



Appeal Decision

Site visit made on 4 February 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 FEBRUARY 2025

Appeal Ref: APP/N1920/D/24/3356019

11 Finch Lane, Hertfordshire, Bushey WD23 3AH

- 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 Hiller and Khalid against the decision of Hertsmere Borough Council.
 - The application Ref is 24/0679/HSE, dated 22 May 2024 and refused by notice dated 30 August 2024.
 - The development proposed is partial demolition of existing rear extension, construction of 2.5 storey rear extension, single storey side extension, and alterations to fenestration. Insertion of solar panels to side elevation, new slate tiles, and white render retained and repaired. Associated landscaping works to include improved entrance access and additional parking.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The applicant's name used on the appeal form (Dr Edward Hiller) differs from the planning application form (Hiller and Khalid). The appellant has confirmed that the names on the planning application form are accurate, and I have used those names on this decision notice.
4. It is noted that amended plans and description of the development were submitted to, and refused by, the Council during the determination of planning application 24/0679/HSE. However, in accordance with the appellant's wishes, this appeal has been based on the original description of the development and the originally submitted plans.
5. The appellant refers to a separate planning appeal relating to planning application 24/0819/CLP, an application for permitted development for a rear 2.5 storey extension and single storey side extension which was refused by the Council. However, as no associated appeal decision is within the submitted evidence this matter has no bearing on this appeal.

Main Issue

6. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling, a locally listed building, and the local area.

Reasons for the Recommendation

7. The appeal property is a large, detached property, although notably smaller in height and further set back from the road than the two immediately neighbouring properties. It is built in an Arts and Crafts style, retaining many of its original features including a distinctive one and a half storey hexagonal bay and a single storey five-sided bay and gothic style doorway. Overall, the front of the property is well proportioned and aesthetically pleasing. The rear of the property has been subject to alterations and a small rear/side extension and due to this the value and special interest of the property mainly lies in its frontage. The appeal property is locally listed and is deemed to be a non-designated heritage asset (NDHA), the significance of which seems to derive from its architectural and historic interest. I am cognisant that its significance has been eroded by historic alterations, detailed in annex 2 of the appellant's Statement, demonstrating a general reduction in the overall historic quality of the building.
8. I acknowledge that the rear of the property has been modified and many of the original Arts and Craft features are no longer present. As such, I am content that the partial demolition of this part of the property in itself would not result in unacceptable harm to the locally listed building. I also consider that the proposed width and depth of the rear extension is proportionate and not out of keeping with the scale of the house, garden or neighbouring properties. Overshadowing of neighbouring properties is also not an issue.
9. The gable design of the proposed two and half storey rear extension uses both symmetry and asymmetry to respond to the form of the historic building, but despite this the height of the extension would be an overly dominant and visually jarring addition to the dwelling. The proposed rear extension would extend significantly above the existing ridge height. Despite the set back from the front of the property, it would be visible and overt in the street scene. This component would fail to complement the dwelling and would thus not appear sympathetic or subordinate. The appellant suggests that buildings and trees would help screen the extension from public view, I do not agree this would be the case when directly in front of the property. Whilst it is noted that materials have been proposed that would complement the Arts and Craft style of the dwelling, this would not address the more fundamental issues of scale and design.
10. I am satisfied that the other elements of the proposal would not significantly change the overall appearance of the property in a way which would adversely affect the visual appearance of the dwelling or the streetscene. Indeed, I recognise that the proposals would repair and retain important features of the locally listed building which would be a benefit of the proposal and has been noted by the Council's Built Heritage Consultant. I also do not agree with the Council's view that the proposed window on the front elevation of the two and a half storey extension would harm the architectural significance of the NDHA. The scale of the proposed window is modest, and it has been positioned to balance with the existing fenestration at the front of the property.

11. I have had regard to paragraph 216 of the National Planning Policy Framework (the Framework) which explains that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. To its favour, the proposal would include elements that would repair and retain important features of the dwelling, which has been unsympathetically altered in the past and would remove a rear extension that detracts from the significance of the building. The proposal would also include a low surface area to volume ratio that would improve the thermal efficiency of the building. These benefits weigh in favour of the proposal, albeit to a limited extent. In recognising the position of the proposed rear extension to the street, and its resulting reduced prominence the harm conveyed to the NDHA would be moderate only. However, in taking a balanced view, this harm would not be outweighed by the identified limited benefits.
13. Overall, I have found that the height of the rear extension would be out of keeping with the scale of the house and as a result would unacceptably affect the character and appearance of the dwelling and surrounding area. Furthermore, the proposal would result in moderate harm to the NDHA and would not preserve its special interest.
14. Accordingly, the proposal would not accord with Policy SP1, CS14 and CS22 of the Hertsmere Local Plan Core Strategy (Adopted January 2013) Policy SADM29 and SADM30 of the Site Allocations Development Management Policies Plan (Adopted November 2016) and the Framework which seek, amongst other things, to ensure development is of an appropriate scale and improves local character, conserve and enhance the historic environment (including locally important buildings) and is of high quality design. Moreover, the proposal does not accord with Part E: Guidelines for Residential Extensions and Alterations November 2006 of the Hertsmere Planning and Design Guide Supplementary Planning Document which amongst other things seeks proportionate extensions.

Other Matters

15. The appellant's seek to provide additional living space and enable the hall within the property to be used for the arts is understood. However, this consideration does not outweigh the harm identified.

Conclusion and Recommendation

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR