



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: 23rd October 2020

Appeal Ref: APP/P1940/D/20/3256069

Cedarwood, South Park Avenue, Chorleywood WD3 5DY

- 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 Rumana Reaz-Amir against the decision of Three Rivers District Council.
 - The application Ref 20/0755/FUL, dated 16 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is Loft extension including front, side and rear dormers and rooflights. Two storey side extension. Render cladding and changes to fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the host dwelling and the area; and,
 - the effect of the proposed development upon protected species.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow set within a generous and verdant plot. The dwelling pre-dates many in its vicinity. Whilst modified by some extensions, it retains much of its historic character and appearance including some well preserved and proportioned leaded windows and a deep clay tile hipped roof form.
4. The proposed extensions would include the creation of two staggered, large contrasting gables to the western elevation. The symmetrical northern gable provides a satisfactory roof form. However, the height and shape of the large arched windows would not be in keeping with the character and appearance of the existing dwelling. Furthermore, they would be a considerable contrast that would not be in keeping with the new scheme, creating a strong discernible feature not characteristic of the street facing elevations of dwellings nearby.
5. The other western facing gable with a crossed side gable, would create a large high bulk and mass that would significantly unbalance the modified dwelling.

- The two short roof ridges would not integrate well with the rest of the dwelling due to their position, depth and being significantly higher than the rest of the dwelling. Being considerably shorter on one side than the other, this irregular gable would not relate well to the modified dwelling, contributing significantly to an unbalanced appearance, accentuated by the natural site land levels.
6. Between the two western facing gables some rooflights add a third tier of windows of a position, size and appearance that further detrimentally clutters this highly varied, busy and discordant elevation. It is not clear that all the surrounding vegetation is the subject of TPOs, and I have not been provided with a means of securing the long term retention and maintenance of perimeter planting. However, even if this could be secured, the resulting dwelling would still be visible from parts of the street scene and some of the dwellings on South Park Avenue and Haywood Park.
 7. This may be the only bungalow nearby, but its historic form makes a small positive contribution to the character and appearance of the area. The surrounding two storey dwellings have some variations in composition, but their collection of features, design and appearance results in some coherence, unity and most are reasonably well-balanced under their highest ridge. This development would be viewed in that context. Even if I were to be of the view that a two storey dwelling might be more in keeping with those nearby, the collection of features and forms of the appeal scheme would be discordant, incongruous and significantly harmful to the character and appearance of the area. The compliance with matters such as spacing and density, would not mitigate or outweigh the significant harm.
 8. For the reasons set out above, the appeal development would be out of keeping with and significantly harmful to the character and appearance of the host dwelling and the area. It would conflict with Policies CP1 and CP12 of the Core Strategy (2011) (the CS) and Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (2013) (the LDD). In combination and amongst other things these policies seek a high standard of design and expect development to have regard to and protect and enhance the character, appearance and quality of an area, including through appropriate roof forms and styles of windows.

Biodiversity

9. The dwelling is close to a number of mature trees, with areas of mature woodland a short distance from the appeal site. The age and construction of the dwelling is such that it is identified as having a moderate potential for roosting bats. A bat survey submitted with the application found a degraded bat dropping in the roof space. The Council was not satisfied there was sufficient information to determine the effect of the development upon protected species, due to the absence of a subsequent and more contemporary bat activity survey.
10. A subsequent dusk and dawn activity survey report is submitted with this appeal. Whilst bats used the site for foraging and commuting purposes, no bats emerged from or re-entered the roof space during the survey period, so it concludes there is a likely absence of bats. Most of the vegetation comprising a suggested commuting route in the surveys is not within the appeal site and I see no reason it would be prejudiced by these proposals.

11. The appellant would be willing to accept conditions in respect of suitable lighting, and the provision of two bat boxes to provide enhancements. Based upon the evidence before me, given the standard implementation period would be for 3 years, the potential entry points identified in the dwelling roof and that bats are a mobile species, were I to have been allowing this appeal it would be necessary to have imposed a condition in respect of a pre-works survey. A condition to provide downward low level lighting would also have been necessary to minimise impacts upon bat roosting and commuting.
12. Subject to these conditions the proposals would not be likely to result in harm to protected species. Therefore, the proposed development would not conflict with Policies CP1 and CP9 of the CS or Policy DM6 of the LDD. In combination and amongst other things, the policies require the protection and enhancement of key biodiversity habitats and protected species, and that satisfactory mitigation and compensation measures are provided where necessary. If conditions were imposed in respect of the appellant's suggested enhancements, these would be likely to result in only a modest overall benefit. These benefits would not outweigh the significant harm I have found in respect of character and appearance.

Other Matters

13. It is suggested that many elements of the scheme could be effected without this application. However, it is not clear which elements could be built or the nature and appearance of the resulting dwelling. There is also no stated intention to undertake such works in the event of the failure of this appeal. For these reasons, I attribute this matter only limited weight.
14. I am satisfied the relevant policies of the development plan are consistent with the National Planning Policy Framework (2019). The development would make more efficient use of the site, increase accommodation, facilitate changes to the internal layout, and improve thermal performance. The magnitude of the benefits to thermal performance are not clear. If they were to off-set the impacts of the dwelling, this attracts a small amount of weight in favour of the scheme. The Council raises no objections in respect of adequate amenity space, protected trees, car parking or the living conditions of neighbouring occupiers. Notwithstanding compliance with some policies, the suggested fallback, thermal efficiency and ecology measures, the benefits of the development do not outweigh the harm in respect of character and appearance and the conflict with the development plan in this regard.

Conclusion

15. The proposed development would result in a conflict with the development plan. There are no considerations which outweigh this finding. Therefore, the appeal should not succeed.

Dan Szymanski

INSPECTOR