

Appeal Decision

Site visit made on 8 May 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH May 2024

Appeal Ref: APP/N1920/D/24/3339506

31 Christchurch Crescent, Radlett, Hertfordshire WD7 8AQ

- 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 & Mrs Alan & Lisa Simon against the decision of Hertsmere Borough Council.
 - The application, Ref. 23/1456/HSE, dated 12 October 2023 was refused by notice dated 7 December 2023.
 - The development proposed is the erection of a two-storey extension to the side and rear; new cladding, a new porch and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. In the absence of the applicant's agreement to the Council's changes the only lawful description of the appeal proposal is that set out on the application form and is therefore repeated in the final bullet point above.
3. The grounds of appeal consider that the list of policies and guidance that the appeal scheme is considered by the Council to have breached includes some that are not relevant or which have been inadequately referenced in the officer's report. Overall, I consider this to be fair comment and I have therefore made my decision on the reduced list as set out for the appellants.
4. The main issues in the appeal are (i) the effect of the proposed development on the character and appearance of the host dwelling and its surroundings, and (ii) the effect on the living conditions for the occupiers of Nos. 29 and 33 Christchurch Road in terms of outlook, privacy and light.

Reasons

Character and Appearance

5. I saw on my visit that as the middle building in the stepped front building line of Nos. 29-33 Christchurch Crescent and with mature landscaping to its front and flanks, No. 31 presently makes a significant and positive contribution to the street scene. This is due to a combination of its traditional design with the fully hipped roof framing a symmetrical frontage fenestration 'anchored' by a substantial porch and the front elevation benefitting from the attractive contrast of facing brick and painted render.
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6. Whilst on the one hand the individuality of the appearance of No. 31 and the stepped development pattern facilitate change through alterations and additions, this is countered by the necessarily restrictive guidance in Part E 'Guidelines for Residential Extensions and Alterations' 2006 of the Council's Planning and Design Guide Supplementary Planning Document ('the SPD').
7. In the case of dwellings that are of a poor appearance, either through an original poor design or by reason of subsequent alterations, I consider that this guidance could be relaxed if this were to result in improvements to their appearance. However, with the building's architectural merit as explained in paragraph 5 above, the opposite is the case here. And in these circumstances the Council's two main objections to the proposed frontage alterations are ostensibly reasonable and warrant careful consideration along with the appellants' aspirations to upgrade and modernise the property.
8. Firstly, the replacement of the existing porch with a two storey height glazed structure is in my view an overtly contemporary feature. It would accordingly be perceived as an incongruous 'lightweight' addition with a vertical emphasis at odds with building's period design, albeit that the other frontage alterations proposed would also be more contemporary than traditional. Nonetheless, I consider that the glazing would draw the eye and result in the building making a negative contribution to the street scene. The grounds of appeal refer to other double height glazed front porch/projections in the locality, but with those dwellings having quite different designs and in my view in some cases 'unsuccessful', these carry little weight in my decision.
9. Secondly, the Council is concerned that in frontage views the proposed two storey side/rear extension would be of a scale to have a visual impact such that the addition would not read comfortably with the existing roof. Again, I agree with this view as although this extension is recessed it would nonetheless be clearly visible from Christchurch Crescent and fail to achieve a subservience to, and a perception of integration with, the existing dwelling. These requirements for domestic enlargements are at the heart of the SPD.
10. At the rear of the dwelling, the design approach is one of twin gables, which in principle is not a concept that lends itself to a seamless integration with the existing building. On both extensions there would be large areas of glazing and timber cladding to provide a contemporary appearance. On the north east side adjacent to No. 29 the extension would be a fairly modest depth of 3.7m, including 2.2m at first floor. However, on the opposite side next to No. 33 the two storey addition would extend 2.2m above part of the existing ground floor study and a further 7m into the rear garden.
11. In this instance the combination of the latter extension's large size and inappropriate gabled design compared to the existing building pays little regard to the character and appearance of the dwelling. The officer's report refers, correctly in my view, to a '*bulky, dominant, incongruous, visually intrusive and disproportionate addition*' and also takes issue with the large scale dark stained timber cladding for both this and other elevations.
12. Although I have carefully considered the grounds of appeal, I am unable to interpret these aspects of the appeal scheme as anything other than the appellant's objective of a complete revamp of the building giving insufficient

weight to the Council's adopted guidance and policies that seek to safeguard the environmental quality of this pleasant residential area of Radlett.

13. Accordingly on the first issue, I find that the proposals would unacceptably harm the character and appearance of the host dwelling and its surroundings. This would conflict with Policies SP1, SP2 & CS22 of the Hertsmere Core Strategy 2013; Policy SADM30 of the Hertsmere Site Allocations Development Management Policies Plan 2016; Policy HD3 of the Radlett Neighbourhood Plan 2020 to 2036; the Radlett Design Code 2021; the SPD and Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework ('the Framework'), as amended December 2023.

Living Conditions

14. Turning to the second main issue, because of the stepped building line and the large scale of the proposed extensions at the rear it is reasonable to assume that there is the potential for some impact on the living conditions for the neighbours at Nos. 29 and 33.
15. In respect of No. 33, this dwelling is positioned almost entirely to the rear of No. 31 and there is a ground floor home office with a good sized window facing the mutual side boundary. The occupiers of No. 33 have provided photographs from inside this room and these show that although the boundary fence is close to the window, there remains an outlook of trees and vegetation in Nos. 29 and 31 and also of the skyline.
16. I do not agree with the officer's report that this room should be regarded as 'non-habitable' for the purposes of planning guidance and I consider it is clear that the proposed two storey extension on the west side of the building would close down the outlook from the room at close quarters and additionally have a significant effect on daylight and especially sunlight.
17. The officer's report refers to the respective extensions breaching the 45 degree line taken from the nearest front bedroom window of No. 33 and the nearest rear bedroom window in No. 29. The occupier of No. 29 has drawn their own 'correct' version of the 45 degree line and together with a roof overhang this is considered to demonstrate a greater impact than that alleged by the Council.
18. Whilst in my view in both cases the extensions' interception of the 45 degree line is more slight than significant (and in the case of the line drawn from No. 33 the existing building of No. 31 also breaches it) I note that the SPD says that in all cases the first floor of the extension should be '*set comfortably*' within a line drawn at 45 degrees from the nearest edge of any first floor neighbouring window (my emphasis). I do not regard the proposed relationship is 'comfortable' in either case and this does suggest that for both extensions there is a basis for some reduction in length so as to avoid a harmful effect on outlook for the neighbours. However as regards light to No. 33, the extension would be to the north and there would be no noticeable effect.
19. Finally, in respect of the patio, given the boundary fence and screening effect of the mature vegetation (mostly within the garden of No. 29) I am not convinced that the addition of 0.5m in the level would result in overlooking and a loss of privacy for the neighbours.

20. On this issue I find that the living conditions for the occupiers of Nos. 29 and 33 would be adversely affected by the proposed development. There would therefore be harmful conflict with essentially the same policies as applied to the first issue and with paragraph 135f) of the Framework.

Conclusion

21. The appeal proposals are for significant alterations to the size of the building and its appearance. I have had regard to all the matters raised for the appellants, but overall conclude that the development would be harmful to the character and appearance of the host dwelling and its surroundings. There would also be some adverse effect on the living conditions for neighbours as regards light and outlook. This harmful impact would be particularly significant as regards the home office of No. 33.
22. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR