
Appeal Decision

Site visit made on 5 September 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/N1920/D/23/3319184

9 The Grove, Radlett, Hertfordshire WD7 7NF

- 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 Jonathan Rose against the decision of Hertsmere Borough Council.
 - The application Ref 22/1884/HSE, dated 7 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is to install a new 1.5m high gate, set back 1.0m from the property line (road).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The site falls within the Radlett North Conservation Area (CA). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area, bearing in mind the statutory test outlined above.

Reasons

4. The appeal property is a detached dwelling that occupies a corner plot on The Grove, which is a residential cul-de-sac within the CA. Along The Grove, dwellings are mostly set back from the road behind landscaped gardens with highway frontages that are largely marked by open gardens, driveways, planting, and grass verges. Consequently, there is a verdant quality and a spacious, informal feel within both the street scene and the area to which No 9 belongs, which is locally distinctive.
5. The proposal is to install a sliding gate across the driveway of the appeal property that would be set back from the road. The new gate would be about 1.5 metres in height with solid lower section with timber panels topped by closely spaced vertical timber spindles. When open, the proposal would largely be hidden from public view behind an existing hedgerow, which is to be retained, as would other planting within the front garden of No 9.

6. When closed, I appreciate that the new gate would enhance a sense of privacy and seclusion as it would be experienced from within the site. However, the proposal would introduce a new physical feature that would be conspicuous in the street scene given its position close to the road. While modest in height, the proposal would still draw the eye from various public vantage points along The Grove as a relatively formal and partly solid barrier to enclose the frontage of No 9. It would sharply contrast with the more informal, low-key highway boundaries that predominate along The Grove and that positively contribute to its distinctive character. As such, the proposal would be a discordant, obtrusive and an uncharacteristic addition to the CA, the character and appearance of which would fail to be preserved. In reaching this conclusion, I recognise that the Built Heritage Consultant of Essex County Council raised no objection in their response to the application.
7. The appellant has referred to several examples of properties with gates along The Grove and elsewhere in the CA, with some details and photographs provided. From what I saw, these existing gates are not a predominant characteristic of the front boundary treatments along The Grove. To my mind, the proposal would also have a solidity, formality and an overly imposing presence in the street scene that would clearly differentiate it from the other cases that are cited. As few direct parallels can be drawn between the appeal scheme and these examples, I am unable to attach more than limited weight to them in support of the appeal. In any event, I have assessed the proposal on its own merits and find it to be an unsympathetic form of development.
8. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. As the effects of the proposal are localised, the harm to the CA would be less than substantial but nevertheless of considerable importance and weight. In such circumstances, the Framework advises that this harm should be weighed against the public benefits of the scheme. No such benefits are put forward and none would outweigh the harm that I have identified.
9. On the main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policy CS22 of the Hertsmere Local Plan: Core Strategy and Policy SADM30 of the Site Allocations Development Management Policies Plan. These policies seek to ensure that development is appropriate to its context and maintains or improves local character. It is also contrary to The Radlett Plan 2020-2036, which seeks to ensure that gates and entrances requiring planning permission respect local character and avoid boundaries that appear unduly dominant. The appeal scheme is also at odds with the Framework, which states that development should be sympathetic to local character, protect heritage assets and add to the overall qualities of an area.
10. That the new gate would enhance a sense of security and safety for the appellant and his family is not in doubt. It would create a safer outdoor area around the main house for children and others to enjoy. The Framework makes clear that developments should create places that area safe. While I have some sympathy for the appellant's circumstances, these matters do not outweigh the harm that I have identified.

11. An interested party considers that the potential closure of the driveway to No 9 would lead to more on-street parking, traffic problems and potential damage to roadside verges. These are important matters and I have taken into account all the submitted evidence. However, given my findings on the main issue, these considerations have not been critical to my decision.

Conclusion

12. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
13. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR