



Appeal Decision

Site visit made on 14 February 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/N1920/D/23/3333280

48 Newberries Avenue, Radlett, WD7 7EP

- 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 and Mrs B and N Mistry against the decision of Hertsmere Borough Council.
 - The application Ref 23/1102/HSE, dated 24 July 2023, was refused by notice dated 21 September 2023.
 - The development proposed is two-storey front, first-floor side and part single, part two-storey rear extensions; loft conversion with new rear dormer window and rooflights, with raised roof ridge level and fenestration alterations.
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Procedural Matter

1. There has been some debate between the parties as to whether the proposal should have been considered as a full rather than a householder application, given the scale of the development and the extent of the works involved. Notwithstanding, the Council accepted and determined the planning application as a householder development and, therefore, I have determined the appeal likewise.

Decision

2. The appeal is allowed and planning permission is granted for two-storey front, first-floor side and part single, part two-storey rear extensions; loft conversion with new rear dormer window and rooflights, with raised roof ridge level and fenestration alterations at 48 Newberries Avenue, Radlett, WD7 7EP in accordance with the terms of the application Ref 23/1102/HSE, dated 24 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 266-PLK-01 Revision A; 266-PLK-02 Revision D; and 266-PLK-03 Revision D.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and the appropriate construction methods has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and construction methods shall be carried out as approved.

Main Issues

3. These are;

- The effect of the proposal on trees situated alongside the boundary with numbers 42-46 Newberries Avenue (numbers 42-46); and
- The effect of the proposal on the character and appearance of both the existing dwelling and the streetscene.

Reasons

Trees

4. The appeal property is a detached dwelling, which is situated in a suburban residential area. Newberries Avenue is characterised by detached dwellings that sit within relatively spacious plots. The dwellings vary in terms of their age, scale and appearance and a number have been altered and extended since they were originally built (including the appeal property). Several properties are significantly larger than the appeal dwelling. Consequently, there is no distinctive or common dwelling design or character. Trees and other vegetation provide a verdant appearance to parts of the streetscene. This includes vegetation along the side boundary of the site, which is shared with the rear garden boundaries of numbers 42-46.
5. The proposal comprises several different extensions, as described in the heading above. It would increase the mass and bulk of the property, particularly along the length of the side elevation facing the rear of numbers 42-46.
6. The Council states that the proposal would have the potential to harm the health of the trees on the boundary with numbers 42-46 and points to the fact that the application was not supported by an Arboricultural Impact Assessment (AIA). The appellant subsequently submitted an AIA as part of the appeal. This concludes that no trees would need to be removed to facilitate the development and only minimal pruning would be required. I noted at my site visit that some pruning had already been carried out. The AIA further concludes that standard tree protection during construction should be provided and that any roots present are likely to be small and their loss could be tolerated. The Council was invited to comment on the AIA and commented that conditions would be acceptable.
7. Having inspected the site and the position of the trees, I am satisfied (subject to a condition) that the proposed development would not pose an unacceptable risk to their health or appearance. Consequently, the proposal would not conflict with the policies of the Development Plan, or with the Council's Supplementary Planning Documents, which are referred to in its decision notice.

Character and Appearance

8. The Council considers that the proposal would be harmful to the character and appearance of both the existing dwelling and the streetscene, because of its combined height, width and depth in close proximity to the site boundaries. It also states that it would negatively unbalance the uniform relationship with the adjoining dwelling at number 50 Newberries Avenue (number 50).

9. The Council's decision notice states that the proposal would conflict with Policies SP1 and CS22 of the Hertsmere Core Strategy 2013; with Policies SADM12 and SDAM30 of the Site Allocations and Development Management Policies Plan 2016; and with Policy HD3 of the Radlett Neighbourhood Plan 2021. These policies generally seek to ensure that the design of new development is of a high quality and that it complements the character of the area. Detailed guidance on the design and size of extensions is also provided in the Council's Supplementary Planning Document – Planning and Design Guide 2006 (SPD).
10. I consider that the above policies accord with the provisions of paragraph 135 of the National Planning Policy Framework 2023, which contains similar provisions.
11. As stated above, dwellings in the vicinity of the appeal site vary in their scale, and appearance. When viewed from the front, the appeal property has a relatively modest appearance compared to others and I am not persuaded that this would change to any great degree because of the proposal. Regarding its visual relationship with number 50, the front of the appeal property would be comparable in its height and mass to the neighbouring dwelling and space would be retained between the properties. Therefore, I am satisfied that there would not be an adverse impact on the appearance of the streetscene.
12. I accept the total extent of the proposed extensions could not be described as subordinate, but this does not necessarily or always equate to harm. Large extensions can be perfectly acceptable and each case should be considered on its merits. Likewise, the advice contained in the Council's SPD is for guidance and it is not prescriptive.
13. Whilst the length of the dwelling would be extended along the boundary with numbers 42-46, the Council acknowledges that it would not result in harm to the living conditions of the occupants of these dwellings. I have no reason to disagree with that conclusion, given the separation distances involved. Furthermore, it would not be highly visible in the streetscene and its impact would be softened by the vegetation along the boundary. In addition, the rear extensions, including the dormer would be in keeping with the scale and appearance property.
14. Overall, I consider that the design and scale of the extensions to be acceptable and the proposal would not be harmful to either the character or appearance of the existing dwelling or the streetscene. Accordingly, it does not conflict with the provisions of the Development Plan, as referred to above.

Conditions

15. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time for commencement and the listing of the approved plans, a condition is also imposed requiring the use of matching external facing materials. This is necessary to ensure a satisfactory external appearance.
16. To ensure that trees are not harmed by the proposal, a further condition is imposed, requiring proposals for the protection of existing trees to be submitted to and approved by the Council, prior to development commencing.

Conclusion

17. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR