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# Appeal Decision

Site visit made on 17 August 2012

**by Christine Thorby MRTPI, IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 September 2012**

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**Appeal Ref: APP/N1920/A/12/2173147**

**The Paddock, Elstree Road, Bushey Heath, WD23 4ED**

- 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 Signature Senior Lifestyle against the decision of Hertsmere Borough Council.
  - The application Ref TP/11/2159, dated 4 November 2011, was refused by notice dated 27 February 2012.
  - The development proposed is the erection of a 75 bedroom residential care home for the elderly with associated car parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are the effect on the character and appearance of the area, and on the living conditions of the neighbours in terms of noise and disturbance, privacy and outlook.

## Reasons

*Character and appearance.*

3. Bushey Heath is a large residential area. Although there is a broad variety of built form, there is some consistency as development is spaciouly laid out, mostly two storey, suburban housing, with front and rear gardens. This domestic footprint creates a rhythm and pattern to the streets and it is an intrinsic part of the attractive residential character. Although there are some large scale buildings that break this pattern, these are set back some distance from the road, like Immanuel College, where they have little immediate effect on the streetscene, or they are of high architectural quality and historic interest, like Reveley Lodge and Immanuel College which are listed buildings.
4. The appeal site is a large area of open land, with a fall of over 6 meters from the road. It was originally part of Reveley Lodge, but is separated from this building by Elstree Road and has little visible connection to the property. The open space adds little to the character of Reveley Lodge and its redevelopment would not affect the setting of the listed building. There other listed buildings in the area, but the appeal scheme would be too far away to affect the setting of these buildings. However, the open nature of the site does contribute to the streetscene, adding to the spacious, suburban character of the area.

5. The new care home would be an 'F'- shaped building. The front section would stretch over 70 metres across the width of the site and the side projection would extend over 40 metres along Caldecote Gardens. The building has been lowered into the site to reduce its impact. Nevertheless, the front elevation is two storeys with a large roof and three storey gables, and it would be a substantial building, much greater in mass than any nearby buildings. The use of architectural features such as gables, Victorian villa style overhang, a staggered building line and the stepping down of elements, go some way to break up the mass, but the unbroken length of the Elstree Road elevation would be evident to passers by and in close views from the front of the site from where it would appear unsympathetic and out of keeping with its surroundings. The combination of three storey (including the rooms in the roof) massing and long, unbroken, front elevation would make the building appear as a large, single block, failing to match the diverse, domestic character of Bushey Heath. Moreover, it would erode the domestic rhythm and pattern of development in the area without providing a spacious frontage or exceptional architecture to overcome the harm to the local character.
6. In addition, the rear elevation would be three storeys in height plus a large roof, significantly greater in scale than the adjacent buildings. As the building is on much higher ground than the adjoining Caldecote Gardens, it would be visually overpowering when seen from No 8 and the pavement in front of this property. The appellant's-photo montages demonstrate that it would take up to 10 years for new planting to provide complete screening. However, vegetation is temporary, and it changes with the seasons and over time. It could not be relied upon to hide the building from public or private views. In any event, there would be a period of time when the building would be visible, its large scale making it appear dominant, detracting from the attractive character of Caldecote Gardens.
7. Whilst Reveley Lodge and the adjacent terrace present an unbroken frontage, they are modest in width and height and neither development is comparable in scale with the proposed care home. They would not justify the proposal. The adjacent houses along Elstree Road are set down from the road, but they are lower in height and set further back ensuring that they do not harm the streetscene.
8. I have taken account of the amendments made to the height and design of the building, and of the appellant's visual impact assessment. However, I consider that the large scale of the building and the loss of open space would be harmful to the character and appearance of this part of Bushey Heath. The proposal would not accord with the Hertsmere Local Plan (LP) policy H8 (i), S3 (v) and D21 which seek to protect local character.
9. The appellant asserts that policies H8 and D21 do not apply or are too restrictive and conflict with National Planning Policy Framework (the framework). However, policy H8 relates to residential developments, which clearly applies to a residential institution such as a care home. H8 seeks development that is harmonious with, does not over-dominate the scale or adversely affect the character of adjacent development. D21 indicates, among other things, that development must respect or improve local character in terms of scale, massing, materials, layout, bulk and height. They are not prescriptive about form or style and they seek to protect local character. This is in line with the aim of paragraph 60 of the Framework which is to promote

local distinctiveness. As the policies do not conflict with the Framework I afford them significant weight. The Core Strategy has been referred to but as this is an emerging document I afford its policies limited weight.

#### *Living conditions*

10. There would be traffic movements into and out of the proposed car park from Caldecote Gardens. However, most of the parking is below ground, and traffic generated by this type of use is quite low. The level of disturbance would not be unexpected in an urban area and the proposal would not detract from the living conditions of nearby occupiers in this respect. There could be some inter-visibility with No 8 Caldecote Gardens. However, the building would be a sufficient distance from this property and others in the area to ensure that there would be no intrusive views or harmful loss of privacy. External lighting could be controlled by condition and internal lighting is unlikely to be excessive at night when most people in the care home would be sleeping.
11. Whilst the main rear elevation would be some distance from 8 Caldecote Gardens, the changes in level would make the new building tower over this property as seen from the photo-montage and it would be visible from the garden. Whilst it would appear to meet the 45 degree line from the rear of No 81 Elstree Road, the large rear elevation is also likely to be visible from the garden of this property, even if glimpsed through trees. Gardens are an important part of people's living space and the large scale of the rear elevation would be evident from both of these properties from where it would be intrusive, detracting from the occupiers' outlook and enjoyment of their homes and gardens to the detriment of their living conditions. In this respect, the proposal conflicts with the aims of LP policy S3 (iv) which seeks to protect neighbour's amenities.

#### *Other matters.*

12. The photographs submitted by local residents show that there are times when the area is heavily parked and as Caldecote Gardens is fairly narrow, cars are parking partly on the pavement. However, parking for the proposed care home meets the Council's required standards for this type of use and this is likely to ensure that parking demand is met on site. Therefore, I do not consider that the proposal would make the situation any worse than it is already. In any event, the Council can look at parking controls/enforcement to ensure that there is no harm arising from local parking conditions.
13. There may be a slight increase in traffic, but the level of increase is unlikely to have any greater effect on the safety of the junction with Elstree Road. Improvements to the highway which are the subject of a planning obligation, would ensure that there would be no risk to highway safety from the Caldecote Gardens exit/entrance. There is no convincing evidence that any protected species or habitats exist at the site. There would be a large garden, some trees would be retained and there would be new planting which would encourage flora and fauna. Overall, there would be no harm to the biodiversity of the area.
14. The site is not in a flood plain but is at risk of land drainage flooding. A flood risk assessment has been submitted and there is no reason why engineering and/or sustainable drainage solutions at the site could not be employed to ensure that there would be no risk to neighbouring land from flooding.

15. The Section 106 appears to meet the Council's requirements for the development. However, in the light of my decision I have not considered the planning obligations any further. The Strategic Housing Land Availability Assessment has not been tested or examined and little weight can be attached to the inclusion of the site for housing. The other appeal decisions referred to relate to development in other boroughs and it is not clear why the circumstances would be comparable with Bushey Heath. There may be a need for a specialised care home and there could be a shortfall in this type of accommodation by 2020 in the area. While there would be benefits in the provision of high quality care for the frail and elderly, this would not outweigh the significant harm to the character and appearance of the area and the living conditions of the adjoining occupiers. For these reasons the appeal is dismissed.

*Christine Thorby*

INSPECTOR