



Appeal Decision

Site visit made on 1 October 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/P1940/D/20/3252098

2 Copthorne Cottages, The Green, Croxley Green, Rickmansworth, WD3 3HX

- 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 Miss Hollie Sullivan against the decision of Three Rivers District Council.
 - The application Ref 19/2226/FUL dated 13 September 2019, was refused by notice dated 4 February 2020.
 - The development proposed is described on the application form as "Rear extension".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and Croxley Green Conservation Area.

Reasons

Appeal site context

3. The appeal site consists of an attractive 2-storey cottage which forms part of a prominently sited mid-to-late nineteenth century terrace of four properties that front onto The Green within the Croxley Green Conservation Area ('the conservation area'). This terrace is included on the Council's list of locally important buildings because of its architectural and historic interest and is also referred to in the conservation area appraisal¹. I therefore consider it to constitute a non-designated heritage asset in accordance with the Framework².

Character and appearance

4. Although the terrace of 4 properties has been subject to a number of unsympathetic flat-roof rear extensions at ground floor, the first floor rear elevation is largely unaltered, with its original facing brickwork, brick lintels, brick eaves detail and window openings still intact, aside from No 4 having been finished in render. The development would obliterate this historic, attractive and simple first floor façade and also result in the loss of a significant

¹ Croxley Green Conservation Area Appraisal, Built Environment Advisory & Management Service (date of document not specified, but Conservation Area designated 22 January 1980)

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

amount of historic fabric to the existing rear elevation. It would as a consequence be harmful to the architectural character of the host building.

5. I recognise that the first floor extension would only be partly visible from the public realm on Copthorne Road, but it would nonetheless cause harm to the character and appearance of the conservation area, which extends to the front and rear of the dwelling.
6. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the terrace. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes for the remaining cottages. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the relatively small size of each property and personal benefits that would accrue from additional internal space. Allowing this appeal would change the character of the terrace and make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm which I have described above.
7. In view of the above, I find that the development would not preserve or enhance the character and appearance of the conservation area in accordance with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. I therefore conclude that the scheme would conflict with Policy CP12 of the Core Strategy³, Policy DM3 of the Development Management Policies Document⁴, and Policy CA2 of the Neighbourhood Plan⁵, which collectively seek, amongst other things, for developments to; (1) conserve and enhance heritage assets and the quality of an area; and (2) retain or enhance historic or architectural features on locally important buildings.

Planning balance

9. Although the Core Strategy and Development Management Policies Document are over 5 years old, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
10. Policy CP12 of the Core Strategy and Policy CA2 of the Neighbourhood Plan are generally up to date insofar as they relate to the main issues of this case. However, Policy DM3 of the Development Management Policies Document does not accord with the more comprehensive and balanced approach of the Framework and is out of date. I have as a consequence attached only limited weight to the scheme's conflict with this policy.
11. On the basis of the evidence and my observations on-site, I am satisfied that the scheme would cause less-than substantial harm to the significance of the conservation area as a designated heritage asset. As a consequence, I have

³ Local Development Framework, Core Strategy, Adopted 17 October 2011, Three Rivers District Council

⁴ Local Plan, Development Management Policies, Local Development Document, Adopted July 2013, Three Rivers District Council

⁵ Croxley Green Neighbourhood Plan 2017-2032, Referendum Version December 2018, Croxley Green Parish Council

weighed this harm against the public benefits of the proposal, including securing optimum viable use, in accordance with Paragraph 196 of the Framework. In carrying out this assessment, I have also given great weight to the protection of the conservation area in accordance with Paragraph 193 of the Framework, and had regard to the scale of harm to the host dwelling as a non-designated heritage asset in accordance with Paragraph 197.

12. Furthermore, in accordance with Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 (see above), I have also given considerable importance and weight to the desirability of preserving or enhancing the character and appearance of the conservation area when carrying out my balancing exercise.
13. I recognise that the scheme would result in an economic benefit from local employment during construction, but consider this to be of limited value and outweighed by the harm to the character and appearance of the conservation area. Similarly, I am also of the view that this benefit would not outweigh the scale of harm to the character and appearance of the host building as a non-designated heritage asset.
14. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

15. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR