way in which they indicate earlier periods of development, prior to the expansion of the settlement around the crossroads.
18. Together with the locally listed 5-7 Primrose Cottages, the listed building is set around a small shared garden, enclosed by a row of trees inside the boundary with the appeal site. This enclosed, green space in front of the cottages, forms their immediate setting and allows the front elevation of the listed building to be enjoyed within a quieter and more leafy context.

19. By virtue of its single storey design and lower ground level, the proposed dwelling would be clearly subservient to the listed and locally listed buildings and would not intrude into the cottages' garden setting. There is no suggestion in the evidence that the boundary trees would be affected by the development or that there would be any structural interference with the listed buildings. As noted above, the Council accepts that the scale and position of the dwelling would be acceptable in relation to these heritage assets.
20. The varied commercial and residential street scene described above currently forms part of the wider setting of 1-4 and 5-7 Primrose Cottages. This includes the existing service yard and garden to the rear of the restaurant. As noted above, the proposed design echoes the relationship between the dominant restaurant building and ancillary buildings to the rear. As such, the wider setting around these heritage assets, in which there is a mix of commercial and residential uses, would be preserved. The proposed glazing would not be intrusive or alien, for reasons outlined above.
21. An additional group of Grade II listed buildings at 247 and 249 Watling Street and 11 and 12 Station Approach also form part of the commercial frontage around the crossroads. Little evidence has been provided as to their significance, although I observed during my site visit that they form a coherent group with distinctive brick and flint elevations. They have consistent and highly decorative detailing which appears to be substantially unaltered. Two of the buildings are dated as having been constructed in 1852, implying that they are also among the oldest buildings fronting the crossroads.
22. The proposed dwelling would be on the opposite site of the crossroads and behind the restaurant building. In this position, it would have only an indirect relationship with these listed buildings and would not affect their architectural or historic interest, or their setting within the main road frontage.
23. Other locally listed buildings in the vicinity of the appeal site include the restaurant itself and the Red Lion public house. Both are prominently located at the crossroads, which is the most important aspect of their setting within the main commercial frontage. The way in which they address the main road would be unaffected by the proposed development. Similarly, the former Nat West Bank building presents an attractive and distinctive frontage to Watling Street, which would be unaffected. At the rear, the former Nat West site has a more functional character, in which the low key design approach to the proposed dwelling would be neither intrusive nor harmful.
24. For the reasons set out above, I conclude that the proposed development would have no harmful effect on the setting of nearby listed buildings or non-designated heritage assets. It would preserve the setting of the listed buildings and their architectural and historic interest, in accordance with Section 66(1) of the Act. It would also preserve the setting of nearby non-designated heritage assets, in the form of the locally listed buildings identified above.
25. As such, the proposed development would not conflict with Policies CS14 and CS22 of the Hertsmere Local Plan Core Strategy, adopted January 2013, or Policy SADM29 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan adopted November 2016 or relevant paragraphs in the National Planning Policy Framework. These policies, amongst other things,

require that proposed development should not cause harm to listed or locally listed buildings or to their setting.

Other Matters

26. A previous appeal in relation to residential development on the site related to a more substantial proposal to provide two flats. As such, the scale and form of the proposed dwelling differs materially from that previous proposal, as does its relationship with relevant heritage assets. I have accordingly considered the proposed development on its own merits.
27. The Council's Officer Report highlights a lack of public benefit. Since I have concluded that there would be no harm to heritage assets or their setting, the Framework does not require that any over-riding benefit is demonstrated in this case. Furthermore, the proposed development would provide limited benefits, in terms of a modest contribution to the supply of housing and development of a currently vacant parcel of previously developed land, in a location with easy access to local services.
28. The Council's Officer Report also highlights that the proposed parking area would lack turning facilities. However, no highway safety objection has been raised, on the basis that the level of traffic movement would be reduced compared to the previous use of the appeal site as a pub car park. As such, there is no evidence to suggest that the proposed development would lack adequate access arrangements.
29. Although the proposed dwelling would have limited private amenity space, the Council acknowledges that this is not unusual for a town centre environment and that public open space is available within a short walking distance. On that basis, the Council concluded that the proposed amenity space would be acceptable and based on the evidence before me, I see no reason to reach a different view.

Conditions

30. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and have omitted others.
31. In addition to the standard timescale condition, I have imposed a condition specifying the approved plans as this provides certainty.
32. A condition requiring approval of a construction method statement is necessary to protect residential amenity and in the interests of highway safety, having regard to the location of the site in relation to the crossroads and neighbouring dwellings. These details would be required prior to commencement of development, to support effective management of construction from the outset.
33. I have imposed a condition to secure full details of the proposed finished floor levels, so as to ensure that the scale of the dwelling in relation to the height of neighbouring land is as indicated on the drawings. These details are required prior to the commencement of development, to ensure that ground works are consistent with the approved details.

34. The appellant has provided formal agreement to the above pre-commencement conditions, in the event that the appeal is allowed.
35. In addition to conditions for the approval of external materials, as recommended by the Council, I have imposed a condition requiring approval of the detailed design and materials of window and door frames. This is necessary in order to ensure that these elements are detailed in a manner which avoids harm to the character and appearance of the Conservation Area. I have also amended the Council's suggested wording in relation to hard surfacing materials, to identify specific aspects which require approval, given their prominent location in front of the proposed dwelling.
36. As recommended by the Council, I have included a condition requiring confirmation of refuse and recycling arrangements, which would also be located in a visually prominent position and therefore require an appropriate design approach.
37. Finally, I have imposed an additional condition to secure provision and retention of the intended parking area, to minimise risk of overspill parking in close proximity to the crossroads.

Conclusion

38. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - WAT02/010621/01, Site Plans as Existing
 - WAT02/010621/01B, Location A4
 - WAT02/010621/02, Site plan as existing
 - WAT02/010621/03, Ground floor plan as proposed
 - WAT02/010621/04, Ground floor plan as proposed 2
 - WAT02/010621/05, Roof plan as proposed
 - WAT02/010621/06, Proposed front elevation and proposed cross sectional elevation
 - WAT02/010621/07, Proposed long elevations
 - WAT02/010621/08, Proposed development before and after Viz 1
 - WAT02/010621/09, Proposed development Viz 2: front elevation
 - WAT02/010621/10, Proposed development Viz 3, isometric and detail
3. No development shall take place before a method statement for construction of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
4. No development shall commence until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
5. No development shall take place above damp proof course until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. No development shall take place above damp proof course before details of all materials to be used for hard surfaced areas within the site, including the front patio, walls, driveway and car parking area between the dwelling hereby permitted and Aldenham Road have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7. No development shall take place above damp proof course until details of all windows and doors in the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include cross sections through the proposed window and door frames and details of their materials and colour. Development shall be carried out in accordance with the approved details.
8. Prior to the first occupation of the dwelling hereby permitted, details of the provision for the storage and recycling of refuse shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be implemented prior to the first occupation of the dwelling and shall thereafter be made permanently available for the occupants of the dwelling.
9. The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. WAT02/010621/03 for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

END