



Appeal Decision

Site visit made on 19 May 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/P1940/W/19/3240826

Langsett, 22 Chorleywood Bottom, Chorleywood WD3 5JR

- 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 Turner against the decision of Three Rivers District Council.
 - The application Ref 19/1176/FUL, dated 21 June 2019, was refused by notice dated 3 September 2019.
 - The development proposed is the erection of two storey rear extension, as approved, demolition of two storey side wing and erection of detached house with new access, parking and turning head and erection of 2m high walls and railings to site frontage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part of the proposal which relates to the rear and side extension of the existing property benefits from planning permission granted by Three Rivers District Council in 2018. That permission is identical to the components now proposed in relation to additions to the existing dwelling but differs from it in that a wing of the building which was previously proposed to be retained would now be removed. Nonetheless the proposal would remain extant under LPA Ref No.18/0844/FUL for three years from 18 August 2018 and I have had regard to that fact when considering this appeal.
3. The appellant refers to amended plans indicating a revised frontage treatment. The appeal process should not be used to progress alternatives to a scheme and regard should be had to whether amendments would materially alter the nature of the application. It is only appropriate to take amendments into account if no party would be disadvantaged with one of the main criteria being whether the development would be so changed that it would deprive those who should have been consulted of the opportunity to comment. In this case I consider the amendments would make a significant change to the frontage treatment. Whilst the change is welcomed by the Council the amended plans have not been the subject of any consultation and I cannot be sure that all those who may wish to comment on the changes have been afforded the opportunity to do so. Consequently, I have reached my decision on the basis of the plans which the Council used to make their decision and not based on the inclusion of the amendments.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Chorleywood Common Conservation Area (CA).

Reasons

5. There are distinctly different characters to parts of the Chorleywood Common CA. The appeal site is in a position lower than the Common but where surrounding land continues to fall away to the west, both factors which impact on the visibility of the site from the edge of the Common.
6. Variations of architectural style and a sense of spaciousness giving a semi-rural appearance are identified as characteristics in this part of the Chorleywood Common Conservation Area Appraisal (CCCAA)¹. These variations together with the topography enhance the visual contribution which the appeal site, adjacent buildings and the gaps between them make to the character of this part of the CA and the extent to which the appeal site is visible within it.
7. Whilst the character approaching the site differs from the open area of the Common there remains a generally loose knit form of buildings when descending past the site. The erosion of the gap between buildings would significantly and harmfully alter the appearance of the appeal site leaving minimal gaps between buildings. The appellant contends that a gap of two metres would be maintained between the dwellings however the alignment of the buildings and the difference in levels adjacent to the site would mean that the gap, which the plans indicate is in places less than two metres, would not be appreciable in the same way that the spacing between existing buildings are experienced.
8. In this context the introduction of an additional dwelling, albeit in part replacing a wing of the existing dwelling, would be visually prominent. It would erode the gap between dwellings in this location which would result in a tight knit and cramped appearance which would be harmful to the street scene. Furthermore, views are available across the appeal site from the public realm and though not referenced specifically within the CCCAA it does not diminish the statutory duty to consider whether the proposal would preserve or enhance the character of the CA.
9. The appellant contends that the existing property is incongruous in the street scene and that the detailing of the property in general terms would replicate the style of the existing building with the general width and proportions similar to the existing. I disagree, the existing building is not, in my view, incongruous in the CA. The resulting new building, even though set back slightly from the existing dwelling, when taken together with the remodelled existing dwelling would have a significantly greater visual prominence due to the combined bulk and massing.
10. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of

¹ CCCAA 2010

preserving or enhancing the character or appearance of a heritage asset, in this case the Chorleywood Common CA, is a matter of considerable importance and weight. This is reinforced by Policies in the Local Plan which seek to protect the CA from development which fails to preserve or enhance it. The bulk and massing of the proposed new dwelling, in this particular location, would have a cramped appearance, would compromise the gap between buildings and would result in an adverse effect on the significance of the designated heritage asset even though that harm would, in the words of the National Planning Policy Framework (the Framework), be less than substantial.

11. The appearance of the site would be further exacerbated by the removal of soft vegetation from the site frontage and its replacement with a 2-metre-high wall and railings. The appellant has indicated that this could be changed to incorporate soft vegetation as per the amended plan referred to in my preliminary matters and emphasises that this matter could be covered by condition. Even if those amended details were to have been accepted the altered frontage treatment would not alter my view of the overall impact of the appeal scheme and its effect on the CA.
12. Paragraph 193 of the Framework says great weight should be given to the conservation of a designated heritage asset (in this case the CA), and any harm requires clear and convincing justification. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the public benefit of a proposal. In this case no public benefit has been identified to outweigh that harm. Consequently, a decision other than in accordance with the development plan is not justified.
13. For these reasons, the development would neither preserve nor enhance the character or appearance of the CA. Consequently, it would conflict with Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy (2011) and to Policies DM1 and DM3 and Appendix 2 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document (2013). These policies, amongst other things seek to: protect local character; protect the streetscape; respect density levels; ensure heritage assets are conserved or enhanced; have regard to the local context; ensure that important views into out of or within the CA are not harmed, and secure high-quality details based on the defining characteristics of the area.

Other Matters

14. The Council has drawn attention to the lack of a five-year supply for the provision of housing and the implications of Paragraph 11 of the Framework. This points to the presumption in favour of development unless policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. In the circumstances of this case I have found that less than substantial harm would be caused to the CA which would mean that footnote 6 to Paragraph 11 of the Framework is disengaged that provision. Consequently, the harm would not be outweighed by the presumption in favour of development which is afforded due to the Councils lack of a five-year supply of housing.
15. The Council have made a particular note in their evidence that there are discrepancies in relation to the block plans and elevations which means the plans and elevations do not match up with one another. This may mean that

the proposal for the extension of the existing dwelling may need attention. However, given that I am dismissing the appeal for other reasons it is not necessary to consider this matter further.

16. My attention has been drawn by the appellant to the matter of detailed materials and that the Council's concerns could have been dealt with by condition. That may be so, but it does not detract from the fundamental policy conflicts which I have identified, and alternative materials would not provide sufficient mitigation to outweigh the harm I have identified.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR