



Appeal Decision

Site visit made on 11 July 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2023

Appeal Ref: APP/N1920/W/22/3313931

1-3 Newlands Avenue, Radlett WD7 8EH

- 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 Tom O'Connor against the decision of Hertsmere Borough Council.
 - The application Ref 21/2223/FUL, dated 11 November 2021, was refused by notice dated 26 September 2022.
 - The development proposed is a new front boundary to numbers 1 and 3 Newlands Avenue: Black painted railings with sliding gates and hedge planting.
-

Decision

1. The appeal is allowed and planning permission is granted for a new front boundary to numbers 1 and 3 Newlands Avenue: Black painted railings with sliding gates and hedge planting at 1-3 Newlands Avenue, Radlett, WD7 8EH in accordance with the terms of the application, Ref 21/2223/FUL, dated 11 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 221-100 LOCATION PLAN
 - 221-301 CONSENTED SITE PLAN
 - 221-602 CONSENTED STREET ELEVATION
 - 221-602A PROPOSED STREET ELEVATION
 - 221-1012 FRONT BOUNDARY PLANTING MONTAGE
 - 221-1011 FRONT BOUNDARY PLANTING PLAN
 - Design and Access Statement (dated 8th November 2021)
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those described on the planning application form.
 - 3) All planting proposed, as shown on drawings 221-1012 and 221-1011, shall be carried out in the first available planting season following the date of this permission (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, including the Radlett North Conservation Area.

Reasons

3. The front boundaries to the properties on Newlands Avenue are a mixture in design and material type, depending on their position in the street. On the appeal site side of the street, properties have generally opted for boundaries containing brick walls with evenly spaced brick pillars with railings positioned in-between each brick pillar. Hedging has been implemented to create a softer appearance in some situations. On the opposing side of the street to the appeal site, there is a clear preference for the use of hedging as a boundary treatment. The exception to this rule is the hard fencing boundary treatment at 2 Newlands Avenue, on the corner with Park Road. Many properties also incorporate the use of gates to their driveways. These are generally railings painted black. Overall, there is a general character of properties with a mixture of fences, walls and railings with green and leafy hedges often positioned behind these hard boundary treatments.
4. Part of Newlands Avenue lies within the Radlett North Conservation Area (the CA), and the appeal site lies within its setting. Therefore, the effect of the proposal on the significance of the CA must be assessed. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA.
5. The appeal relates to a set of railings with sliding gates associated with a building situated at the opening of Newlands Avenue, which comprises a pair of semi-detached dwellings. Whilst at the opening of Newlands Avenue, this is not an overly prominent location as the council have noted that Newlands Avenue is a secluded location with limited access and is a private, unadopted highway. Furthermore, the application site is set away from the main road of Park Road and shielded by extensive hedges and trees at the entry of Newlands Avenue. This contributes to reducing the prominence of the site to the wider public.
6. As the works have been carried out, I benefitted from seeing the fencing and gates in situ. The railings and gates are painted black and do not have a supporting feature such as a wall or bricked pillars. Given the position of the development within the street, there is no question that this is visible once stood in front of the site. However, these are designed sympathetically to the railings of the adjacent dwelling and other properties along Newlands Avenue. Furthermore, these are not easily visible upon entry of Newlands Avenue, or from Park Road, which is part of the CA.
7. The conservation area appraisal describes the character of Newlands Avenue as "hedged and leafy". The Council contend that the development appears overly dominant, within the street scene, increases the perception of crime in the area and creates an unwelcoming environment within a prominent site close to the entrance of Newlands Avenue and an adverse impact upon the setting of the CA.
8. The full length of railing is a slight contrast to the use of brick and railing boundary treatments used in other properties, particularly where half brick walls and pillars are used. However, I have noted during my site visit that the

adjacent property of No 5 Newlands Avenue has used full height railings with brick pillars. This boundary treatment would be a similar height and the railings designed in a similar appearance to those proposed in this appeal.

9. I have viewed the two boundary treatments together and consider that the proposed scheme creates a harmony and a form of continuity along the front boundary line. Whilst this development is located on the boundary, the use of railings allows visibility to see beyond the development and into the appeal site itself, even if part of the site is planted with hedgerow immediately inside the railings. Therefore, the proposal does not appear unduly dominant from the street scene due to its relationship and tie in with the boundary at 5 Newlands Avenue and the ability to see beyond the railings themselves.
10. The development has little effect on either the character or the appearance of the CA. It lies outside the CA, with limited visibility from within it, and for the reasons set out above does not appear out of keeping within the street scene. The site can be seen from a public footpath that is situated alongside Spylaw House which exits opposite the appeal site. Where the boundary treatment can be seen in glimpses, I do not believe that this does not result in an unacceptable effect on the setting on the conservation area due to the design of the proposed boundary treatment and the variety in boundary treatments seen in Newlands Avenue as set out above.
11. Therefore, it is considered that the proposed development has no significant unacceptable impact to the either the character or the appearance of the CA when viewed in relation to its position which has a limited view and the boundary treatment opposite at No 2 in a more visible position.
12. I note that the local authority have cited that the proposal would increase the perception of crime in the area and that it would create an unwelcoming environment. Due to the existing use of similar boundary treatments along Newlands Avenue, I do not consider that this proposal would result in any further increase in the perception of crime in this location.
13. To conclude, I do not consider that the proposal is harmful to the character and appearance of the area, including the CA. The proposal accords with policies SP1, SP2, CS14 and CS22 of the Hertsmeare Local Plan 2013 and SADM3, SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan 2016. Taken together, these policies require development to be of a high-quality design, be appropriate in scale and conserve or enhance the historic environment. Furthermore, the proposal would result in no unacceptable harm to the town and landscape character of Radlett and accords with Policies HD3 and HD5 of the Radlett Neighbourhood Plan. These policies require development to protect and enhance the character of Radlett.

Conditions

14. I have applied a plans condition and a materials condition, in the interest of certainty. I have had regard to the Council's suggested conditions and national Planning Practice Guidance on the use of conditions. I have therefore included a landscaping condition, to ensure that the planting proposal would enhance the appearance of the development.

Conclusion

15. I conclude that there is no unacceptable harm to the character and appearance of the street scene or the CA. As such, the proposal complies with the development plan. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise. Therefore, the appeal is allowed.

J Smith MRTP

INSPECTOR