



Appeal Decision

Site visit made on 28 March 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/P1940/D/22/3305489

81 Wolsey Road, Moor Park, Hertfordshire HA6 2ER

- 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 David Palmer against the decision of Three Rivers District Council.
 - The application Ref 22/0734/FUL, dated 4 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is described as "Proposed two-storey rear and side extension, alterations to fenestration, loft conversion, rear rooflights and proposed new roof".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including the Moor Park Conservation Area (CA); and
 - the living conditions of the occupiers of Nos 79 and 83 Wolsey Road with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises an attractive two storey detached house situated in the predominantly residential area of Wolsey Road. The dwellings along Wolsey Road are varied in type, style and design but are typically large, two storey detached properties with generous plots. The road level rises from north to south so the neighbouring house at No 83 is at a higher level and No 79 is at a lower level than the appeal property. The dwelling has brick walls and a tiled, hipped roof with chimneys. There is an existing single storey garage attached on the north side of the house.
4. Having regard to the Moor Park Conservation Area Appraisal (CAA), the significance of the CA derives in part from being a comprehensively planned low density estate of large, detached two storey houses situated on individual plots built from the 1920s/1930s – 1950s. The CAA indicates that existing trees make a special contribution to the character of the area. The CAA also highlights that there are buildings within the CA which contribute more to its significance due to their relatively unaltered appearance. The appeal property

makes a positive contribution to the CA as it has retained the majority of its original form and simplistic design features including existing two storey front and rear projections.

5. The side extension would align with the front elevation of the existing property, resulting in the loss of symmetry and the simple, elegant proportions of the existing house. Further, the inclusion of an additional front projection would detract from the existing one as the prominent feature facing the street, exacerbated by the loss of the attractive entrance doorway and canopy. In addition, the roof would become the dominant feature in views from Wolsey Road by reason of its size and increased height, and it would also result in the loss of the existing side chimney and would interrupt the stepped roofline of the houses along this part of the road.
6. The long high flank walls would not reflect the scale of the existing dwelling, and the pitched roof rear gables and recessed dormer with second floor balcony would be incompatible with the hipped roof form of the existing house. The north flank wall and roof would be visible from Wolsey Road due to the higher level of the appeal site compared to No 79 and the roof form of the neighbouring house. The loss of the side chimney feature and the absence of any windows in the side elevation of the new front projection would further emphasise the scale of development on the north elevation.
7. Overall, the height, width and depth of the proposed extensions and new roof would subsume the host property and substantially alter its form, resulting in bulky and incongruous additions. The proposed development to the front and north side of the dwelling would be particularly conspicuous in views from Wolsey Road.
8. I have been referred to other examples of extensions granted permission in Wolsey Road. These involved a mix of single and two storey extensions and dormers but do not appear to be of an equivalent scale or affecting the form and appearance of the host dwellings to the same extent as the current proposal. Therefore, I do not find them comparable to the proposed development.
9. There is a silver birch in the rear garden of the appeal site which appears to be in poor health, adding little value to the character of the CA. However, there is also a tree close to the mutual boundary in the neighbouring garden at No 83 which appears to be semi-mature and healthy and is an asset to the CA. In the absence of sufficient information outlining the effect of the proposals on trees, I am unable to rule out harm to the CA from potential impact on the tree at No 83. The appellant has suggested a pre-commencement condition requiring an arboricultural report, but I consider that such fundamental information needs to be provided prior to determining the application so that the potential effects of the development can be fully assessed.
10. For the reasons set out and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. Though the appellant refers to the desire for additional space, I have not been referred to any public benefits arising from the proposal

and therefore I conclude that the proposed development would conflict with the Framework.

11. Consequently, I conclude that the development would harm the character and appearance of the host property and would not preserve or enhance the character or appearance of the CA. This would be contrary to Policies CP1 and CP12 of the Core Strategy 2011 and Policies DM1, DM3 and DM6 and Appendix 2 of the Development Management Policies Local Development Document 2013. Together these require developments to preserve or enhance the character or appearance of conservation areas, respect the character of the street scene and retain trees of local amenity value. It would also conflict with the Framework which requires development to be sympathetic to local character and to retain existing trees wherever possible.

Living conditions

12. The proposal includes a 21sqm balcony cut into the rear roof, accessed via glazed doors from habitable rooms on the second floor. The rear elevation of the extended house would roughly align with the neighbouring dwellings at Nos 79 and 83. The elevated position and scale of the proposed balcony, the positioning of the extension relative to the neighbouring houses and the amount of second floor rear glazing would result in an unacceptable loss of privacy in the rear gardens at Nos 79 and 83 and therefore harmfully affect the living conditions of the occupiers. As the extension would be higher than the existing house and introduce large areas of glazing and a balcony in the roofspace, there would be greater overlooking to neighbouring properties than at present.
13. Overall, I conclude that the proposal would adversely affect the living conditions of the occupiers of Nos 79 and 83 Wolsey Road with particular regard to their privacy. This would be contrary to Policies CP1 and CP12 of the Core Strategy 2011 and Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document 2013. Together these seek to protect built environments from inappropriate development and protect residential amenity, including privacy. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users.

Conclusion

14. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh the conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR