



## Appeal Decision

Site visit made on 11 February 2021

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021.

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**Appeal Ref: APP/P1940/D/20/3262206**

**13 Heathside Road, Moor Park, HA6 2EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Sita Bhundia against the decision of Three Rivers District Council.
  - The application Ref 20/1507/FUL dated 25 July 2020, was refused by notice dated 23 September 2020.
  - The development proposed is partial demolition of the existing house, conversion of garage into habitable accommodation and erection of a two storey side and rear extensions to include new entrance porch, loft conversion including increase in ridge height and rooflights and creation of basement with lightwells and provision of solar PV panels.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have utilised the Council's description of the development as I feel it more concisely describes the proposal than that on the original application form.

### Main Issues

3. The main issues are i) the impact of the proposal upon the character and appearance of the existing dwelling and ii) the impact of the proposal upon the character and appearance of the Moor Park Conservation Area (CA).

### Reasons

4. The National Planning Policy Framework 2019 (the Framework) does not change the status of the Local Plan. In applying the presumption in favour of sustainable development paragraph 11 c) of the Framework seeks to approve development proposals which accord with an up-to-date development plan. I have no evidence before me that the development plan is not up-to-date. The starting point for this appeal is the Local Plan as set out in S38(6) of the Planning and Compulsory Purchase Act 2004.

### *Impact upon the existing dwelling*

5. The appeal site is located on a corner plot at the junction of Heathside Road and Heathside Close. The dwelling is a two-storey detached property, constructed pre-1958, with a two-storey front projection standing in a spacious plot. The appeal site is enclosed by hedging and the front of the site is completely down to soft landscaping with the exception of the driveway which

leads to the garage. I note the appellant's comments regarding extensions to other dwellings within the CA, however, I have no evidence before me as to the circumstances which allowed such development giving them limited weight.

6. Regardless of the importance which is, or is not, placed upon 1958 as a date or the fact the appeal site has no special designation it is a common principle with extensions that they should not overwhelm or result in a complete loss of the features and/or character of the host dwelling i.e. they should be subservient. Taking into account the existing/proposed floor plans and elevations it is clear that realistically only limited elements of the original dwelling (front and a side elevation) would be retained as part of the design. I find that the proposals are likely to result in substantial demolition based upon the evidence before me. This, in turn, undermines the original form of the host dwelling. It is, I find, not far off presenting as tantamount to a replacement dwelling as a result of the loss of a substantial proportion of the structure of the host dwelling.
7. Even giving the proposal the benefit of the doubt, and considering it as an extension proposal as contended, it can be seen from the development description that the proposal is one with multiple elements. The appellant acknowledges that the remodelling of the house will result in a material enlargement of the massing of the building. I find the combination of the proposals, essentially wrapping around two sides of the dwelling as well going under and over, would result in substantial additions and alterations that would be unsympathetic to the host building. The extensions and proposed basement, combined with the increase in ridge height, would result in the original dwelling being essentially engulfed and over-dominated and completely detract from both its original character and appearance as a result of excessive scale. The original dwelling would be virtually undecipherable upon completion.
8. The proposal would be contrary to Core Strategy 2011 (CS) Policy CP1 which notes a need to ensure high quality design that respects local distinctiveness and seeks to protect and enhance historic environments from inappropriate development. The proposal would also be contrary to Development Management Policies Local Development Document 2013 (LDD) Policy DM1 which requires applications to satisfy the design criteria set out in appendix 2 to ensure that development does not lead to gradual deterioration in the quality of the built environment. Appendix 2 specifically notes that oversized additions can detract from the character and appearance of the original property.

#### *Moor Park Conservation Area*

9. It is acknowledged that the Framework is generally supportive of extensions to meet flexible housing needs, however, the Framework also places great importance on good design and conserving and enhancing the historic environment.
10. The appellant's statement quite heavily focus' upon footprint to plot ratio. Despite this, whilst plot coverage is raised in the Council's report the refusal reason is not based directly upon footprint to plot ratio – is essentially based upon scale and massing more generally. The CA Appraisal sets out plot coverage that will be permitted at 15% and the appellant has provided examples where it appears plot coverage in excess of 15% has been allowed. I do not find that, in this case, exceeding the limit by 1% (or 3% based on figures within the submitted objections) sufficient to warrant refusal on its own.

11. The area around the appeal site is characterised by detached dwellings in spacious plots and I find that the style of the dwellings is varied with no one style particularly notable. At the time of my site visit I noted that the appeal site is prominent in its location as a result of both the higher land level upon which it sits as well as the corner plot itself. Its prominent location does, therefore, make it more sensitive to change because of the readily available views in the public domain.
12. The proposed hardstanding to the front of the property is a notable increase compared to the existing site. Despite this the site plan (042/PR/204), as well as the indicative lawn areas in the appellant's statement, appear to demonstrate that the proposed hard standing would essentially be set back from the road. This would allow for soft landscaping and maintenance of the boundary hedges and trees, as well as the external grass verge, which would assist in maintaining the green appearance of the site. Appropriate landscaping could be secured by condition to secure a layout similar to the clover leaf layout noted in the CA appraisal. I do not find that increase in hardstanding would erode the open character of the site, impact upon the CA or warrant refusal as a result of this element of the proposal even when taking into account the prominent corner plot location.
13. I find that the current dwelling does make a positive contribution to the appearance of the CA in that it has remained modest in built form and design which has enabled it to comfortably nestle in to the large, green, corner space amongst some notably larger dwellings. Its relatively unaltered form is indicative of the original character of the CA which the CA appraisal is clear in its intention to protect. This is not to say that the dwelling should remain unaltered at all but only serves to emphasise the importance of any proposed alterations being sensitively designed with both the host dwelling and setting within the CA in mind.
14. The proposals do indicate comparatively reduced massing towards Heathside Close but despite this as a result of the extensions over dominating the host dwelling and regardless of age, as discussed in the first issue, I find the dwelling as proposed would still present as overly prominent within the CA and would fail to preserve or enhance the character of the CA resulting in less than substantial harm to the CA. A lack of objection on other matters such as sufficient parking, garden space or amenities of adjoining properties in terms of daylight, outlook or privacy and inclusion of renewable technology are neutral considerations in the context of the harm identified.
15. The proposal would be contrary to CS Policy CP1 which seeks to protect and enhance historic environments from inappropriate development and CS Policy CP12 which expects development proposals to enhance the character of an area and conserve and enhance heritage assets. The proposal would also be contrary to LDD Policy DM3 which states that within a CA development will only be permitted if the proposal is of a scale and design that preserves or enhances the character or appearance of the area.
16. The proposal would be contrary to the conservation objectives set out in the Moor Park Conservation Area Appraisal (October 2006) which is a material consideration within this appeal. In accordance with paragraph 196 of the Framework great weight should be attributed to the asset's conservation

irrespective of whether the harm identified amounts to less than substantial harm.

17. Paragraph 196 of the Framework requires, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it should be assessed against the public benefits of the proposal. The proposal would result in a larger residential dwelling however, this does not provide any public benefit to outweigh the less than substantial harm identified.

### **Other Matters**

18. Other sites mentioned by the appellant I do not find to be in located in such prominent plots with the exception of 23 Bedford Way which is stated to be a corner plot and, in any case, each case should be considered on its own merits. In the case of 23 Bedford Way I only have limited information before me however, it would appear from the submitted delegated report description that the proposals were materially different to those before me in this appeal. For example, at 23 Bedford Way the two storey rear extension was only 4m in width, the ridge height of the extension was lower than the central part of the main building and the increased ridge height (of 1m) was only 2.5m in length form. I find the combination of proposals within this appeal to be significantly more than that approved at 23 Bedford Way.
19. The appellant's comments regarding Green Belt development guidance are noted however, the appeal site is not within Green Belt and thus this is of little weight in this case. The technical housing standards – nationally described space standards (NDSS) sets out requirements for new dwellings which this proposal is not. Compliance with NDSS is therefore of limited weight. The presumption in favour of sustainable development, in the Framework, is noted but sustainable development has three overarching objectives which need to be pursued in mutually supportive ways. It is not solely concerned with location as suggested. The impact of the proposal which I have identified fails to meet the environmental objective of sustainable development which seeks to protect and enhance the natural, built and historic environment (paragraph 8 of the Framework).
20. I note objections have been raised with regard to overlooking, overshadowing, loss of privacy and impact upon drainage. The Council has considered these matters and they do form part of the refusal reason. I have no evidence before me to conclude differently on these matters. Concern over disruption during the build could have been managed via a condition requiring a construction management plan had I found the proposal acceptable in other regards. I have discussed the other matters raised, within the objections, elsewhere within this decision letter.

### **Conclusion**

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

*Eleni Randle*

INSPECTOR