
Appeal Decision

Site visit made on 15 February 2017

by David Walker MA MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/P1940/D/16/3165981

Cartref, 24 Shire Lane, Chorleywood WD3 5NP

- 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 Daniel Strother against the decision of Three Rivers District Council.
 - The application Ref 16/1995/FUL, dated 21 September 2016, was refused by notice dated 22 September 2016.
 - The development proposed is erection of a timber framed outbuilding in rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a timber framed outbuilding in rear garden at Cartref, 24 Shire Lane, Chorleywood WD3 5NP in accordance with the terms of the application, Ref 16/1995/FUL, dated 21 September 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. Although the outbuilding would be large for a garden building, from along Shire Lane it would only be seen in the small glimpse available in the narrow gap between Nos 24 and 25. A tall wooden fence flanking the narrow footpath between Nos 23 and 24 would limit views to the direction of travel with only a small part of the roof likely being visible over the height of the fence in a sideways direction. The proposal would scarcely be visible from the public domain.
 4. I acknowledge that from neighbouring properties the tall ridge and substantial materials proposed would have a visual impact. However, such an impact would be confined to the nearest properties, from where the oblique views available would be tempered by the outbuilding's distance from the house and a large garden setting with a wooded backdrop. I am satisfied no significant harm would arise in this context.
 5. With a small incursion into the root protection area of a tree suitable mitigation measures as could be secured by a condition would be required. Interested parties have expressed additional concerns over the risk of setting a precedent. In this regard I have considered the proposal on its merits and any other
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outbuildings requiring permission would be judged in the light of the circumstances of the individual case.

6. I conclude that the proposal would have a satisfactory effect on the character and appearance of the area. It would therefore accord with the requirements for achieving a high quality environment and preserving the visual amenities of an area set out within Policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011, and Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies 2013.
7. The appeal being allowed conditions are necessary to identify the implementation period, approved plans and materials in the interests of certainty. Due to the proximity to trees it is also necessary that further tree protection measures and a method statement for construction are agreed and implemented before any development commences. The size and nature of construction of the outbuilding necessitates a restriction on use for purposes incidental to the use of the main dwelling to prevent any independent accommodation being formed.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLS16 110, SLS16 210 and SLS16 230.
- 3) No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

- 4) No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of any demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

- 5) The building shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number SLS16 210 and no external materials shall be used other than those approved.
- 6) The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

End of schedule