
Appeal Decision

Site visit made on 5 August 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 SEPTEMBER 2025

Appeal Ref: APP/P1940/W/25/3365019

Cartref, Ormonde Road, Moor Park, Hertfordshire HA6 2EJ

- 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 Dr F Esameili against the decision of Three Rivers District Council.
 - The application Ref is 24/1479/FUL.
 - The development proposed is Demolition of existing post-1958 dwelling and replacement with new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing post-1958 dwelling and replacement with new dwelling at Cartref, Ormonde Road, Moor Park, Hertfordshire HA6 2EJ in accordance with the terms of the application, Ref 24/1479/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has provided further information during the appeal to demonstrate that the proposal does not need to provide Biodiversity Net Gain. The proposal would qualify under the de minimis exemption as the development would affect less than 25 square metres of on site habitat.
3. I have updated the development description to focus on the currently proposed development.

Main Issue

4. The main issue is the effect on the character and appearance of the local area, specifically Moor Park Conservation Area.

Reasons

5. The site is located on the south side of Ormonde Road and is the only dwelling on this side of the road that fronts the public highway. This detached dwelling has a 1960s appearance. On the opposite side of the road are several detached dwellings facing the public highway, with an early 1900s architectural appearance.
6. The Conservation Area of Moor Park was historically in the grounds of Moor Park Mansion. Its significance is derived from the large, detached dwellings built from 1920s – 1950s on tree lined avenues. However, there are several buildings that have modern takes on classical architecture and more contemporary designs near the appeal site. Some of these exceptions were noted during my site visit to be of substantial scale.

7. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) contains duties of preserving or enhancing the character or appearance of the Conservation Area.
8. The existing dwelling does not add any significance to the Conservation Area and the demolition of this building would therefore have a neutral impact.
9. The proposed dwelling would have a greater two storey element front elevation and is positioned closer to the highway by approximately one and a half metres than the existing dwelling. However, given the proposal would still have a significant set back from the highway and that there is limited difference in distance between the built form and side boundaries there would be no harm to the character and appearance to the Conservation Area from these proposed design elements.
10. The current dwelling, as detailed above, is not of the typical architectural style found within the Conservation Area. The proposed design while more in keeping with the arts and crafts style found locally does have a pastiche element to its design. However, combined with the other exceptions to the overall architectural style found in the local area the design of the proposal would preserve the character and appearance of the Conservation Area.
11. From the information provided some of the trees would be removed from the front of the site, which the Council has not objected to. It is noted that there is a general openness of front gardens with low level hedges and/or planting of a feature tree. Replacement planting, that is in keeping with the local area, would be required to preserve the character and appearance of the Conservation Area.
12. The proposal does not undermine the significance and qualities which are of importance to the Conservation Area. It follows that the proposal does preserve the character and appearance of the Conservation Area. On this basis the proposal does not conflict with the expectations of the Act.
13. I therefore conclude that the proposal preserves the significance of the Conservation Area and character and appearance of the local area. On this basis it complies with Policies DM1 (including Appendix 2) and DM3 of the Local Plan Development Management Policies Local Development Document July 2013 that seeks to preserve or enhance the character or appearance of the Conservation Area and respects the character of the street scene. The proposal also complies with Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 adopted May 2025 (Neighbourhood Plan) that seeks to ensure developments respond to local character and design. There is some conflict with Policies CP1 and CP12 of the Local Development Framework Core Strategy October 2011, which seek to both protect and enhance the historic environment. The conflict arises as the proposal would only preserve the historic environment; though given the requirements of the Act, the Council's Development Management Policies Local Development Document July 2013 and the requirements of Chapter 16 of the National Planning Policy Framework 2024 the overall weight of policy is in favour of the proposal.

Other Matters

14. The driveway of the proposal would still be able to accommodate several cars off the public highway. The loss of garage spaces therefore is a neutral factor in my decision.

Conditions

15. The suggested conditions by the Council ensuring the proposal is implemented in three years and that it complies with drawings are required to ensure it is commenced in a reasonable timeframe and in accordance with the submitted drawings.
16. A condition regarding external materials to be agreed is required to ensure that all materials are of a high quality in the Conservation Area.
17. Given the trees both on site and on the neighbouring properties a tree protection condition is required to protect these trees during construction.
18. Further extensions could harm the design and outbuildings could be to the detriment of the Conservation Area. On this basis, a removal of permitted development rights is justified to allow future control by the Council.
19. It is accepted that the proposal is being designed above standard building control measures regarding carbon emissions and this is to the merit of the proposal. On this basis, a condition to ensure the development meets this standard is required.
20. To ensure adequate protection and mitigation to a protected species, the recommended condition for bat protection is required to make the development acceptable.
21. Given the closeness of the side windows to the neighbouring boundaries, a condition will be placed to ensure that the side facing windows at first floor are obscured.
22. Soft landscaping is an important element to the character and appearance of the conservation area. In addition, the landscaping scheme will need to provide a level of biodiversity net gain in accordance with Policy BW GB1 of the Neighbourhood Plan. On this basis, a replacement planting condition is required to ensure that the conservation area is either preserved or enhanced.
23. A condition will be added to protect the conservation area to ensure that existing dwelling is not demolished prior to construction of the approved dwelling being secured.

Conclusion

24. For the reasons given above the appeal should be allowed.

A Phillips

INSPECTOR

Condition schedule

- 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 the following approved plans: TRDC-01 (Location Plan), 6071 PL001 F, 6071 PL002 B, 6071 PL010 B, 6071 PL011 B.
- 3) Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, 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) The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed (black line) on the Tree Protection Plan (page 15 of the Tree Condition Report) shall be erected and maintained on site throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 6) The development hereby permitted shall be implemented in accordance with the details of the energy statement prepared by Building Energy Experts and completed prior to first occupation of the development. Thereafter, these measures shall be permanently maintained.
- 7) The development hereby permitted shall be implemented in accordance with the recommendations of the Bat Emergence Survey Report by Chase Ecological Consultancy, including the incorporation of an integrated bat roost to the east elevation of the proposed dwelling, prior to the occupation of the development and shall be permanently maintained thereafter.
- 8) Prior to the first use of the dwelling hereby permitted, the windows in the side facing elevations at first-floor level shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed and shall be permanently retained in that condition thereafter.
- 9) Prior to the first occupation of the hereby approved dwelling, details of the position and type of replacement trees to be planted within the site to mitigate the proposed tree removal shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out as approved 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 trees 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.

10) No demolition shall take place until a contract has been put in place to secure the redevelopment of the site permitted via planning permission 24/1479/FUL and details of the contract have been submitted to and approved in writing by the Local Planning Authority. The contract shall include details of the timescale for carrying out the approved redevelopment.