



Appeal Decisions

Site visit made on 3 February 2010

by **C J Leigh BSc(Hons) MPhil (Dist) MRTPI**

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

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Decision date:
25 February 2010

Appeal A Ref: APP/P1940/A/09/2108171 **29 Wolsey Road, Northwood, Middlesex, HA6 2ER**

- 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 Dr Esen Bayar against the decision of Three Rivers District Council.
- The application Ref 09/0176/FUL, dated 13 February 2009, was refused by notice dated 17 April 2009.
- The development proposed is demolition of existing dwelling and erection of two storey detached dwelling with basement level and further accommodation in roofspace served by rear dormer window, side rooflights and front and rear windows.

Appeal B Ref: APP/P1940/E/09/2108282 **29 Wolsey Road, Northwood, Middlesex, HA6 2ER**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Dr Esen Bayar against the decision of Three Rivers District Council.
- The application Ref 09/0177/CAC, dated 13 February 2009, was refused by notice dated 17 April 2009.
- The demolition proposed is the existing dwelling.

Decisions

Appeal A Ref: APP/P1940/A/09/2108171

1. I dismiss the appeal.

Appeal B Ref: APP/P1940/E/09/2108282

2. I dismiss the appeal.

Main issue

3. The main issue in these appeals is the effect of the proposed development on the character and appearance of the Moor Park Conservation Area.

Reasons

4. The Moor Park Conservation Area, within which the appeal site lies, is an attractive residential area with houses set back from the road by wide verges and with a mature landscape character. I am informed that the Area relates to the Moor Park residential estate, which was developed from the 1920s until 1958, when the original Estate Company was wound up. As a result, there is a
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mix of architectural styles that derive from the original layout of the estate, but it is apparent to me that part of the character of the Area derives from the existence of houses that date from this original period of the estate.

5. The Council have produced a Moor Park Conservation Area Appraisal (2006) which was approved by their Executive Committee following public consultation, and was itself an updated version of previous consultation and approved Supplementary Planning Guidance documents relating to the Area. Due to the degree of public consultation and its relationship with the previous SPGs I can attach significant weight to the Appraisal. The Appraisal states it is to be read in conjunction with the policies of the adopted Three Rivers Local Plan 1996-2011.

Demolition of the existing property

6. Section 3.1 of the Appraisal states that, as a guide, the Council will seek the retention of buildings on the Moor Park estate that were erected up to 1958; I am informed the appeal property dates from 1954. Section 3.1 of the Appraisal further states that the Council will give a high priority to retaining buildings making a positive contribution to the Area.
7. The appellant is of the opinion that the property makes, at best, a neutral contribution to the Area. This was also the view of the Conservation Officer when the proposed demolition was reported to the Council's Planning Committee with a recommendation for approval. Their cases appear to me to rest on there being minimal intrinsic architectural quality to the building itself. However, I am not persuaded by either the appellant or the Conservation Officer for reaching this opinion based on such an assessment. I note that the Appraisal refers to the detailed criteria set out in Section 3.25 of the adopted Local Plan which provide the basis for assessing whether a building makes a positive contribution to the Conservation Area. Given the age of the appeal property pre-dating 1958 – and thus evidently forming part of the original estate development – I consider these detailed criteria should be assessed to ascertain whether the building makes a positive contribution to the Area.
8. Having viewed the property and the wider area, in my view the house clearly is of an age, design, scale and use of materials that are qualities of the era within it was built, and that pre-1958 era forms part of the recognised character of the Area and the development of the Moor Park estate. In my view, the building thus has features that accord with criteria (a) and (c) of Section 3.25 of the Local Plan, and I consider it makes a positive contribution to the Conservation Area.
9. In forming this view I endorse the findings of an Inspector who dismissed an appeal in May 2009 for the demolition of an existing dwelling in the Moor Park Conservation Area (refs APP/P1940/E/08/2091362 & 2091366). In his decision, my colleague observed that the subject building was not exceptional in terms of its design, materials and location, but that many other older buildings on the Moor Park estate could be similarly described and – if they were all seen as have a neutral contribution to the Area so aiding their demolition – the objectives of the designation of the Area would be negated. My colleague stated that the result would be an area of ordinary housing development. I concur with this conclusion, and so for similar reasons I consider this reinforces

my own findings that 29 Wolsey Road makes a positive contribution to the Area.

10. Having come to such a conclusion, Policy C6 of the Local Plan states that the Council will give a high priority to retaining buildings that make a positive contribution to the character and appearance of a Conservation Area. Four criteria are set out which must be satisfied. The appellant does not suggest that the condition and cost of repairing the building outweighs its importance, nor that there has been any attempted sale or alternative use for the building, nor that there would be any community benefits from the proposed development. I consider the matter of the effect of the proposed replacement building (Criterion iv) below, but since the preceding three criteria of Policy C6 are not satisfied it is my conclusion that the proposed demolition would conflict with that Policy.
11. It is therefore my judgement that the existing property makes a positive contribution to the character and appearance of the Moor Park Conservation Area. Its demolition would not preserve or enhance the special character and appearance of the Area, and so would conflict with Policy C6 of the Local Plan and Section 3.1 of the Appraisal. It would also conflict with the guidance contained within PPG15: Planning and the Historic Environment (1994), which states there is a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area.

Design of the proposed property

12. The proposed house would be sited in the same position as the existing property, though set back slightly further from the road. Although also of a similar frontage width and ridge height to the existing property, I have concerns regarding the apparent bulk and massing of the proposed building. The visual scale of the existing house is reduced by the use of low, hipped gables to the front. However, the submitted drawings show two full gable ends to the front elevation. The existing low roof form of the catslide roof to the southern elevation of the house would also be replaced by the full two storey height of the house. This would emphasise the height and depth of the new house.
13. Taken together, I consider all these design features would present a building that has a notably greater scale than the existing house, and which would be intrusive and dominant on its site, and upon the character and appearance of the Conservation Area. This would conflict with Policies C1 and C6 of the Local Plan.

Other considerations

14. I saw at my site visit that there have been a number of houses obviously built post 1958 including, I am informed, some replacement houses permitted in recent years. I have not been informed of the full details regarding these new houses and, in the cases of replacements, what was the age, design and condition of the previous building. In any event, I have assessed the proposal before me on its own merits, and my findings remain unaltered.

15. I acknowledge that planning permission was granted by the Council in 2007 for extensions and alterations to the appeal property (ref 07/1202/FUL). If implemented, this would alter the appearance of the building from its original, but I consider it would still retain enough of the character of the original property to display the features that accord with criteria of Section 3.25 referred to earlier, and so still make a positive contribution to the Conservation Area. My conclusions relating to the demolition of the property thus remain the same.
16. From my observations at the site visit I am satisfied that the location of the windows in the proposed house would not lead to any material change to the levels of overlooking experienced by adjoining houses. Due to the siting of the proposed house there would also be no undue overbearing effect upon the outlook of adjoining occupiers. However, my findings on this matter do not outweigh my earlier conclusions, and so the conflict with the relevant planning policies remains. I have dismissed the appeals accordingly.

C J Leigh

INSPECTOR