

Appeal Decision

Site visit made on 5 December 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 28th December 2023

Appeal Reference: APP/P1940/D/23/3332021

Land at 2 Nightingale Close, Abbots Langley, Hertfordshire WD5 0GL

- 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. K. Gatman against the decision of Three Rivers District Council.
 - The application (reference 23/0914/FUL, dated 3 June 2023) was refused by notice dated 7 August 2023.
 - The development proposed is described in the application form as follows: *"Two storey front extension, a two storey front, side and rear extension and a single storey rear extension together with the insertion of a first floor window in the north flank elevation of the dwelling and a rear extension to the garage".*
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is the effect of the proposed development on nearby trees.

Reasons

3. The appeal site is located in a built-up part of Abbots Langley, a short way to the south of the M25 where it runs through Hertfordshire. This part of Abbots Langley is residential in nature, having been developed in relatively recent times, with a clear edge to the settlement. To the north and north-east of the appeal site there is open land, with only scattered buildings, and a public footpath immediately to the south of the appeal site links the residential area to countryside. The underlying topography is gently undulating, creating an attractive landscape.
4. Nightingale Close, like the remainder of the development of which it forms part, has been developed in a traditional architectural idiom, with houses that are predominantly of brickwork with tiled pitched roofs. Roof pitches are quite steep and it is evident that, in some cases, additional accommodation has been created in the roof spaces.

5. The houses in Nightingale Close are detached homes and the Close dips away from its junction with Mallard Road. Number 2 is sited at the end of the Close, at the bottom of the slope, and it is discreetly located in the streetscene, harmonising with its neighbours. It is a detached house like its neighbours, architecturally modest but attractive nonetheless.
6. It is now proposed to undertake various extensions and alterations to the house and garage.
7. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history. In this context, trees can often be an important feature in the townscape. At the same time, of course, it is also recognised that appropriate change may include increased densities, while the achievement of good design includes providing good standards of accommodation.
8. An emphasis on the importance of encouraging good design is also to be found in the Development Plan. Thus, Policy CP1 of the 'Local Development Framework : Core Strategy' (which was adopted in October 2011) is an "overarching policy on sustainable development" that includes environmental and design criteria, while Policy CP12 is specifically concerned with the "design of development". In the 'Local Plan : Development Management Policies : Local Development Document' (adopted in July 2013), Policy DM1 is concerned with design considerations, while Policy DM6 focusses on protecting and enhancing biodiversity generally, with a particular reference to trees.
9. In this case, the proposed extensions at number 2 Nightingale Close would make significant changes to the existing house. Parts of the front (east) elevation would be increased in height by the addition of two, three-storey gabled elements (one of which would be repeated at the rear). These would be finished with roofs at a shallower pitch than the main roof, with a raised eaves height (creating additional internal space at the level of the existing attic). A new extension on the south side of the house and the extensions to the front and rear of the building would create large areas of brickwork on the flank elevations.
10. The proposed extensions and alterations would be alien in form to the existing house design. The three-storey features and shallow pitched roofs would be especially ungainly and the bulk of the finished scheme, with extensive areas of relatively plain brickwork would be unattractive and discordant in the setting. The house would be out of keeping with others in the area and would be visually intrusive in views down the Close. Viewed from the south-west, the new flank elevation would be overly dominant and awkward, even though it would be screened to some extent by the boundary treatment and mature trees in the public space. As a whole, the finished design would be unsympathetic to the existing house and its surroundings and would cause significant harm the character and appearance of the area.
11. Other buildings in the vicinity have evidently incorporated floorspace at second floor level but they have not adopted the approach that is now proposed and

this case must be considered on its own merits. I have no doubt that the proposals clearly fail to meet the aim of achieving good design and that they conflict with both national and local design policies.

12. Turning to the effect that the proposals would have on nearby trees, I have noted that there are large and mature trees growing within the public open space to the south-west of the appeal site. The nearest of these to the proposals would be at some distance from the new foundations and it may be that a foundation design could be devised that would protect the trees. If the scheme were otherwise acceptable, it would be necessary to consider whether suitable conditions could be imposed to ensure that the trees would be protected.
13. In the circumstances, however, I have concluded that justifiable concerns about the implications of the project for the longer term viability of the trees reinforce the design objections that I have already identified.
14. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make substantial additions to the existing house. The proposals include new bedroom and living accommodation on the ground and first floors, as well as an extensive new "reading room", "library" and "storage" area at second floor level. Nevertheless, I am convinced that the potential benefits of the project are clearly outweighed by the harm that would be done to the architectural qualities of the existing house and to the character and appearance of the surrounding area.
15. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR