



Appeal Decision

Site visit made on 4 December 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/N1920/W/24/3341927

Oaklands, Barnet Lane, Elstree, Borehamwood, Hertfordshire WD6 3HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Daksha Vadher against the decision of Hertsmere Borough Council.
 - The application Ref 23/1476/HSE was approved on 8 March 2024 and planning permission was granted subject to conditions.
 - The development permitted is retrospective application for conversion of garage to create ancillary accommodation.
 - The condition in dispute is No 01 which states that: Within 6 months from the date of this permission, the additional front entrance door on the side of the garage as shown on drawing no. 102 should be removed and bricked up in matching external materials to the existing dwelling. The Applicant shall notify the Planning Department on completion of the works. To allow the Council to carry out an inspection to ensure that the works have been carried out in accordance with this condition.
 - The reason given for the condition is: To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of the Council's adopted Residential Development and Car Parking Standards. To comply with Policies SADM3, SADM30 and SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS22 and CS25 of the Hertsmere Core Strategy 2013
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Decision

1. The appeal is allowed and the planning permission Ref 23/1476/HSE for conversion of garage to create annexe accommodation at Oaklands, Barnet Lane, Elstree, Borehamwood, Hertfordshire WD6 3HG granted on 8 March 2024 by Hertsmere Borough Council, is varied by deleting condition No 01.

Background and Main Issue

2. The appeal site is located within Elstree Conservation Area (the CA). The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Insofar as it relates to this appeal, the significance of the CA is primarily derived from the range of historic buildings that front on to the linear roads. I return to this subsequently.
3. The Council granted planning permission for conversion of the garage at Oaklands to create ancillary accommodation. The works have been implemented such that the application was retrospective. Condition No 01 was imposed to require that a side door to the garage be removed. The side door was considered to facilitate the use of the garage as a separate dwelling which was considered to be contrary to the character of the surrounding area.

4. Therefore, the main issue is whether condition No 01 is reasonable and necessary to ensure the appeal building is not occupied as a separate dwelling, in the interests of the character and appearance of the surrounding area.

Reasons

5. Oaklands appears to have been constructed at a similar time and to a similar typology as the neighbouring houses to either side. Like its neighbours, it is set back from Barnet Lane (the road) behind a relatively large drive. Each of these houses has an adjoining garage which projects slightly forwards of the main houses. On these, large garage doors are a prominent feature on the elevation facing the road. Therefore, the houses appear to have a traditional form and function which is a positive defining feature of the surrounding area.
6. The side door that is subject of condition No 01 is visible from the road. It is positioned at right angles to the main front door to the house, and is under the canopy of the porch. However, the large garage door on the front elevation remains in place and is shown on the proposed floor plan. Alongside that door, the side door is subservient and has the appearance of being a side access to a garage rather than an access to an independent dwelling. As such, it does not harm the character and appearance of its surroundings.
7. In any event, the proposal sought conversion of the garage to create ancillary accommodation and was permitted on that basis. Consequently, the Council's approval of the application did not permit the garage to be used as a separate dwelling. Furthermore, the accommodation is shown to be accessible from within the appeal building and therefore appears integral to it. Also it is of a scale that is subservient to the main dwelling. Moreover, if the converted garage was to be used as a separate dwelling, planning permission would need to be sought for that use. In the absence of such a permission, such use would be at risk of enforcement action.
8. Accordingly, removal of the entrance to the side of the garage building is not necessary in order to prevent the garage from being used as an independent dwelling. Therefore, for the above reasons, condition No 01 is not reasonable and necessary in the interests of the character and appearance of the surrounding area. Similarly, the development preserves the character and appearance of the CA.
9. Consequently, the development complies with Policies SADM3 and SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan (November 2016) (Site Allocations Plan) and Policies CS22 and CS25 of the Hertsmere Core Strategy (January 2013) (Core Strategy). Amongst other things, these policies seek to ensure that developments achieve good design having regard to the characteristics of its surroundings.
10. Although the Council's Planning and Design Guide (November 2006) states that the creation of two separate entrances to a house will not be permitted, for the reasons given, retention of the side door is not be harmful in this instance. Policy SADM40 of the Site Allocations Plan and CS25 of the Core Strategy relate to highway and access matters that are not relevant to this main issue.

Other Matters

11. I note third party concerns that the development provides inadequate outlook, light and ventilation for occupants of the appeal scheme. However, as the permitted garage accommodation is not independent of the main house, I see no reason to conclude it creates unacceptable living conditions in that regard. Locations of windows are shown on the submitted floor plan¹. Any windows in the boundary wall, or other external features, that do not comply with the approved details cannot be addressed through this appeal. Matters in respect of building regulation compliance are also outside the scope of this appeal.
12. Concern has been raised that noise from the use of the converted garage causes disturbance to neighbours. However, use of the garage could give rise to disturbance even if not converted. Also, the limited window openings in the converted garage will help to contain noise and cooking odours. As such, the effect of noise and disturbance of the appeal scheme on neighbours' living conditions is not sufficient to indicate that planning permission should be withheld. In addition, the presence of roof lights and a side window as shown on the submitted floor plan do not indicate that the development harms the living conditions of neighbours with respect to privacy.
13. Given the relatively large driveway which extends across the width of the house it appears that there is ample room for manoeuvring of vehicles within the site. The Council's officer report found no concerns in respect of parking, and I have no reason to conclude otherwise. Moreover, no substantive evidence is before me to indicate that use of the appeal garage as submitted gives rise to highway safety concerns. Conversion of the garage does not harm the Green Belt.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

Rachel Hall

INSPECTOR

¹ Floorplans - Existing & Proposed (Unchanged) (Ref 102)