
Appeal Decision

Site visit made on 19 December 2016

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 4 January 2017

Appeal Ref: APP/P1940/D/16/3156146

Hollybank, Shire Lane, Chorleywood WD3 5NT

- 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 Mr J Wilkinson against the decision of Three Rivers District Council.
 - The application ref: 16/1090/FUL, dated 19 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is a detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at Hollybank, Shire Lane, Chorleywood WD3 5NT in accordance with the terms of the application, Ref 16/1090/FUL, dated 19 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing nos. WКСN/01, WКСN/02A, WКСN/30A, WКСN/40A, WКСN/41A and WКСN/42A.
 - 3) Before any building operations above ground level hereby permitted are commenced, details including samples of the proposed external materials to be used in the construction of the outbuilding shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No site clearance, preparatory work or development shall take place until a scheme identifying which trees are to be retained and protected (the tree protection plan), and detailing measures for their protection and appropriate working methods during construction (the arboricultural method statement), in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Main Issue

2. The main issue is the effect of the proposal on the setting of Hollybank, a grade II listed building.

Reasons

3. Hollybank is a grade II listed building, and is a designated heritage asset as defined in the National Planning Policy Framework ('Framework'). At paragraph 132 the Framework states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, and that substantial harm should be exceptional. I have also considered the statutory duty to have special regard to the desirability of preserving listed buildings and their setting.
4. The property was designed by C.F.A Voysey and built in 1903-4 in an Arts and Craft style. It is a substantial detached building constructed of roughcast brick with light coloured render, stone and tile dressings, and with a tile roof. Further details of the building are set out in the listed building description which is included at paragraph 2.3 of the Council's delegated report. That description makes no reference the property's setting or garden.
5. The Council does not object to the proposal's design, but considers that it would harm the character and wider setting of the listed building by virtue of its scale and siting. The Conservation Officer considers that harm to be substantial.
6. Hollybank sits in a spacious garden, which contains trees, some of which, along the border with Tanglewood, are protected by a Tree Preservation Order. In the Heritage Statement prepared by Alan Tierney LLB MSc (TimbBuildCons) DipConsHistEnv (RICS) and in his Grounds of Appeal the appellant states that most of the garden, other than the immediate area including the terrace adjacent to the dwelling, was not part of Voysey's design, and that it has undergone gradual evolution into a typical modern suburban garden. Although Hollybank was originally built in open countryside close to Voysey's own house The Orchard, the appellant also points to development that has taken place in the vicinity since it was constructed, including Tanglewood, and a permitted gym at the end of the host's garden.
7. Whilst the Council states that Arts and Crafts houses such as this were usually designed in conjunction with a large garden, I have no substantive evidence to collaborate that statement. Nevertheless, given this building's substantial scale and its original context, I agree that a spacious garden is important to its setting. However, from the evidence before me, including that of my visit, in its proposed location the outbuilding would not harm any remaining elements of Voysey's landscaped design. Even if the scheme was built there would still be a substantial undeveloped garden area from where the dwelling could be viewed.
8. The parties agree that, at its closest point, the outbuilding would be about 32.5m from the main rear elevation of Hollybank. Given the topography, it would be set down at a significantly lower level. Although it would have a sizeable footprint, it would be a fairly low structure at approximately 2.8m to the eaves and 3.8m to the ridge, and would be very clearly subservient in scale to Hollybank. Given its relatively simple yet distinct design, with painted render walls, substantial areas of glazing, and an unobtrusive green roof, it would not have a significant visual impact, and it would not compete with the listed

building. I therefore have no reasons to disagree with the Council's conclusion that its design would be acceptable.

9. In its proposed location the outbuilding would be partly set amongst existing landscaping, with a tall hedgerow and trees to the rear and one side, and some additional landscaping proposed. Given that siting and context, there would be few locations where the house and the outbuilding would be simultaneously seen, and it would not block significant views of the listed building. I appreciate that hedgerows and other landscape features can change or may be removed. However, given the scheme's design and its distance from the listed building, and my conclusions regarding its scale and the significance of this part of the garden to Hollybank's setting, I am satisfied that the setting of the listed building would not be harmed.
10. In their requirements that proposals conserve and enhance heritage assets and do not adversely affect the character or wider setting of listed buildings, policy CP12 of the Three Rivers Core Strategy 2011 and policy DM3 of the Three Rivers Development Management Policies LDD 2013 are consistent with the Framework. For the above reasons the scheme would not conflict with those policies, and the statutory test would be met.

Conditions and conclusion

11. I have considered the Council's suggested conditions against the Framework's tests. In addition to the standard time limit condition, for certainty I have imposed a condition specifying the approved plans. In the interests of the character and appearance of the area and preserving the setting of the listed building, I agree that a condition is necessary requiring details, including samples, of the proposed external materials to be approved.
12. The outbuilding would be located close to the root protection areas of trees, although it is not entirely clear from the limited evidence available to me which trees are proposed for retention. In the interests of the character and appearance of the area, a condition is necessary requiring the submission of a scheme detailing which trees are to be retained and measures for their protection during construction. My condition is largely as suggested, but with amendments to the wording in the interests of succinctness and clarity. Finally, whilst the Council has suggested a condition requiring that the outbuilding be used only for purposes incidental to Hollybank and not as an independent dwelling, as such alternative uses would require planning permission such a condition does not meet the test of necessity.
13. Summing up, whilst this scheme follows the Council's refusal of a proposal for an outbuilding at the property located slightly further from the listed building, I have considered it on its merits. For the above reasons I conclude that the significance of this designated heritage asset, including its setting, would not be harmed. The proposal would not conflict with policies in the development plan or the National Planning Policy Framework, and the statutory test would be met. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR