

Appeal Decision

Site visit made on 23 January 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/N1920/W/22/3301026

51 High Road, Bushey Heath WD23 1EE

- 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 Vish Palasuntheram against the decision of Hertsmere Borough Council.
 - The application Ref 21/1128/FUL, dated 24 May 2021, was refused by notice dated 18 March 2022.
 - The development proposed is a 4 storey rear extension including lower ground floor to provide additional commercial area on the lower ground and ground floor level, 2 No one bedroom flats plus extension/enhancement of existing flats on the first and second floor level with associated parking and cycle storage provision.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area;
 - ii) Living conditions at neighbouring properties, in terms of the outlook from residential flats at 53 High Road next door; and
 - iii) Environmental sustainability.

Reasons

Character and appearance

3. 51 High Road is a 4 storey building in a local commercial centre, with commercial uses on the ground and lower ground floors and flats over. The long plot slopes down to the rear, with an open parking area behind the building and access from a shared service road, California Lane. The proposal would add a 4 storey flat roofed extension at the back of the plot, with a 2 storey link and a small upper floor extension between. The extended building would occupy the entire plot, with some parking retained in the lower ground floor.
4. The area around California Lane is not a high quality townscape, as it is crowded with parked cars on varying surfaces and with an assortment of

buildings and extensions. Notably, there is a 4 storey flat roofed building extending nearly the full depth of the plot just a few doors down from No 51. That is an imposing structure which visually dominates the space around the appeal site. The proposed 4 storey extension, stretching to the end of the plot, would also tower over the area. In combination, these 2 structures would overdevelop this backland area, creating an oppressive situation. The proposed use of a green wall on one side of the new extension would not mitigate the sheer scale and massing of the building. Although some development could be beneficial here, this proposal would be overly bulky and intrusive.

5. I note that the proposal would be little seen from the High Road, but it would be widely visible from the heavily used California Lane and from surrounding properties. I conclude that, even though this is a functional area of relatively little quality, the proposal would unacceptably harm local character and appearance. It therefore conflicts with the shared aims of Core Strategy (CS) policies SP1, SP2 and CS22, Site Allocations and Development Management Policies Plan (SADM) policy SADM30, the Council's draft Supplementary Planning Document Part D *Guidelines for High Quality Sustainable Development* (dSPD) and the National Planning Policy Framework (the Framework), to secure high quality, sustainable development that complements the character of the area, including in terms of scale, mass, bulk and height, and creates attractive places.

Living conditions

6. I understand that No 53 next door has residential flats at first and second floor levels. The outlook from the rear windows of these flats is already somewhat enclosed by high structures to both sides. The proposed 4 storey block would sit within the main views from these windows, adding to that sense of enclosure. Although the second floor window is high enough up so that there would be reasonable views over the new structure, views from the first floor flat would be hemmed in by high walls, creating a tunnel effect that would severely limit outlook.
7. I conclude that the proposal would unacceptably harm living conditions of occupiers of the rear first floor flat at No 53. It therefore also conflicts with the aims of CS policies SP1, SP2 and CS22, SADM policy SADM30, the dSPD and the Framework, to secure a high standard of amenity for existing and future users, ensuring that development has a limited effect on the amenities of neighbours.

Environmental sustainability

8. The Council's concern here is that there would be inadequate space to the side of the building to allow for new planting to establish and grow up the proposed green wall. On this basis the Council considers that the overall proposal for building sustainability measures is inadequate to meet the sustainability objectives of CS policy CS17 and the Framework.
9. As I understand it, plants on green walls do not normally grow up from the base, but I do agree that there could be problems planting and maintaining the green wall in such a restricted situation. Nevertheless, there is some scope for greenery on the proposed new roof terrace over the link and, more importantly, I see no clear requirement for soft landscaping within those

policies. I agree with the applicant that this issue could be dealt with by the imposition of a condition requiring an energy and sustainability statement demonstrating compliance with carbon reduction targets. On this basis I conclude that the proposal would be reasonably environmentally sustainable, in accordance with the policies referenced above.

Other matters, planning balance and conclusion

10. The Council accepts that it can only demonstrate a 2.92 year supply of deliverable housing sites. This significant shortfall to the required 5 year supply brings into effect the presumption in favour of sustainable development set out in paragraph 11 of the Framework. The local development plan policies most relevant to determining the application are therefore considered to be out-of-date. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
11. The proposal would bring some notable benefits in line with Framework policies. It would boost local housing supply, make efficient use of sustainably located previously developed land, improve the quality of the existing flats and provide economic development. I give all these matters significant weight.
12. Taking into account these advantages and all other matter raised, however, my objections in respect of the first 2 main issues are still sufficiently compelling for me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not, therefore, be for sustainable development in the wider sense set out in Section 2 of the Framework and the appeal does not succeed.

Les Greenwood

INSPECTOR