



Appeal Decision

Site visit made on 9 October 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/N1920/D/23/3329090

21 Letchmore Road, Radlett, Hertfordshire, WD7 8HU

- 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 N Barton against the decision of Hertsmere Borough Council.
 - The application Ref 23/0810/HSE dated 1 June 2023, was refused by notice dated 1 August 2023.
 - The development proposed is installation of air conditioning plant and two imitation chimney surrounds on roof (retrospective application).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as it more concisely describes the development. I note the appellant's comment regarding the differences between what has been built and what is shown on the plans. I have determined the proposal based upon the submitted plans that are before me. Whether or not the proposal is retrospective does not change the basis for, or approach to, determination.
3. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issue

4. The main issue is the impact of the proposal upon character and appearance of the area and the visual amenity of the wider street scene.

Reasons

5. The appeal site is a substantial two-storey detached dwelling which has undergone previous extensions to the front and rear elevation. The appeal dwelling stands within a large plot, benefits from a triple garage and stands at the end of Letchmore Road at the end of the cul-de-sac. It is acknowledged that the site does not stand within any designations, such as a Conservation Area, but this does not reduce the requirement for proposals to be appropriate in terms of both character and appearance. At the time of my site visit I found that the dwellings along Letchmore Road are varied in their character and appearance. I also note that chimneys are a characteristic feature within the street scene but that these are typically more modest, appropriately scaled and

- constructed of brick work or render. They do not stand out individually but are part of the general roofscape and both the character and appearance of the area.
6. The proposal before me seeks to house air-conditioning equipment on the appeal site roof within a surround designed to imitate a chimney stack. One stack would house equipment with the other being a matching imitation with no functional purpose other than to provide symmetry and proportionality for the host dwelling. I find that the chimney stacks, shown on the submitted plans, are notably larger in bulk, scale and massing than any other examples of chimneys within the street scene. I can appreciate that they have been designed to match the more modern finish of the appeal property itself in isolation, however, I find that the design is inappropriate within the context of the surrounding area within which it stands and would be viewed.
 7. The proposal would appear as an alien feature within the roofscape which would not be assisted, for example, by removing one of the proposed chimney stacks or the proposal to include faux chimney pots. Ultimately, I find that the size of the proposed chimney stacks has been dictated by the size of the equipment that at least one of them aims to conceal on the roof with limited consideration as to the intrinsic and visual qualities of the surrounding area or how they would be viewed in the context of the street scene. I note the appellant contends that there is no where else an air-conditioning unit can be located, however, there is no technical evidence as to this being the case before me. Even if this had been provided it is difficult to envisage that such evidence would justify the proposal as is currently submitted before me.
 8. The appellant references a potential fallback under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Schedule 2, Part 1, Class G which relates to the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. It is not within the scope of this appeal to determine whether something would be permitted development, but a possible fallback position is acknowledged to potentially hold weight within the determination of a proposal. Despite this, in this case, I find that weight to be limited. The limitations within Class G of the GDPO excludes anything which would exceed the highest part of the roof by a metre or more. The proposal before me exceeds a metre. I therefore find that the proposal which is the subject of this appeal would be more harmful than that which could be constructed within the limitations of the GDPO even acknowledging that the GDPO does not seek to control materials.
 9. I have considered the appellant's comments regarding the imposition of conditions regarding matters such as colour, however, I do not consider that this would assist in making the proposal acceptable on this occasion. The proposal would be visible within the street scene and the public realm – this is not reduced, in terms of impact, as a result of being at the end of a cul-de-sac compared to a busier through road by comparison. The proposal would be sufficiently visible from, and for users of, Letchmore Road to have impact upon appearance and visual amenity which supports refusal.
 10. The proposal would be contrary to Hertsmere Borough Council Core Strategy 2013 Policy CS22 which requires that development proposals take advantage of opportunities to improve the character and appearance of an area and secure a high-quality environment. The proposal would also be contrary to Hertsmere

Borough Council Site Allocations and Development Management Policies Plan 2016 Policy SADM30 which will only permit development provided it results in high quality design and recognises and complements the particular local character of the area and the Radlett Neighbourhood Development Plan 2020 Policy HD3 which requires all development to respect local character.

11. The proposal would also be contrary to the guidance contained within the Planning and Design Guide Supplementary Planning Document 2006 (SPD) Part D which, as an overarching objective, seeks to ensure high quality development. Part E does not specifically address chimneys; however, it is clear that alterations to a dwelling must not be at odds with the prevailing character of the area and that the guidance seeks protect the character of that area.

Other Matters

12. I note objections to the proposal relating to visual impacts, materials and the structure of the proposal. I have dealt with these matters in the main body of this decision letter and, given that the appeal is unsuccessful, I see no merit in addressing the comments any more specifically at this stage.
13. I note the site planning history and further note the appellant's reference to advice from a Council Officer, pre-application, that an application of this nature would receive a favourable outcome. I have no evidence of what was before officers at the point such comments are said to have been made, however, pre-application advice is made without prejudice to the determination of an application. I have considered the proposal based upon its own merits and the evidence which is before me.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR