



Appeal Decision

Site visit made on 24 February 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/P1940/D/22/3313175

65 Hillcroft Crescent, Oxhey Hall, Hertfordshire, WD19 4PB

- 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 S Woods against the decision of Three Rivers District Council.
 - The application Ref 22/1686/FUL, dated 6 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is described as a 'loft conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion including insertion of rear dormer and rooflights at 65 Hillcroft Crescent, Oxhey Hall, Hertfordshire, WD19 4PB in accordance with the terms of the application, Ref 22/1686/FUL, dated 6 September 2022, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Amended plan 2505-08 Rev A (elevations, June 22) and Amended plan 2505-08 Rev A (roof plans, June 22).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary matters

2. The Council's decision includes in its description of the development 'the insertion of rear dormer and rooflights' and as this describes the proposal in more detail, I have considered it on this basis.
3. The appellant has asked that plans that were not considered by the Council in its determination of the application be considered as part of this appeal (drawing nos 2505-03 Rev A (floor plan, Oct 22), 2505-08 Rev A (elevations, June 22) and 2505-08 Rev A (roof plans, June 22)). As the Council has accepted that there would be no prejudice to any of the parties, I have taken those plans into consideration in the appeal. However, whilst the elevations and roof plans show a dormer of reduced width, the floor plan does not and I have therefore omitted that from the plan list in the formal decision. As the amended elevations and roof plans have the same date as the original plans, I have included the words 'Amended plan' in the formal decision above.

4. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Reasons

5. The main issue is the effect of the proposal on the character and appearance of the dwelling and the area and the extent to which it would preserve or enhance the character or appearance of the Oxhey Hall Conservation Area.
6. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The development plan includes policy CP12 of the Council's Core Strategy (2011) and policies DM1, DM3 and Appendix 2 of its Development Management Policies Local Development Document (LDD) (2013) which together seek to ensure, amongst other things, high quality design and that proposals conserve and enhance heritage assets.
7. The appeal site lies within the Oxhey Hall Conservation Area (CA) which comprises several streets of semi-detached and detached houses built in the 1930's during an increase in prosperity in the area. They are, therefore, an important part of the area's development and social history. There is a strong consistency of house types and styles and many of the dwellings retain their original features, including windows and roof tiles, on both front and rear elevations. These contribute strongly to the character and appearance of the CA.
8. The proposal includes a rooflight in the front roofslope but the Council has raised no objection to that and as this would be a very minimal alteration to the roof, this would be acceptable. The amended plans omit the rooflight in the flank elevation.
9. The proposed loft conversion includes the construction of a flat roof dormer on the rear elevation of the dwelling. It would have glazed opening doors and a 'Juliet' style balcony. I have noted from the appellant's submissions that a number of other dwellings in the road have similar dormers and at my site visit I was able to see one of those at no 75 and another at a property to the rear on Oaklands Avenue. However, I have not been told that any of those other than the dormer at no 35 have a recently approved planning permission. The dormer approved at no 35 in 2021 is of a similar size but has smaller windows in a traditional style.
10. Given the small gap between the appeal dwelling and its neighbour and the siting of the proposed dormer, it would not be seen from the street. It would, however, be seen in limited private views from the rear garden of neighbouring properties in Hillcroft Crescent and at a distance from properties to the rear on Oaklands Avenue.
11. However, as the Council has not objected to the principle of the dormer and has already granted permission for one of a similar size on a similar style of dwelling nearby at no 35, it would be illogical to dismiss this proposal on grounds of its width, height, bulk and massing. The Council has not objected to the proposed windows which are of a contemporary style. Given that they would match the contemporary style windows approved in a scheme for a

ground floor rear extension in 2022 at the dwelling, this would not harm the character or appearance of the dwelling or the area.

12. I do not find that the proposal would be detrimental to the character or appearance of the CA as a whole. This is because it would not be visible from the public domain and it would have only a limited degree of prominence.
13. Given the above, I conclude that the proposal would not be harmful to the CA and would thus preserve its significance. For the same reasons, it would not result in significant harm to the character or appearance of the dwelling or the area and would accord with the development plan policies referred to above and with the Framework and would satisfy the requirements of the Act.

Conditions

14. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of character and appearance. I have changed the description of development in the formal heading to reflect that of the Council's decision which describes the proposal more accurately. The Council's suggested condition relating to a flank rooflight is not necessary because the amended plans show only a front rooflight.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and there are no material considerations that justify determining the appeal otherwise.

Sarah Colebourne

Inspector