

Appeal Decision

Site visit made on 7 March 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 9th March 2017

Appeal Ref: APP/P1940/D/16/3166300

Netherleigh, 101 Lower Road, Chorleywood, WD3 5LA

- 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 Simon Stephenson against the decision of Three Rivers District Council.
 - The application Ref 16/1703/FUL, dated 9 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is removal of current and original rotten windows to the front (Lower Road) side and the side of the house (Chorleywood Bottom) side, and one window facing the back garden. I've chosen a brand called Residence 9, as used by 91 Fernlea Lower Road. The new windows though plastic look like wood, and will match the style of the original windows.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of current and original rotten windows to the front (Lower Road) side and the side of the house (Chorleywood Bottom) side, and one window facing the back garden at Netherleigh, 101 Lower Road, Chorleywood, WD3 5LA in accordance with the terms of the application Ref 16/1703/FUL, dated 9 August 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 un-numbered approved plans: 1:1250 scale site location plan, proposed new windows position drawing and 1:25 scale details dated 09/08/2016.
 - 3) Before any building operations, samples and details of the proposed replacement windows shall be submitted to and approved in writing by the local planning authority. The details shall comply with the Residence 9 system or shall be of equivalent or better heritage quality. Development shall be carried out in accordance with the approved details.
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Procedural Matter

2. The appellant has raised concerns about the alleged failure of the Council to take into consideration detailed information submitted to it. This procedural matter is beyond my remit, which is confined to the planning merits of the proposal. However, I have taken into consideration the details submitted by the appellant in support of his grounds of appeal.

Mani Issue

3. I consider that this is the effect of the proposal on the character and appearance of the property and the Chorleywood Common Conservation Area.

Reasons

4. The appeal property forms the southern end of a terrace of 6 houses built in the Arts and Crafts tradition. The terrace as a whole retains many historical features, including fake timber framing, pebble-dashed exteriors, variable and symmetrically placed front gable features, prominent chimneys and roof dividers, and ground floor flat-roofed bay windows. Four properties also have replacement uPVC windows, albeit that in three cases there is no record of such changes being approved. However, other significant changes have occurred at the appeal site. Here planning permission was given in 2014 for a loft conversion, involving hip to gable end, construction of two dormers and velux at rear and removal of chimney stack. In contrast, no.91 at the other end of the terrace has retained the original hip roof form, and has a small chimney stack on side wall. There are also some existing uPVC windows towards the rear of the appeal property which, because of the corner location, are clearly visible from the public highway.
5. The appellant has had a survey made of the existing timber windows on the front and side of his property. This shows that most could be repaired but, as subsequent quotations show, at considerable expense. The appellant has provided details of a system of uPVC windows known as Residence 9. I am told that such a system has been installed at no.91. If that is indeed the case, the system provides a significantly better replication of the timber windows in the terrace than would other examples of uPVC installations I observed elsewhere in the locality.
6. The appeal terrace lies in a small outlier of the Chorleywood Common Conservation Area. The bulk of the Area lies north of the railway line and takes the form of a village focused around the elevated open space of the Common itself. The environs of the appeal site comprise an eclectic mix of building ages, forms and quality. Some back onto open areas that appear to have been severed from the main area of Common by the railway, but the street scene around the appeal site is mainly suburban in character. A significant proportion of dwellings already has uPVC windows, including among the older properties near the appeal site. The Audit section of the Conservation Area Appraisal comments on the loss of original and traditional features, including windows, but while mention is made of the appeal terrace, no details are given about its qualities. An Article 4 Direction means that planning permission is needed to replace windows. However the Council has not advised me that it seeks enhancements by reinstating timber windows when existing uPVC installations

- are replaced. On the contrary, according to the appellant, it has on occasion permitted the replacement of timber with uPVC windows.
7. Bearing all these factors in mind, I consider that the use of an appropriate, up-to-date form of uPVC installation would not materially harm the appearance of the property or the conservation area. The system proposed by the appellant, as illustrated in detailed specifications and apparently exemplified at no.91, would in my view be acceptable in this particular context. I recognise that, by and large, the retention of original features and materials is preferable. However, I am persuaded that, in view of the changes already allowed at the appeal site and the character and appearance of its surroundings, the present proposal would neither detract materially from the property itself nor fail to preserve the significant heritage qualities of the conservation area.
 8. This finding is subject to the windows to be installed matching the quality of the specifications submitted in support of the proposal. It is possible that Residence 9 is not the only system that could achieve this, and hence I am reluctant to restrict approval to the use of that particular system. It is however necessary that details and samples of the intended method of installation be approved before works start, and then implemented, in the interests of a satisfactory character and appearance for the property and the area. I shall therefore impose a condition to that effect, referring to the Residence 9 system or one of at least similar heritage quality. I also need to impose a condition specifying the relevant drawings as this provides certainty as to what is being approved. These describe the proposed new windows as "Residence 9 casement, White woodgrain, External Georgian bars".
 9. I conclude on balance that the proposal would preserve the character and appearance of the property and the Chorleywood Common Conservation Area. There would be no material conflict with Policies CP1 & CP12 of the Three Rivers Core Strategy (2011), which require sustainable development to protect the built and historic environment and have regard to local context. Policies DM1 & DM3 of the Three Rivers Development Management Policies (2013) require the cumulative effect on character to be taken into account and heritage assets to be retained and enhanced, but I have not found the design criteria in Appendix 2 to be directly relevant. I consider that my decision will not prejudice the intentions of the Chorleywood Common Conservation Area Appraisal (2010).
 10. The National Planning Policy Framework indicates that great weight should be given to the conservation of a designated heritage asset, such as a conservation area, proportional to its importance. I consider that the balance of my conclusion achieves this. Moreover, this outcome would comply with the statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
 11. The proposal would also bring supplementary benefits, particularly in terms of energy conservation.
 12. There is then no reason to withhold planning permission and I allow the appeal.

G Garnham

INSPECTOR