



Appeal Decision

Site visit made on 7 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/N1920/W/23/3334191

Lychgate, The Warren, Radlett, Hertfordshire WD7 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Merrit Properties against the decision of Hertsmere Borough Council.
 - The application Ref is 23/0929/FUL.
 - The development proposed is the demolition of the existing house and construction of a detached 7 bedroom dwelling to include habitable accommodation in the roof space and at basement level. Associated hard and soft landscaping, with the creation of a carriage driveway and electronic security gates.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and construction of a detached 7 bedroom dwelling to include habitable accommodation in the roof space and at basement level. Associated hard and soft landscaping, with the creation of a carriage driveway and electronic security gates at Lychgate, The Warren, Radlett, Hertfordshire WD7 7DU in accordance with the terms of the application Ref 23/0929/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached two-storey dwelling positioned within a reasonably large garden plot. Properties surrounding the site, including nearby Hawthorns, Oakfield, Camforth, Kitwell House and Fentham, typically comprise large, detached properties. These are typically oriented towards the road but vary in scale, period and detailed design. Variations include the use of materials, roof profiles and the orientation, design and number of window openings. Irrespective of when any properties in the surrounding area were originally approved or were altered and extended, this lack of uniformity forms part of the character of the area.
5. The proposed replacement dwelling would undoubtedly be larger than the existing dwelling and would be highly visible along parts of The Warren,

particularly at the entrance to Paddock View. Views of the replacement dwelling would also be obtained from some private vantage points, including from properties within Paddock View and The Warren. However, public views would be fleeting by reason of the limited size of the gap formed by the Paddock View access road, together with the established and prominent landscaping that exists throughout The Warren. In any case, sight of the proposed development would not automatically result in harm to the character and appearance of the area.

6. I consider that the position of the dwelling within the plot would respond appropriately to the established, varied, building line along the road, irrespective of precise measurements and setbacks. The proposed materials would also be suitable for the varied context. Although featuring basement and roof level accommodation, the dwelling would appear as a 2-2.5 storey building from The Warren, assimilating appropriately with nearby properties. Moreover, the roof profile, although reasonably large, would not be the first 'crown' roof in this area, with several properties featuring either fully or part flat roof elements. The roof profile would be sufficiently articulated to minimise its overall bulk. Ultimately, the proposed development would have only a limited appreciable effect on the already varied, and highly landscaped, streetscene.
7. Whilst a greater volume of built form would exist along the Paddock View access road, this would not appear out of keeping with the area and would be set behind boundary treatments and landscaping features. Whilst landscaping (either established or proposed) cannot be relied on in perpetuity to provide the same level of screening, I have no reason to believe that this would be significantly lessened over time. Overall, the proposed development would not appear overly large, dominant or incongruous in this location.
8. For the above reasons, I conclude that the proposal would have an acceptable impact on the character and appearance of the area, in accordance with the relevant provisions of Policies SP1 and CS22 of the Core Strategy (adopted 2013), Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan (adopted 2016) and Policy HD3 of the Radlett Neighbourhood Plan. These policies, amongst other objectives, seek to ensure high quality design in development that responds to context. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) and National Design Guide, insofar as they relate to good design and responding to context, and the guidance set out within the Draft Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (2016).

Other Matters

9. Neighbouring residents have raised matters relating to loss of light and overbearing impacts. There is no dispute between the Council and appellant in this respect and, based on the evidence before me, I have no reason to disagree with those findings. Accordingly, these matters do not lead me to an alternative conclusion on the main issue. Screening to the rear patio would be satisfactorily dealt with by condition, discussed further below.
10. I note the correspondence from the Environment Agency relating to the need for a site-specific Flood Risk Assessment (FRA). As set out at Framework paragraph 173 (footnote 59), FRAs are necessary where a development falls within Flood Zones 2 and 3. An FRA was not provided with the original

application. However, there is no dispute between the Council and appellant on this matter. The area of the appeal site which falls within Flood Zone 3 is small and is positioned well away from the existing and proposed dwelling. The actual development area is located within Flood Zone 1, where no site-specific FRA is required. I have no reason to disagree with the Council's findings in this respect. Moreover, the Council have suggested a condition in respect of landscaping which requires details of the permeability of hard surfaces to be submitted to and approved in writing.

Conditions

11. In addition to a condition relating to the statutory time frame, I have imposed a condition to ensure the development is carried out in accordance with the approved plans, for certainty. In the interests of visual amenity, I have imposed conditions relating to materials and landscaping. The landscaping condition is also necessary in the interests of sustainable drainage and the living conditions of neighbouring occupiers. Conditions relating to construction methods and obscured glazing are required in the interests of the amenity of neighbouring occupants.
12. Conditions relating to a sustainability statement and a licence issued by Natural England are required in the interests of sustainability and the protection of protected species. A condition requiring details of bin storage and cycle parking has been imposed in order to ensure that sufficient space is provided.
13. A suggested condition relating to accessible standards is necessary to ensure inclusive design is achieved and maintained for future occupiers. A suggested condition removing permitted development rights has not been imposed as there is insufficient evidence before me to demonstrate why this measure is reasonably necessary in this particular case, and relative to other properties within the wider area. A suggested condition relating to plant noise is not considered necessary as this is based on a hypothetical eventuality. A suggested condition relating to screening is not necessary as this has been included under the landscaping requirements condition.
14. Conditions 3-7 are pre-commencement as they are necessary to ensure that any design features and potential mitigation is properly designed in prior to the commencement of development.

Conclusion

15. For the reasons given above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan; P100 C Proposed Site Plan; P110 C Proposed Plans; P120 C Proposed Elevations.
- 3) Prior to the commencement of the development hereby permitted, samples of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development (above damp course level), details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - details of planting, including species and their biodiversity enhancement qualities;
 - earthworks showing existing and proposed finished levels or contours;
 - boundary treatments and raised patio privacy screening;
 - hard surfacing materials, including details of sustainable drainage measures and the level of permeability; and
 - an implementation programme.

The hard landscaping works and boundary treatments shall be carried out in accordance with the approved details before any part of the development is first occupied, or in accordance with the agreed implementation programme.

The soft landscaping works shall be carried out in the first planting season following the completion of the development phase. Any trees, shrubs or plants that die within a period of ten years from the completion of the development, or which are removed and/or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of similar size and species.

- 5) Prior to the commencement of the development hereby permitted, including any works of demolition, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) storage of plant and materials used in constructing the development;
 - iii) wheel washing facilities;
 - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - v) delivery, demolition and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

- 6) Prior to the commencement of the development hereby permitted, a sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the scheme has been designed (taking into account the principles of Policies CS16 and CS17) to take a structured approach seeking to reduce carbon emissions; how materials will be selected having regards to carbon reduction objectives; and any other measures to minimise carbon emissions resulting from the scheme.

The approved details shall be implemented in full prior to the first occupation of the dwelling and retained thereafter.

- 7) Prior to the commencement of development hereby permitted, including demolition or roof stripping, a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to be implemented, shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with that licence and the approved ecological report. All mitigation and compensation measures shall be fully installed before occupation and retained thereafter.
- 8) Prior to the occupation of the development hereby permitted, details of the provisions for refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 9) Prior to the occupation of the development hereby permitted, details of the storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 10) The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010, as amended), and all such provisions shall remain in place for the life of the building.
- 11) The windows and rooflights in the side elevations of the dwelling hereby permitted shall be fitted with fully obscured glass and be non-opening below a height of 1.7 metres when measured from the internal finished floor level. The windows shall thereafter be retained as such.