



Appeal Decision

Site visit made on 7 January 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/N1920/W/24/3353077

57 Aldenham Avenue, Radlett WD7 8JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John McVeigh against the decision of Hertsmere Borough Council.
- The application reference is 23/1755/VOC.
- The application sought planning permission for the demolition of the existing house and construction of replacement 2 detached dwellings to include accommodation within the roof space, installation of solar panels, parking, bin store, access and amenity space (amended description 12/10/23) without complying with a condition attached to planning permission reference 23/0934/FUL, dated 3 November 2023.
- The condition in dispute is No 2 which states that:
“The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.”
 - 242-C-100 - Proposed Location Plan
 - 242-C-101 - Existing Floor Plan
 - 242-C-102 - Existing Front and Rear Elevations
 - 242-C-103 - Existing Side Elevations
 - 242-C-199A Existing Site Plan
 - 242-C-201 C 57B Proposed Ground Floor Plan
 - 242-C-202A 57B Proposed First Floor Plan
 - 242-C-103 - Existing Side Elevations
 - 242-C-255B - 57 Proposed Rear Elevations
 - 242-C-257 C - 57B Proposed South Side Elevation
 - 242-C-260 - Existing Street Frontage Elevation
 - 242-200 G - Proposed Site Plan
 - 242-201 D - 57B Proposed Ground Floor Plan
 - 242-203 B - 57B Second Floor Plan
 - 242-204 A - 57B Proposed Roof Plan
 - 242-205 D - 57A Ground Floor Plan
 - 242-206 B - 57A First Floor Plan
 - 242-207 C - 57A Second Floor Plan
 - 242-208 B - 57A Roof Plan
 - 242-220 C - Site Section A-A
 - 242-221 B - Site Section B-B
 - 242-250 C - 57A Proposed Front Elevation
 - 242-253 B - 57A Proposed North Side Elevation
 - 242-254 D - 57B Proposed Front Elevation
 - 242-261 F - Street Frontage Elevation
 - 242-614 - 57A Materials Palette
 - 242-615 - 57B Materials Palette
 - 242-C-96 - Site Strategy
 - 242-C-97 Site Analysis
 - 242-C-98 Site Context Study
 - Design Stage Demolition and Construction Management Plan

- Design and Access Statement
 - Arboricultural Impact Assessment prepared by Jomas Associates
 - Preliminary Ecological Appraisal
 - Bat Survey and Assessment (DDW101/R001V1)"
 - The reason given for the condition is "for the avoidance of doubt and in the interests of proper planning".
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and construction of replacement 2 detached dwellings to include accommodation within the roof space, installation of solar panels, parking, bin store, access and amenity space (amended description 12/10/23) at 57 Aldenham Avenue, Radlett WD7 8JA in accordance with the application reference 23/1755/VOC, without compliance with condition numbers 1 and 2 previously imposed on planning permission reference 23/0934/FUL dated 3 November 2023 and subject to the conditions in the attached schedule.

Background and Main Issue

2. The appeal relates to the site of a large detached house on the eastern side of Aldenham Avenue. Planning permission was granted in November 2023 for the demolition of that house and its replacement with two detached dwellings ("the original permission). The development permitted by the original permission was under construction at the time of my site visit.
3. The appellant is now seeking the approval of alternative plans which would permit the construction of a detached double garage within the front garden of the northernmost of the two new dwellings (known as No 57A Aldenham Avenue – the other is 57B). The Council's decision notice gave a single reason for the refusal of planning permission, setting out its view that the siting of the garage would be harmful both to the character and appearance of the area, and to living conditions for future occupiers of the main dwelling.
4. The main issue is therefore the effect of the proposed detached garage on:
 - The character and appearance of the area; and
 - Living conditions for occupiers of the proposed main dwelling No 57A.

Reasons

Character and appearance

5. The appeal site is in a residential area close to the centre of Radlett. Aldenham Avenue is generally characterised by large detached houses, with considerable variation in the design and detailing of the dwellings on the street. The depth of front gardens also varies resulting in there being a somewhat irregular building line with respect to the street; many gardens and buildings are well-screened by thick mature hedges on front boundaries. The 2016 *Character Assessment: Radlett Neighbourhood Plan*, which informed the preparation of the neighbourhood plan which was ultimately "made" and became part of the development plan in 2021, included a thorough survey of the village. Among other things, it defined areas of stronger building form unity within the settlement. Aldenham Avenue was one of 20 streets excluded from the table of "street-wise character" on account of "the

character of these streets lacking any consistency”. Nevertheless it is a pleasant, and clearly affluent and desirable, residential street.

6. The proposed garage would be have a square footprint with sides approximately 6.2m long. It would measure between 1.8m and 2.3m to the eaves, and around 4.3m to its ridge. It would be sited at the western corner of No 57A’s plot close to the boundary with No 57B, and between 2.6m and 3.0m from the footway on Aldenham Avenue. It would have brick walls and a clay tiled roof, to match the materials of the main dwelling.
7. The Council’s 2016 *Planning and Design Guide* Supplementary Planning Document (“the SPD”) seeks to ensure that the layout and design of car parking respects the quality and integrity of the streetscape, and that garages do not dominate the appearance of new developments. It advises that the front building line of any detached or attached garage should be set back from the main front building line. In this case, the garage would be forward of the main building line, and so would not comply with this guidance. However, Aldenham Avenue is a road where garages or similar outbuildings are found in front of the main dwelling reasonably frequently – as well as examples at Nos 62, 62A, 63A, 26, 41 and 37 referred to in the Council’s evidence, others I saw included Nos 18, 20 and 22.
8. As with the houses along the street, there are variations in the style, size and siting of these garages and outbuildings. Those at Nos 18 and 41, for example, appear to be considerably larger than that proposed here; while they are not within the immediate setting of the appeal site they are not remote from it, and they help to shape the streetscape of Aldenham Avenue. The garages at Nos 62, 62A and 63A are nearer to the appeal site, and set close to the front of their plot – slightly further from the highway than would be the case here, but not significantly so. The proposed garage would be reasonably modest in form and height, positioned so that most of the frontage of the house would be seen from the street, and would be at least partly screened by hedge boundaries.
9. Taking all of these considerations together, and notwithstanding the conflict with the guidance of the SPD described in paragraph 7 above, I conclude that the proposed garage would not be an incongruous or intrusive feature in the streetscene, and would not cause unacceptable or significant harm to the character or appearance of the area. There would be no conflict with Policies SP1 and CS22 of the 2013 Hertsmere Core Strategy (“the HCS”), Policy SADM30 of the 2016 Site Allocations and Development Management Policies Plan (“the SADMPP”), or Policy HD3 of the 2021 Radlett Neighbourhood Plan (“the TNP”) which together, and among other things, require development to be of high quality design and appropriate in scale, appearance and function to the local context.

Living conditions

10. The garage would be close to a bay window on the front of No 57A which will serve a relatively small habitable room within the house. The room is identified as a study on the approved plans for the dwelling. The garage would be likely to lead to a limited loss of daylight or sunlight reaching that room, though as it would be offset rather than directly in front of the window I consider any loss of outlook would be negligible. While the loss of daylight and sunlight was specifically referred to on the decision notice, the Council noted that this would be minor, and that the principal living rooms within the dwelling would not be affected. I agree with that

assessment, and find that the garage would not cause significant harm to living conditions.

11. There would therefore be no conflict on this matter with Policies SP1 and CS22 of the HCS, Policy SADM30 of the SADMPP, or Policy HD3 of the 2021 Radlett Neighbourhood Plan which together, and among other things, seek to create attractive and usable places, and to ensure that development does not have an unacceptable impact on the amenity either of future occupiers or of neighbours.

Conditions

12. I have deleted the disputed Condition 2; it is replaced with a new condition defining the new approved plans. With the development having commenced, I have deleted Condition 1 of the original permission as the standard time limit for the commencement of development is no longer necessary.
13. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, Conditions 3 to 17 are therefore reimposed, for the same reasons as they were originally required. There are minor amendments to Conditions 6 and 7 so that they refer to the newly-approved site layout plan including the proposed garage. In the event that some of these conditions have in fact already been discharged, that is a matter which can be addressed by the parties.
14. I have imposed a further condition limiting the use of the proposed garage to purposes incidental to the main dwelling (18), which is necessary to protect the character of the area and living conditions for neighbouring residents.

Conclusion

15. For the reasons given above I conclude that the appeal should succeed. I will therefore grant a new planning permission without the disputed Condition 2 but substituting for it a new Condition 2 defining revised approved plans. The other undisputed conditions which are still subsisting and capable of taking effect are restated.

M Cryan

Inspector

Schedule of Conditions

- 1) [Deleted]
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings, other than where those details are altered pursuant to the conditions of this planning permission:
 - 242-C-99 –Location Plan
 - 242-C-101 – Existing Floor Plan
 - 242-C-102 – Existing Front and Rear Elevations
 - 242-C-103 – Existing Side Elevations
 - 242-C-199A - Existing Site Plan
 - 242-C-103 – Existing Side Elevations
 - 242-C-260 – Existing Street Frontage Elevation
 - 242-C-200 H - Proposed Site Plan
 - 242-261 G – Street Frontage Elevation
 - 242-C-201 C - 57B Proposed Ground Floor Plan
 - 242-C-202 A - 57B Proposed First Floor Plan
 - 242-C-255B – 57 Proposed Rear Elevations
 - 242-C-257 C – 57B Proposed South Side Elevation
 - 242-201 D – 57B Proposed Ground Floor Plan
 - 242-203 B – 57B Second Floor Plan
 - 242-204 A – 57B Proposed Roof Plan
 - 242-205 D – 57A Ground Floor Plan
 - 242-206 B - 57A First Floor Plan
 - 242-207 C – 57A Second Floor Plan
 - 242-208 B – 57A Roof Plan
 - 242-C-220 – Site Section A-A
 - 242-221 B – Site Section B-B
 - 242-250 C – 57A Proposed Front Elevation
 - 242-253 B – 57A Proposed North Side Elevation
 - 242-254 D – 57B Proposed Front Elevation
 - 242-614 – 57A Materials Palette
 - 242-615 – 57B Materials Palette
 - 242-C-96 – Site Strategy
 - 242-c-262b – Proposed garage elevations
- 3) Prior to the commencement of development, 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 in accordance with the approved ecological report. All mitigation and compensation measures shall be fully installed before occupation and retained as such thereafter.
- 4) Prior to any below-ground works and the demolition of the existing dwelling, a Tree Protection Plan for the site clearance and demolition phase of development, in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' for all the trees to be retained (as set out in the Arboricultural Impact Assessment prepared by

Jomas Associates, shall be submitted to and approved in writing by the Local Planning Authority.

The protection measures as approved shall be undertaken at the site before any work in connection with the development hereby permitted commences at the site, and shall be retained for the entire site clearance and demolition phase of development at the site, in connection with the development hereby permitted, within the fence or other means of enclosure surrounding the trees, no activities associated with building operations shall take place unless previously agreed in writing by the Local Planning Authority.

- 5) During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' and in accordance with the Arboricultural Method Statement and Tree Protection Plan contained within the approved Arboricultural Impact Assessment prepared by Jomas Associates, dated 12/06/2023. The protection measures shall be implemented prior to any above ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.
- 6) Prior to the commencement of works above damp proof course (excluding demolition) a scheme of landscaping and boundary treatments, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works, earthworks, and boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority.

Any hard surfaces included within the landscaping scheme shall be porous unless otherwise agreed by the Local Planning Authority.

The soft landscaping scheme shall utilise native species which contribute towards local biodiversity and shall include replacement tree planting at a minimum ratio of 1:1 (excluding category U trees). The use of hedgehog fences, integrated bird and bat boxes, bee bricks, log piles and other features which would improve biodiversity provision at the site shall be incorporated into the scheme.

Prior to first occupation or use of the development the walls (including retaining walls), fences, gates or other means of enclosure, and the hard landscaping shall be implemented as approved and shall thereafter be retained and maintained in perpetuity unless otherwise agreed in writing with the Local planning Authority.

The scheme of soft landscaping as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of ten years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

- 7) Prior to the first occupation of the development hereby permitted the vehicular access to, and egress from, the adjoining public highway shall be limited to the accesses shown on drawing number 242-C-200h only. Any other access(es) or egresses shall be permanently closed, and the footway /

- kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.
- 8) Prior to the first occupation of the dwellings hereby approved, the gates shown on Drawing No. 242-C-200h shall be remotely electrically operated, maintained thereafter and retained (in perpetuity).
 - 9) Prior to occupation of the new dwelling hereby approved, a minimum of one electric vehicle charging point shall be installed on site and thereafter maintained in perpetuity unless otherwise agreed in writing by the local planning authority.
 - 10) Prior to occupation of the development hereby permitted, details of the provisions for the storage of bins shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building and shall thereafter be made permanently available for the occupants of the building.
 - 11) Prior to occupation of the development hereby permitted, details of the provisions for the storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building and shall thereafter be made permanently available for the occupants of the building.
 - 12) Prior to the occupation of the development hereby approved, the measures proposed by the environmental strategy set out within Design and Access Statement prepared by ddwh architects, shall be carried out in full and maintained in perpetuity unless otherwise agreed in writing by the local planning authority.
 - 13) Prior to the occupation of the development hereby approved the ecological enhancement described in paragraph 6.5.1 and shown in Figure 4, Appendix A of the Bat Survey and Assessment (DDW101/R001V1) shall be implemented in full and thereafter maintained in perpetuity.
 - 14) Prior to occupation of the dwellings hereby approved, the following windows shall be in fully obscure glass (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.7 metres measured from the internal finished floor level:
 - 57A First Floor (as shown on drawing 242-C-206b):
 - North-east flank elevation bedroom window
 - North-east flank elevation en-suite windows x 2
 - North-east flank elevation bedroom window – side of bay window facing No.55 Aldenham Avenue
 - South flank elevation bedroom window x 2
 - South flank elevation en-suite bathroom
 - 57B First Floor (as shown on drawing 242-C-202a):
 - North-east flank elevation bedroom window – side of bay window facing No.57A
 - North-east flank elevation en-suite window
 - South flank elevation bedroom 1 window
 - South flank elevation laundry/utility/storage room window
 - South flank elevation en-suite window
 - South flank elevation bedroom 2 window

- 57A and B Second Floor (as shown on drawing 242-C-203b and 242-C-200g):
 - North-East Facing rooflights of 57A
 - South-West Facing rooflights of 57A
 - South-West Facing rooflights of 57B
 - 'Bedroom 5' dormer window of 57B

The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

- 15) Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).
- 16) The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 ("the Order") (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement of the new dwelling hereby granted permission, as ordinarily permitted by Schedule 2, Part 1, Class A, B, C, D and AA of the Order, without the prior written approval of the Local Planning Authority.
- 18) The detached garage shown on drawing 242-C-200h shall be used solely for purposes incidental to the approved dwelling known as 57A Aldenham Avenue.