
Appeal Decision

Site visit made on 21 December 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 23/12/2015

Appeal Ref: APP/N1920/W/15/3132338

The Paddock, Elstree Road, Bushey Heath, Bushey 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 Banner Homes Central Limited against the decision of Hertsmere Borough Council.
 - The application Ref 14/1331/FUL, dated 27 February 2015, was refused by notice dated 21 July 2015.
 - The development proposed is redevelopment of the site for a total of 38 apartments, formation of vehicular access car parking and bin store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

3. The appeal site is located within the settlement of Bushey Heath, which is a large residential area. I saw there is a broad variety of built form, with that closest to the appeal site characterised by modest two storeys buildings on the southern edge of Elstree Road and to the east of the appeal site, with bungalows or chalet bungalows the prevalent form along the northern edge of Elstree Road and on Caldecote Gardens. Overall the character of the area is distinctly suburban, with front and rear gardens and properties located on spacious plots, forming an intrinsic part of the attractive residential character. I saw that there are some limited examples of larger building, such as Immanuel College. However, where they exist these are generally set back from the highway and of high architectural or historical quality such as the listed buildings at Reverly Lodge, opposite the appeal site, and Immanuel College.
4. The appeal site itself is a large area of open land, enclosed by post and rail fences, which slopes down from Elstree Road. In an earlier appeal decision for a 75 bedroom residential care home, which was dismissed (ref 2173147), the Inspector found that the development of the appeal site would not affect the setting of the listed building at Reverly Lodge or those nearby. Whilst appreciating that the design and form is different in this case, having special regard to the desirability of preserving the building or its setting, I see no

reason not to concur with the findings of this earlier appeal. Nonetheless, the open nature of the site does contribute positively to the street scene, adding to the spacious, suburban character of the wider area.

5. The proposal seeks the erection of 38 apartments, distributed over four residential blocks. I note that the present appeal scheme has sought to address the issues raised in the previous appeal over the mass of the building and loss of open space. This is considered by the appellant to be addressed by the 'breaking up' of the overall bulk of the building into four separate buildings and providing greater areas of landscaping and spacing around the appeal site and between the buildings. The appellant has also reduced the height of the proposed buildings, so that from Elstree Road they would appear as one storey with dormers, rather than two storey as under the previous scheme. However, the fact would remain that the four blocks of accommodation, due to their footprint, overall visual bulk, scale and mass would still appear as large additions to the street scene. This is due to the fact that they would fail to relate in height, form and bulk to nearby buildings and appear as large and deep buildings completely out of scale with the modest prevailing pattern of development along Caldcote Gardens.
6. A degree of incongruity would also be seen along Elstree Road, where the easternmost building would be noticeably taller than the existing two storey house adjacent to the appeal site (No 81 Elstree Road). Even further along Elstree Road, where the buildings would be screened in part by the change in ground levels, it would be clear to users of the highway that the residential dwellings would be wider than those found along Elstree Road, and without vehicular access onto the highway, which is a typical feature of the northern side of Elstree Road.
7. Furthermore, whilst I note that some landscape areas would remain to the rear of the site (that is to the north where there is a large TPO tree to be retained) the large footprints proposed would see the loss of a significant area of open space which makes a positive contribution to the street scene. Even with a high degree of detailing as proposed, the buildings would still appear as dominant and bulky additions to the street scene which would fail to relate to its suburban character. The proposed buildings would therefore appear as large additions to the street scene due to their relative height, layout, scale, mass and bulk compared to other nearby modest sized dwellings, which in turn would fail to promote or reinforce local distinctiveness.
8. I therefore conclude that the proposed development would have a materially harmful effect on the character and appearance of the street scene due to its scale, mass and bulk. Accordingly, the proposal is contrary to Policies H8 and D21(i) and (iii), of the Hertsmere Local Plan 2003, which, amongst other aims seek to ensure that development proposals respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height.
9. It would also be contrary to the aims of the National Planning Policy Framework (the Framework), which is an important material consideration, and which, amongst other aims, seeks to take account of the different roles and character of different areas and always seek to secure high quality design, and which seeks to reinforce or promote local distinctiveness.

Other Matters

10. It has been suggested by the appellant that the proposed receipt from the sale of the site would be used by the Museum Trust to secure the future of Reverly Lodge as a Grade II listed building and heritage asset. However, there is no cogent evidence before me that demonstrates that the development of the appeal site with a scheme of this type or scale is a necessary prerequisite for securing the future conservation of the heritage asset in accordance with Paragraph 140 of the Framework. In any case, whilst I acknowledge that the proposal may contribute to sustaining the heritage asset, the lack of specific information in this case, and a mechanism for securing such a benefit, means that I am only able to afford this benefit limited weight.
11. The appellant has suggested that affordable housing could be provided on the appeal site in accordance with Policy CS4 of the Core Strategy 2013. The potential provision of affordable housing could be a benefit in favour of the proposal and to this end the appellant suggests in their grounds of appeal, submitted in August 2015, that one would be provided in accordance with the appeal timetable. However, even with the amount of time lapsed between the submission of the appeal and the site visit, there remains no effective mechanism in this case, by means of a signed, dated and completed legal agreement under Section 106 of the Act, to secure such a provision. Whilst the suggested provision of affordable housing is laudable, the absence of an effective mechanism means I cannot afford this factor any weight.
12. Concerns have been raised in terms of the possible designation of the appeal site as protected open space under the draft Site Allocations and Development Management Policies Plan 2015 (SADM). However, this document has not yet been examined and there are objections to the designation. Furthermore, it is not for an appeal under Section 78 of the Act to conduct such a review. Nonetheless, I have found the scheme to be unacceptable in terms of the impact on the character and appearance of the area and have not, therefore, considered this specific matter further.
13. I note that there may be a limited, if undefined, benefit in terms of sustaining the future of nearby heritage assets. However, I find that the adverse impacts of the development, in terms of the unacceptable impact on character and appearance, would not be significantly or demonstrably outweighed by this benefit.

Conclusion

14. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR