

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: 28.12.2023

Appeal A Reference: APP/N1920/D/23/3332028

Land at 26 Aycliffe Road BOREHAMWOOD WD6 4JW

- 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 D. L. Toma against the decision of Hertsmere Borough Council.
 - The application (reference 23/0979/HSE, dated 5 July 2023) was refused by notice dated 7 September 2023.
 - The development for which permission is sought is described in the application form as follows: "*Retrospective application for front and side boundary treatment*".
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Appeal B Reference: APP/N1920/D/23/3332037

Land at 26 Aycliffe Road BOREHAMWOOD WD6 4JW

- 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 D. L. Toma against the decision of Hertsmere Borough Council.
 - The application (reference 23/0980/HSE, dated 5 July 2023) was refused by notice dated 30 August 2023.
 - The development for which permission is sought is described in the application form as follows: "*Retrospective application container*".
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Decision

1. The appeals (Appeal A and Appeal B) are both dismissed.

Procedural matter

2. Since "retrospective" (as stated in the two application forms) is not an act of development, I shall treat the applications as having been made under Section 73A of the Town and Country Planning Act 1990, for development that has already been carried out (in each case).

Preliminary points

3. Notwithstanding the description of the proposals that were given in the application form for Appeal B, the nature of the proposed development in this appeal can more clearly be expressed as set out in the appeal form, as the construction of "a detached garage".

Main issues

4. The first main issue to be determined in Appeal A is the effect of the proposed development on the character and appearance of the surroundings. The second issue in this appeal is the effect of the vehicular access on highway safety and convenience.
5. In Appeal B, the first main issue to be determined is, again, the effect of the proposed development on the character and appearance of the surroundings. In this appeal, however, the second main issue to be considered is the effect of the garage on the residential amenities of neighbours (whether unacceptable harm is caused by a loss of light or by overbearing appearance).
6. In addition, it is necessary to consider whether there is a special need for the developments that would outweigh any planning harm.

Reasons

7. Aycliffe Road is located in an extensive residential suburb in the north-west part of Borehamwood. It is a fairly busy through route for the residential area and, in the vicinity of the appeal site, is an approximately straight road, lined with terraced and semi-detached houses in a conventional development pattern. The houses have reasonable back gardens and are set back behind modest front gardens that permit off-street parking in many cases. The road layout also accommodates some kerbside parking spaces for residents and visitors. Nevertheless, the layout incorporates some grassy areas and tree planting that soften the streetscene.
8. Number 26 Aycliffe Road stands at the corner of the road and a short pedestrian access way that serves Meryfield Community Primary School. Terraces of houses also face the pedestrian way and number 26 terminates the terrace on the south-west side of the path, adjoining number 28 Aycliffe Road (at a right-angle).
9. The appeals relate to construction works that have already been carried out. A metal fence has been installed to the front and side boundaries at number 26, including two sliding vehicular metal gates on the front boundary (Appeal A). In addition, a metal clad garage has been built close up to the side boundary of number 26, alongside the pedestrian way (Appeal B).
10. 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, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes protecting existing residential amenities and providing good standards of accommodation.
11. Under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety.

12. An emphasis on the importance of encouraging good design more generally is also to be found in the Development Plan. In particular, the 'Hertsmere Local Plan: Core Strategy' (adopted in January 2013) promotes sustainable development and encourages high quality design, notably at Policies SP1 and CS22. Policy SADM30 of the 'Site Allocations and Development Management Policies Plan' (which was adopted in November 2016) also supports development that makes a positive contribution to the built and natural environment and that recognises and complements local character, among other things.
13. The Hertsmere 'Planning and Design Guide' is a Supplementary Planning Document (dated November 2006) that is also relevant but it does not have the force of the statutory Development Plan.
14. Specifically in relation to the highways issue, policies SP1 and CS25 of the 'Core Strategy' and Policy SADM40 of the Site Allocations and Development Management Policies Plan' point out the importance of highway and pedestrian safety considerations and the need to ensure the safety of any users of the highway network.
15. The new garage is a bulky structure, crudely built of metal sheeting and alien to the residential surroundings. It is constructed of inappropriate materials and is incongruous and visually intrusive in the townscape, at the corner of Aycliffe Road and the school access. It is prominent and unattractive in views along the road. The fence and gates are less insistent but they also amount to a hard and unsympathetic feature in the streetscene that is out of keeping with the surroundings, where boundaries (including front boundaries) are sometimes unmarked or are defined by hedges or by fences that have a more domestic character.
16. Hence, I am convinced that both the garage and the boundary treatment cause significant harm to the character and appearance of the residential surroundings.
17. The garage has a particular impact on the outlook from the front of number 29 Aycliffe Road, because of its proximity. I am not persuaded that the amount of light reaching the ground-floor front window of the property would be so far reduced that it would justify a refusal of planning permission in itself but the effect on outlook is significant, in my view. This concern reinforces the design objections that I have already identified, therefore.
18. Turning to the issue of highway safety, I have noted, of course, that a pedestrian crossing is laid out immediately in front of the appeal site. The vehicular access opens directly on to the zebra crossing, where pedestrians would be waiting. The crossing is located at the end of the school access way and the path is evidently much used by children and others, especially at certain times of the day. The existing vehicular access arrangement is obviously unsatisfactory and I accept that the layout represents a serious safety hazard to pedestrians using the adjacent public footway and the pedestrian crossing.
19. It may be that changes could be made to the road layout, but the implications would be significant and I have concluded that the issue could not reasonably be resolved merely by the imposition of conditions.

20. In support of the appeals, it has been argued that the boundary treatment and garage are necessary because of the nature of the use of the site. It is explained that the appellant works as an ambulance driver serving mental health patients, perhaps at short notice at any time of the day or night. At the site visit I noted that two specialised ambulances were parked in the garage, with space for more vehicles on the forecourt. The exact nature of the ambulance service is unclear, however.
21. It is argued that the boundary treatment and garage are needed to provide security and to ensure that an ambulance can be called urgently, when needed. Even so, there is limited evidence of previous vandalism before me and the fence itself does not represent a very significant barrier to a determined intruder. Although I have considered the arguments carefully, and I have taken account of the special needs of the service, I am not convinced that the risk of vandalism is so serious or the need to ensure rapid access to the ambulances so urgent that these considerations outweigh the objections that I have identified.
22. In short, I am convinced that the objections which I have identified very clearly outweigh the benefits of the proposals and that the boundary treatment and the garage do conflict with both national and local planning policies (including the Development Plan). Hence, I have concluded that development for which planning permission is now sought (in both appeals) 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 decisions on the appeals.

Roger C. Shrimplin

INSPECTOR