



Appeal Decision

Site visit made on 3 October 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/N1920/D/22/3313292

32 Links Drive, Radlett WD7 8BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Holloway against the decision of Hertsmere Borough Council.
 - The application Ref 22/1038/PD56AD, dated 10 May 2022, was refused by notice dated 2 December 2022.
 - The development proposed is the construction of additional storey to existing residential dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter, 'the Order') grants permission for the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys where the dwellinghouse already consists of two or more storeys, subject to specified limitations and conditions. The Council has not identified any conflict with the requirements of Paragraph AA.1(a) to (k) or the conditions set out under Paragraph AA.2.(2), and I do not have any evidence before me that would lead me to conclude differently.
4. Paragraph AA.2(3)(a) then sets out the matters for which prior approval must be sought, with sub-paragraph (i) referring to the impact on the amenity of any adjoining premises, including overlooking, privacy and loss of light, whilst (ii) refers to the external appearance of the dwellinghouse including its design and architectural features of the principal elevation.
5. Although the parties have referred to Policy HD7 of the Radlett Neighbourhood Plan (NDP) and its relevance in this case, I am required to assess the proposal within the parameters of the Order. Regard can be given to development plan policies and the National Planning Policy Framework (the Framework) insofar as they relate to the development and prior approval matters; however, they cannot form the basis for a planning judgement in determining the application.

Main Issue

6. The main issue in this appeal is the effect of the proposal on the external appearance of the dwellinghouse, pursuant to Paragraph AA.2.(3)(a)(ii).

Reasons for the Recommendation

7. The appeal site comprises a detached bungalow located on the eastern side of Links Drive within an established residential area. The appeal property is finished with white render and features a hipped roof, a side garage, as well as a single storey side extension, and ground floor bay windows. Its appearance is typical of the surrounding area in which it lies. Indeed, the urban form along Links Drive is characterised by a mix of detached two-storey properties and a distinctive cluster of post-war bungalows. The appeal property is near identical to a number of other hipped roofed bungalows in the vicinity, such as at No 38 Links Drive, and mirrors the neighbouring property at No 30.
8. Whilst the development would replicate the architectural features of the appeal property, as well as the size and scale of the existing windows and would be finished with materials broadly similar to the existing dwelling, the resultant front elevation would have an imposing top-heavy appearance due to the excessive height of the roof ridge which would be taller than the neighbouring two-storey dwelling at No 34. The height of the building would be highlighted and reinforced by the existing chimneystacks being extended upwards. The subdued low-lying character of the existing bungalow would be eroded, and the resultant dwelling would appear bulky and incongruous in the context of the existing building.
9. In addition, the development would feature prominently within the street scene due to its considerable height, mass and proximity to the main road, which would dominate the neighbouring bungalow and appear as an incongruous and disproportionate addition when seen from Links Drive.
10. This section of Links Drive is characterised by a balanced mix of bungalows and two-storey dwellings. The bungalows, including the appeal dwelling, form a noticeable cluster in this location and contribute positively to the character of the street. This is reflected in character assessments undertaken for the NDP which, although referring to the bungalow stock as being important as a source of retirement housing, also recognise their positive contribution to the character of the area. The proposed erection of an additional storey to the appeal property would disrupt this underlying character. It would appear excessively bulky and fail to harmonise with the surrounding pattern of development, in particular the bungalow group of which it forms part, and would harm the symmetry the appeal dwelling shares with the neighbouring bungalow at No 30. This would conflict with Policy HD7 and the character assessments of the NDP so far as their recognition of the prevailing character is relevant as a material consideration.
11. Given the above, the development would not be acceptable in terms of its external appearance and does not comply with Class AA.2 (3)(a)(ii) of the Order. It would also conflict with the aims of Section 12 of the Framework which seeks to ensure proposals are well-designed and respect their context.

Other Matters

12. My attention has been drawn to the development at 52 Links Drive which was granted prior approval for the construction of an additional storey to the existing under Ref 21/1103/PD56AD. In contrast to the proposal before me, No 52 does not appear to unacceptably dominate the neighbouring properties. It is therefore not entirely comparable to the proposed development and does not lend weight in its favour.
13. I note the appellant's comments regarding the Council seemingly misinterpreting permitted development legislation and affording too much weight to the High Court decision in *CAB Housing Ltd vs Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 208 (Admin)¹. However, this judgement confirmed that the matter of 'external appearance' may include the wider street scene, and my considerations above are made in this context and also address the relevance of development plan policy to my assessment.
14. I have also had regard to remarks on the implementation of an Article 4 Direction concerning protected bungalows in the Links Drive area. The Council has confirmed that the direction which would cover No 32 has not yet come into force. However, this does not alter my view that the development would be unacceptable in terms of external appearance for the reasons given above.
15. I acknowledge that Paragraph 120 of the Framework states that planning policies and decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. However, this is subject to the development being well-designed and consistent with the prevailing height and form of neighbouring properties and the overall street scene, which I have found the proposal would not be.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Savage

INSPECTOR

¹ Later upheld in the Court of Appeal in *CAB Housing Ltd v SSLUHC & Broxbourne BC* [2023] EWCA Civ 194