



Appeal Decision

Site visit made on 7 January 2025

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/P1940/W/24/3343040

Arden House, 31 Upper Highway, Abbots Langley, Hertfordshire WD4 8PP

- 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 York Group Ltd against the decision of Three Rivers District Council.
 - The application Ref is 23/1043/FUL.
 - The development proposed is rear ground floor extension with a room in the roof.
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Decision

1. The appeal is allowed and planning permission is granted for rear ground floor extension with a room in the roof at Arden House, 31 Upper Highway, Abbots Langley, Hertfordshire WD4 8PP in accordance with the terms of the application, Ref 23/1043/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. At Part E of the appeal form it is stated that the description of development has not changed, however, a different wording has been entered which reflects that stated on the Council's Decision Notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application form.
3. The appellant has provided revised plans¹ as part of their appeal submission to rectify inconsistencies on the proposed plans. It is understood that the height of the roof on the existing side projection was shown lower than constructed and the roof to the proposed rear extension was not consistent with the elevation. This has been rectified on the amended plans. The changes do not increase the size of the proposed extension or its design and appearance.
4. The Procedural Guide for Planning Appeals is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. In respect of the proposed amended plans, I have had regard to the *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)², which is a more recent relevant case in respect of the consideration of amended plans than the *Wheatcroft*³ judgement.
5. Having regard to its principles such a modification would not be a substantive difference. Furthermore, on procedural grounds I am satisfied that the revised plans

¹ Drawing numbers: 23/2713/03 Rev C and 23/2713/04 Rec C

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

³ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

do not substantially change the development to a degree that would prejudice those who should have been consulted on the change. This is a view shared by the Council. Accordingly, I have assessed the proposal on the basis of the revised plans.

6. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 13 December 2024. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

7. The main issues are:

- i) the effect of the proposal on the character and appearance of the area;
- ii) the effect of the proposal upon the living conditions of existing occupiers; and
- iii) the effect of the proposal on parking and highway safety.

Reasons

Character and appearance

8. Arden House is a large, detached building currently used as a residential nursing home. The property has been extended to the front and is set within a large irregular shaped plot. The surrounding area is residential and consists of a varied scale of properties and plots.
9. The proposed extension would be located to the rear elevation of the property and would be constructed in materials to match the existing rear projection. Two different roof forms are proposed, nevertheless, this would not be unduly discordant with the existing building which has a piecemeal built form. Whilst the proposal would, in part, project above the roof line of the existing single storey building, overall, given the limited increase in height the crown roof would not appear as a bulky addition, nor would it be out of character with the existing building or locality. Furthermore, the ridge height of the proposal would be substantially lower than that of the main two-storey building and would be a subordinate addition to the appeal property.
10. Given the location of the proposed development to the rear of the building the extension would not be visible from Upper Highway and accordingly the character and appearance of the streetscene would be unaffected. Glimpsed views of the roof may be possible from neighbouring gardens. However, given its position some distance from the neighbouring properties, and the presence of boundary treatments, including vegetation, the proposal would not be an incongruous addition.
11. Concern has been raised about whether the development would result in over intensification of the site. It is recognised that the property has been previously extended. However, the appeal proposal would represent a modest addition to the property and the availability of outdoor space for existing occupiers would remain acceptable. The overall scale of the proposed extension would be subservient to the main building and could be accommodated within the plot without appearing cramped.

12. For the reasons stated above, I conclude that the proposed development would not be harmful to the character and appearance of the area. As such the proposal accords with Policies CP1, CP10 and CP12 of the Three Rivers District Council Local Development Framework Core Strategy (adopted 17 October 2011) (Core Strategy). Collectively, these policies state that developments should have regard to the local context and conserve or enhance the character, amenities and quality of an area. The proposal would accord with Policy DM1 of the Three Rivers District Council Development Management Policies Local Development Document Local Plan (adopted July 2013) (Local Plan) which, amongst other things, sets out that development should not lead to a deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character.

Living conditions – existing occupiers

13. To the west of the appeal site there are a number of dwellings along Lauderdale Road. The appeal site, while generally flat, is set on land higher than these dwellings. In the gardens of neighbouring properties, proximate to the shared boundary, a number of single storey outbuildings were present. A fence of approximately 1.8m in height, along with sporadic trees and landscaping, forms the boundary, which limit views between the plots.
14. My attention has been drawn to Appendix 2 of the Local Plan which sets out appropriate separation distances between properties. However, I have not been supplied with a copy of this document. The proposed extension would be inset from both the northern and western boundaries. The separation distances between the windows of neighbouring properties to the west and the proposed extension would be significant, in excess of the guidelines referred to.
15. The height of the existing boundary treatment is sufficient such that it would prevent direct overlooking, from the proposed ground floor windows to the rear and northern flank walls, to neighbouring properties. Rooflights, to serve the office accommodation, would face within the appeal site and would not result in overlooking of neighbouring properties. A condition to remove permitted development rights⁴ for additional windows/dormer windows to the first-floor flank elevations or roof slope would protect the living conditions of existing occupiers.
16. Whilst the roof would project above the roof line of the existing single storey projection, the eaves height of the extension would be low, and the roof would slope away from the shared boundary. Even having regard to the differences in topography, given the degree of separation, between the appeal site and the rear elevation of neighbouring properties, the proposal would not be an overbearing addition such that it would materially harm the outlook of neighbouring occupiers to an oppressive degree. Consequently, for these reasons there would be no adverse effect on existing residents' living conditions in respect of privacy or outlook.
17. Given the limited scale of the proposal there is no substantive evidence that there would be a material increase in noise disturbance or light pollution arising from the nursing home.
18. For the reasons given above, living conditions for existing occupiers would not be unacceptably harmed. The proposal therefore accords with Policies CP1, CP10 and

⁴ The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended

CP12 of the Core Strategy and Policy DM1 of the Local Plan. Amongst other things, these policies seek to protect the living conditions of existing occupiers.

Parking and highway safety

19. A deep hardstanding is present to the frontage of the property. At the time of my visit, I observed this to accommodate a number of parked vehicles. It is understood that in accordance with Appendix 5 of the Local Plan, which outlines parking standards, that there is an existing shortfall of parking to serve the current level of accommodation. A total of 20 spaces would be required for the cumulative amount of development. The submitted plans demonstrate 8 parking spaces within the front hardstanding, resulting in a shortfall of 12 spaces. This is not disputed between the parties.
20. The increase in accommodation would require an additional 1.5 full time equivalent members of staff across the whole week. While the appellant submits that these hours could be undertaken by current staff who are willing to increase their working hours, thus negating the need for additional staff, this cannot be reasonably controlled. Nevertheless, while vehicle movements may increase, they would be limited by reason of the scale of the development.
21. Upper Highway is a residential road where some properties benefit from off-road parking. However, in the vicinity of the appeal site I did observe on-street parking. Although only a snapshot of time, I observed capacity for additional on-street parking along Upper Highway and on neighbouring roads. This reflects the findings of the Highways Technical Note⁵ which identified significant spare on-street parking capacity during the daytime and night-time periods to accommodate any parking shortfall.
22. Nearby bus stops, and the Kings Langley railway station, provide connectivity to several local and regional locations. Having regard to the suburban location of the appeal site visitors and staff would be able to access the site via a choice of transport modes. Additionally, the submission of a Travel Plan, to be secured by way of a planning condition, would further support this, and may have the potential to reduce reliance on the car for visitors and employees and thus demand for parking. It is noted that cycle storage is also available at the appeal site.
23. I have had regard to the comments submitted by interested parties. However, there is little evidence to substantiate concerns that the proposal may lead to on-street parking issues that would subsequently impact upon the living conditions of the existing occupiers of properties on roads nearby to the appeal site. Nor is there robust evidence to substantiate concerns regarding any local parking problems which would warrant the dismissal of the appeal on highway safety grounds.
24. Furthermore, the absence of an objection from the Highway Authority is a significant material consideration. I am therefore not persuaded that the development would introduce unsafe, and disruptive, vehicular movements and on-street parking to the detriment of highway safety.
25. For the reasons stated, I conclude that the proposal would not have a harmful impact upon parking and highway safety. I am therefore satisfied that the proposal accords with Policies CP1 and CP10 of the Core Strategy and DM13 of the Local

⁵ Prepared by Milestone Transport Planning April 2024

Plan. Collectively these policies seek for new development to provide appropriate parking provision and to not cause harm to highway users.

Other Matters

26. Having regard to the Framework's glossary definition of previously developed land I concur that the appeal site would not comprise such. Nevertheless, the proposal would make efficient use of the appeal site which has an established use as a residential nursing home located within the built framework.
27. I have had special regard to whether the settings of other nearby listed buildings would be preserved, notably The Hollies, No 29 Upper Highway, a Grade II listed building, Queen Anne Cottage and Elizabeth Cottage, Grade II listed building, and Oak Beam Cottage and Endways, Grade II. The list description describes The Hollies as a house of late 16th or 17th century origin, extended late 17th or 18th century. This property is set further forward towards the highway than the appeal building. Queen Anne Cottage and Elizabeth Cottage, two houses, formerly three dwellings, of early to mid-18th century origin is located to the southeast of the appeal site. Oak Beam Cottage and Endways, now two dwellings, are of early 17th century origin, that have been extended and are similarly located to the southeast of the appeal property. The significance of these listed buildings is derived in part from their age and surviving historic fabric. However, the location of the appeal scheme and the nature of the proposals relative to these listed buildings leads me to the view that their settings would be preserved.
28. It is not disputed that the Council cannot demonstrate a Framework compliant housing land supply⁶. At 1.92 years this represents a significant shortfall. The addition of new accommodation would assist in meeting an identified need for care homes across the district. It is understood that the proposal would free up the equivalent of 2.6 market dwellings, thus making a positive contribution to the Council's housing land supply.

Conditions

29. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide.
30. I have imposed the standard time condition and the approved plans for reasons of certainty. To ensure a satisfactory external appearance materials shall match those of the existing building.
31. A soft landscaping condition is reasonable and necessary to assimilate the development into its surroundings.
32. A Travel Plan condition would help promote sustainable modes of transport.
33. In the interests of protecting the living conditions of the occupiers of neighbouring properties a condition removing permitted development rights for the insertion of windows and alterations to the roof (including dormer windows) to the first-floor flank elevations and roof slopes of the extension is reasonable and necessary.

⁶ Three Rivers District Council Housing Land Supply Update – December 2023

Conclusion

34. For the reasons stated, I find no conflict with the relevant development plan policies. The appeal is therefore allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 23/2713/01, 23/2713/02 REV C, 23/2713/03 REV C, 23/2713/04 REV B, 23/2713/100 REV A and 23/2713/101 REV D.
3. Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.
4. Prior to the first occupation of the extensions hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include details of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. Additionally, details of replacement trees and hedging including size, species, planting heights, densities and positions of any proposed soft landscaping shall be provided.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

5. Prior to the first occupation of the additional bedrooms hereby approved, a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the extension. An updated Green Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation and subsequently on the 3rd anniversary of occupation. The updated Green Travel Plan shall be implemented following its written approval.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first-floor flank elevations or roof slopes of the extensions hereby approved.

*****End of Schedule*****