



Appeal Decision

Site visit made on 12 October 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/P1940/D/20/3255608

10 Solesbridge Lane, Chorleywood WD3 5SN

- 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 Peel against the decision of Three Rivers District Council.
 - The application Ref 20/0338/FUL, dated 10 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is described as to reinstate pedestrian access to No.10 from Solesbridge Lane. To provide driveway to park vehicle off street and to allow access for bin collection on a weekly basis.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Plan/drawing no. 200210-10 is not referred to on the decision notice, but the Council has confirmed it took this into account when determining the application, and so shall I. Plan/drawing nos. 200210-20 and 200210-21 were submitted during the determination of the application but were not accepted by the Council. Amongst other things, the revisions move the bin storage area, provide planting in front of this area, and propose hedging at a reduced height at the front of the appeal site.
3. In the context of this appeal scheme these are significant changes that would materially alter the development. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2020 states the appeal process should not be used to evolve a scheme, and what is considered by the Inspector should be essentially what was considered by the Council, and on which interested people's views were sought. Having regard to the Wheatcroft Principles¹, I have determined the appeal on the basis of the scheme on which the Council made its decision.
4. The appeal proposal refers to the reinstatement of a pedestrian gate. At my visit a pedestrian gate was in place in the location set out on the plans and two courses of bricks remaining on that section of the boundary wall. I have considered the appeal proposal as seen on site.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Application for costs

5. An application for costs was made by Mr Peel against Three Rivers District Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is whether the proposed development would either preserve or enhance the character or appearance of the Chorleywood Common Conservation Area.

Reasons

7. The appeal site comprises one of an attractive and well-preserved pair of Victorian red brick semi-detached dwellings within the Chorleywood Common Conservation Area (CCCA). Within the CCCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a designated heritage asset great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset requires clear and convincing justification (paragraph 194).
8. The CCCA is centred around the Common and its historic rural verdant surrounds. Solesbridge Lane comprises dwellings of some variety, mostly fronted by front gardens, boundary walls and some off-road parking spaces. Notwithstanding some varying plot depths, mature boundary trees and well vegetated gardens maintain a sylvan and verdant rural character along this part of Solesbridge Lane. When traversing the lane from its Rickmansworth Road junction, the front gardens and spaces to the north western side are seen in the context of one and other, providing significant extents of verdant frontage.
9. The appeal site front hedging is a more recent addition and the brickwork has been repaired and is in need of some maintenance. However, taking into account paragraph 201 of the Framework, the appeal site makes a significant positive contribution to the character and appearance and significance of the CCCA in this location, as one of a pair of attractive well-preserved almost matching historic buildings retaining many original features. This includes the historic plot layout and front garden space behind low brick walls. The Chorleywood Common Conservation Area Appraisal (2010) (the CCCAA) is not an exhaustive record of every feature in CCCA. I do not take the omission of the appeal site garden and wall to imply it is not of value.
10. The majority of properties on Solesbridge Lane benefit from some off-road parking space, although the highest proportion are on the opposite side of the lane. The details and circumstances surrounding the creation of these is not before me. However, it is likely that many may have been undertaken prior to an Article 4 Direction withdrawing permitted development rights for such development in 2010. The evidence before me does not demonstrate that any post-date the Direction. These existing spaces do not make a positive contribution to the character or appearance of the CCCA.
11. Notwithstanding the majority of garden area remaining, replacing the historic boundary and a large section of garden, with a hard surfaced granite sett

driveway (or other similar surface) would significantly urbanise the appeal site harming its positive contribution to the CCCA. As the driveway would adjoin a neighbouring pedestrian access, the effect would be to create a long and detrimental break in verdant front garden space that would be detrimental to the character and appearance of this part of the CCCA.

12. The width and planting of plots on the appeal site and the neighbouring No 9 vary to a modest degree, and No 9 has a glazed structure to its side. However, these properties have a strong symmetry and are viewed as a pair. The driveway and a parked car close to the dwelling would significantly and detrimentally reduce the symmetry. Whilst removing a vehicle from the highway would comply with paragraph 7.3 of the CCCAA, the development would result in greater harm that outweighs the removal of a vehicle from the highway, for the reasons I have set out above. The new curved wall and hedge planting would not adequately mitigate the harm as the loss of garden space, boundary and a vehicle, would still be significantly visible at the front of the site.
13. The reinstatement of the pedestrian access by removing a section of hedging, brickwork and installing a gate, would be in keeping with the neighbouring semi and utilise a historic path feature. The loss of this section of hedgerow and boundary wall is balanced by small benefits to symmetry and restoring this historic access. Overall, taken on its own this pedestrian access element of the scheme, would preserve the character and appearance and significance of the CCCA.
14. For the reasons set out above, taken as a whole, the development would be significantly harmful to and would fail to preserve or enhance the character or appearance of the CCCA, adversely impacting upon its significance. Therefore, it would conflict with Policies CP1 and CP12 of the Core Strategy (2011) and Policies DM1 and DM3 of the Development Management Policies Local Development Document (2013) (the LDD). These policies expect development to preserve or enhance the character or appearance of Conservation Areas, retain historically significant boundaries including gardens and protect significant landscape features. The development would also result in a limited conflict with the CCCAA insofar as this seeks to preserve the generally rural character and appearance of the CCCA.
15. The Council's reason for refusal refers to Appendix 2 of the LDD. However, the requirements in relation to garden/amenity space are set out primarily in relation to an occupier's living conditions. Therefore, it is of less relevance.
16. Paragraph 196 of the Framework requires where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits. However, less than substantial harm should not be equated with a less than substantial planning objection. The development would result in the restoration of a historic pedestrian access and a small improvement to symmetry from this element of the scheme. It would result in some of the wall being re-built, and some highway safety and convenience benefits such as space for the appellant's bins being left for collection, one car being parked on a driveway and no longer being parked on the highway.
17. Collectively the development would result in small public benefits that attract a modest amount of weight. It is not demonstrated that the development is necessary to secure the future conservation of the heritage asset. The

collective public benefits do not outweigh the significant harm overall from this development, which attracts great weight. Therefore, the development conflicts with the Framework.

Conclusion

18. The development as a whole would be contrary to the development plan and the National Planning Policy Framework. There are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR