

31 August 2021

Development Management
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
WD3 1RL

Our ref. 865
Planning Portal ref. PP-10151133

Dear Sir,

Retrospective application for installation of 6 rising bollards within driveways
Tivoli, 39 Astons Road, Moor Park, Northwood HA6 2LB

We act on behalf of the applicant, Mr J Kajani, and have today submitted a planning application for the installation of 6 rising bollards within the driveways, as part of boundary treatment of Tivoli, 39 Astons Road, Moor Park, Northwood HA6 2LB.

In addition to this letter, the application comprises of:

- Application forms duly completed.
- Location Plan (drawing ref. 5473/PL/LP).
- Proposed Block Plan (drawing ref. 5473 PLPR 200).
- Bollard details.

This application is a resubmission of a refused application (ref. 20/2642/FUL) and so no application fee is required. Please confirm receipt of the application and validation in due course.

Background

The application site comprises a large, detached dwelling and its associated curtilage, located on the eastern side of Astons Road within Moor Park. The dwelling is a two storey building with an in-out driveway to the front. The front boundary is open to the road with a low level hedge between the two driveways.

This application seeks retrospective permission for the installation of 6 rising bollards on the driveway, as part of the boundary treatment; 2 bollards on the left hand driveway when looking at the house and 4 on the right hand side driveway. They are required in order to improve security and to enclose the front boundary (along with the low level hedge) of the property. The proposed bollards are 0.5 metres in height and will retract into the ground to allow vehicles to enter and exit the site. The bollards are tubular galvanised steel with a small surround on the driveway surface and are only visible when above ground. The bollards are also set back from the front boundary by approximately 3.5 metres in order to minimise the visibility of the bollards within the local area and to allow a car to pull off the road whilst the bollards are lowered. Photographs of the bollards in situ, and in the raised position have been submitted with this application.

A previous application (ref.20/2642/FUL) was submitted for a similar scheme which included bollards and traffic light columns on the site boundary. This application was refused as the Council considered the design, appearance, and size to appear as an unsympathetic, urbanising, and incongruous addition to Moor Park Conservation Area. The current application does not propose traffic lights and locates the bollards further within the site. It is therefore materially different to the previous scheme.

The application is retrospective as the works required to install the bollards have been undertaken, however they are not in operation and remain below ground at all times. It is noted that, due to the pandemic, the previous case officer did not undertake a site visit for the previous application although has visited the site in the past. Given the retrospective nature of the scheme, we would ask the case officer to visit the site to view the bollards in place, in order to understand their lack of adverse impact upon the Conservation Area.

Relevant Policy

The revised NPPF was published in July 2021, to be read alongside the online National Planning Practice Guidance. The NPPF explains in paragraph 219 that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework". Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

The Core Strategy was adopted in October 2011 and the policies relevant to this application include Policies CP1 (Overarching Policy on Sustainable Development), CP9 (Green Infrastructure), CP10 (Transport and Travel) and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMPLDD) was adopted in July 2013 and the relevant policies include DM1 (Residential Design and Layout), DM3 (The Historic Built Environment), DM6 (Biodiversity and Trees), DM13 (Parking), and Appendices 2 and 5.

Moor Park Conservation Appraisal was adopted in 2006. This document is a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. This document highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area as a designated heritage asset.

Consideration of Application

Paragraph 199 of the NPPF states that great weight should be given to heritage asset's conservation. Paragraph 202 then goes on to explain that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

Policy DM1 and Appendix 2 of the DMPLDD set out that development should not lead to a gradual deterioration in the quality of the built environment, or have a significant impact on the visual

amenities of the area. As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or to the general street scene.

Policy DM3 of the DMPLDD sets out development within Conversation Areas will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.

The Moor Park Conservation Appraisal (2006) provides guidance in relation to development within the Conservation Area and sets out that open frontages are important to the character of the Conservation Area. Paragraph 3.12 of this document states that

“The open character of the frontages in the conservation area is one of its most pleasant features. The existing grass verges are of high landscape quality and have a positive visual influence. New crossovers or other breaks to these verges will generally not be encouraged. Planting and soft landscaping is characteristic and will be encouraged. Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area’s appearance.”

Moor Park is an attractive residential area of predominantly substantial residential properties on large plots, along wide streets which are lined with trees and grass verges. As set out in the Conservation Area Appraisal, the character of the area is partly formed by the open frontages of dwellings onto the estate roads.

The application site has a relatively open frontage with no front boundary wall or fencing, as is characteristic of the Conservation Area, although landscaping does create some sense of enclosure. The site frontage does therefore offer a contribution to the historic importance of the Conservation Area, although this is limited as it is only one dwelling in a large residential development.

The development creates a small scale, intermittent, scheme of retractable bollards along part of the site frontage. The bollards are positioned on each of the driveways, located either side of a lawn, and are set back by approximately 3.5 metres from the front boundary of the site. Due to the sloping nature of the driveways, the bollards are at a lower level than the street and are therefore subservient when seen within the streetscene. The setback and sloped driveway, along with the small scale bollards preserves the more open appearance of the site frontage, ensuring that it remains as a contributing factor to the character of the Conservation Area. The use of bollards is not comparable to a continuous wall, fence, or even railings which would have far more visual impact on the openness of the site frontage given their continuous appearance and enclosing nature.

It is noted that a number of properties along Astons Road, including no’s. 34, 37 and 43, which are in proximity to the application site have low level lighting columns within their front gardens. Photographs of some of these lighting columns are contained in Figures 1 & 2 below. These lighting columns are permanently raised but are relatively discreet and do not appear overly dominant within the streetscene or the wider Conservation Area. The bollards at the application site will appear no more dominant than these lighting columns and will retract into the ground when not in use. As such the bollards will have no greater urbanising effect than existing features within the streetscene and will not therefore adversely affect the character and appearance of the Conservation Area.



Figure 1. Lighting columns at 43 Astons Road



Figure 2. Lighting column at 37 Astons Road

For the reasons given above, the bollards do not adversely affect the open character of the frontage of the application site and therefore preserve the character and appearance of the Conservation Area and do not cause harm to the heritage asset. The development therefore accords with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Moor Park Conservation Appraisal (2006).

If, however, the Council consider the development to create harm to the Conservation Area, this can only be considered to be on the lower end of 'less than substantial harm', which the benefits of the scheme outweigh. Whilst the bollards are for the security of the application site, they do have a wider public benefit of generally dissuading criminal activity within the local area given the presence of security measures in the streetscene. This public benefit, the dissuasion of crime in the area, is significant enough to outweigh any potential very limited less than substantial harm the Council may consider the bollards create, in accordance with Paragraph 202 of the NPPF.

Impact on Neighbours

Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not be excessively prominent in relation to adjacent properties.

The development is not of a nature which would have any adverse impacts on the amenities of the occupants of any neighbouring property, due to the small scale and location of the bollards. The application therefore accords with the relevant policies outlined above.

Highways and parking provision

Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

The application would not alter the existing parking circumstances, thus ensuring sufficient parking on site and therefore not creating any highways issues. The scheme therefore accords with the relevant policies of the Core Strategy and Development Management Policies document.

Wildlife considerations

Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document relate to the protection of biodiversity and protected species.

A Biodiversity Checklist is submitted with the application and confirms that no protected species or biodiversity interests will be affected as a result of the application. There are no records of bats (or

other protected species) within the immediate area that would necessitate further surveying work being undertaken, as previously confirmed by the Council. The application therefore accords with the relevant legislation and policies.

Trees and landscape

Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out that development proposals should seek to retain trees and other landscape and nature conservation features and should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

All trees situated within and neighbouring the application site are afforded protection by the Moor Park Conservation Area. Whilst the bollards on the northern drive are in proximity to a tree on the shared boundary with no.37 Astons Road, excavation works for the bollards were only approximately 0.7m deep to accommodate the bollards when they are retracted, plus the motor for doing so. Whilst the installation of the bollards required a small amount of ground works, the distance from the tree and the depth of the excavation ensures they have not created any harm to the adjacent tree.

We therefore respectfully request that retrospective permission is granted. As stated above, we would welcome a site visit from the case officer as we are aware they have not been able to visit for previous applications, and it would be beneficial to see the bollards in situ. Should you have any queries relating to the above, please do not hesitate to contact me.

Yours faithfully



Matthew Pearce MRTPI
Senior Planner
Enc.