



Appeal Decision

Site visit made on 1 August 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/P1940/W/22/3308225

12 Emperor House, Church Street, Rickmansworth, Hertfordshire WD3 1BS

- 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 Miheer Mehta on behalf of Sterling Rose Homes Ltd against the decision of Three Rivers District Council.
 - The application Ref 22/1372/FUL, dated 19 July 2022, was refused by notice dated 26 September 2022.
 - The development proposed is described as the 'resubmission of refusal of planning application 21/2654/FUL second floor rear extension and increase in parapet wall at second floor roof level to provide office premises.'
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Decision

1. The appeal is allowed and planning permission is granted for a second floor rear extension and increase in parapet wall at second floor roof level to provide office premises at 12 Emperor House, Church Street, Rickmansworth, Hertfordshire WD3 1BS in accordance with the terms of the application, Ref 22/1372/FUL, dated 19 July 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, I have slightly altered the description in my decision for clarity and to remove the superfluous text.

Main Issue

4. The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

5. The proposal seeks to erect a second storey above a flat roof to the rear of the building which is proposed to be used as an office. There are several residential dwellings close to the appeal site.
6. There is no dispute that the proposal would be visible to neighbouring occupiers, particularly from their rear windows and gardens. However, the proposal would result in a modest increase in overall height and also be set back from the existing flank wall. This height and set back, combined with the

overall distance between neighbouring properties would not result in the proposal appearing bulky.

7. I have had regard to the photographs provided by interested parties, which show the view of the proposal from a bedroom window and the garden of the Stream House. These show that existing views consist of the existing flank wall and also the general roofscape of other buildings in the area. While the proposal would increase the overall height of this part of the building, due to the separation distances, modest increase proposed and largely vegetated boundary, the proposal would not result in an obtrusive or unneighbourly feature and existing views of the roofscapes would be generally maintained.
8. I therefore conclude that the proposal would not adversely harm the living conditions of neighbouring occupiers with particular regard to outlook. I find no conflict with Policies CP1 and CP12 of the Three Rivers Local Development Framework Core Strategy Adopted 17 October 2011 (CS) and Paragraph 130 of the National Planning Policy Framework. Amongst other things these seek to ensure that development protects residential amenities and creates places that provide a high standard of amenity for existing users.

Other Matters

9. The appeal site is located within the Rickmansworth Town Conservation Area (CA). The CA covers much of the town centre which is historical and contains features of typical Victorian development that are particularly prominent along Church Street and High Street. Thus, insofar as is relevant to this case, its significance derives from the architectural detailing and layout of the traditional buildings within it. The proposal would not be prominent and is modest, thus, consistent with the main parties, I find it would have a neutral impact on the CA.
10. I have considered the effect of the proposed development on the setting of The Old Vicarage, located adjacent to the appeal site, which is grade II listed. The significance derives from its traditional architectural detailing best appreciated from Church Road where the unique design of the building can be viewed. The proposal would be largely screened from view by surrounding properties due to its location and vegetation on the boundary. This, in combination with the separation distance and a suitably worded condition to control materials, I find no harm to the setting or significance of the listed building.
11. The principle of the proposal to provide office space in a town centre location has been found acceptable by the Council and whilst I note interested parties' comments that office space is available elsewhere, I have no substantive evidence to lead me to a different view.
12. Concerns have been raised in relation to loss of privacy and sunlight. The Council have found the proposal to be acceptable in these regards and I have no substantive evidence to conclude against this.
13. The proposal includes kitchen and bathroom facilities. It is not uncommon for offices to have kitchen facilities for occupiers and in relation to bathroom facilities, the appellant has advised that this is to support sustainable transport methods such as cycling and walking to work. The Council raise concern over potential changes of use and while there is no substantive evidence before me

to suggest that this is a likely scenario, a change of use without planning permission would be a matter that the Council could pursue.

14. I note that concerns have been raised in regard to the number of planning applications that have been submitted for the appeal site as well as health and safety and building regulations concerns. The number of applications submitted is not a planning matter for which I can consider and the concerns in relation to health and safety and building regulations are dealt with under separate legislation.

Conditions

15. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
16. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 would be necessary to ensure the satisfactory appearance of the development and to maintain the character and appearance of the area.
17. Condition 4 would be necessary to ensure that satisfactory measures for the storage and collection of waste would be provided. Condition 5 is necessary to ensure that the privacy of neighbouring occupiers is maintained.

Conclusion

18. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TRDC 001 (Location Plan), P9/001, P9/002, P9/003, P9/004, P9/005, P9/006, P9/007, P9/008 and P9/009
3. Before any building operations above ground level hereby permitted are commenced, electronic samples providing specifications and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
4. The development shall not be occupied until a scheme for the separate storage and collection of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities to serve the office space hereby permitted and their proposed storage location on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.
5. Before the first occupation of the development hereby permitted the second floor flank windows serving the 'meeting room' and 'kitchen' shall be fitted with purpose made obscured glazing and shall be positioned 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

End of Schedule