



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: 23 November 2020

Appeal Ref: APP/P1940/D/20/3252300

Elm Cottage, Chess Lane, Loudwater, Rickmansworth, Herts, WD3 4HR

- 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 Alex De Gabriele against the decision of Three Rivers District Council.
 - The application Ref 20/0229/FUL dated 3 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is described on the decision notice and appeal form as "Two storey rear extension, loft conversion including increase in ridge height and insertion of dormers to front, side and rear, single storey side extension, replacement front porch, alterations to fenestration, and installation of new access to create a carriage driveway".
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has submitted an amended site layout plan that illustrates the front garden to be retained as existing and the deletion of the carriage driveway from the scheme (Drawing No 0307.22D). Taking into account the judgement given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council* [1980], I am satisfied that the Council and third parties would not be prejudiced by this minor change and as a consequence I have considered the appeal on the basis of this amended plan. I have accordingly revised the development description to: - "Two storey rear extension, loft conversion including increase in ridge height and insertion of dormers to front, side and rear, single storey side extension, replacement front porch and alterations to fenestration".
3. The proposed front elevation drawing (on Plan No 0307.23B) and first floor plan/attic plan drawings (on Plan No 0307.22D) show the proposed front porch as having a gable roof, whereas the site plan drawing (on Plan No 0307.22D) and both side elevation drawings (on Plan No 0307.23B) show it as having a hipped roof. For the avoidance of doubt, I have considered the scheme on the basis of both designs.

Main issues

4. The Council's second reason for refusal was based on potential harm to protected trees arising from the proposed carriage driveway. However, given that this no longer forms part of the development before me, this issue falls away and no longer needs to be considered.

5. The main issue is therefore the effect of the proposed development on the character and appearance of the host building and Outer Loudwater Conservation Area, with particular regard to the loft conversion works, proposed dormer windows, replacement front porch and fenestration alterations.

Reasons

6. The appeal site consists of an attractive 1930s 2-storey detached house within the Outer Loudwater Conservation Area ('the conservation area'). My assessment of the character of Chess Lane accords with the conservation area appraisal¹ which describes it as consisting of individual properties, built on good sized plots with excellent views of the countryside and River Chess. This document also refers to the area being devoid of pavements and the presence of limited street lighting, which contributes to a rural feeling.
7. The host property is characterised by its metal leaded light windows, large front chimney, waney-boarding at first floor level and steep pitched-roof with limited eaves and ridge height, which collectively give it a horizontal emphasis and Arts and Craft architectural character. In my view, despite it having been subject to a number of unsympathetic alterations and extensions, it makes a positive contribution to the character and appearance of the conservation area.
8. The proposed increase in height of the eaves and roof ridgeline and introduction of dormer windows would obliterate the horizontal emphasis and simple form of the existing roof and result in a much more imposing dwelling of modern functional character with a top-heavy appearance. The proposed porch, by reason of its shallow pitched roof and significant width would also appear out of scale with the narrow doorway entrance it serves and dominate the front elevation. This harm to the architectural character of the building would be further compounded by the replacement of the existing metal leaded-light windows with modern casement units and loss of the prominent chimney.
9. In my view, the cumulative impact of all these changes would cause significant damage to the character and appearance of the existing dwelling and a moderate degree of harm to the conservation area. Public views of the scheme would also be clearly visible when approaching from both directions on Chess Lane, which would intensify this harmful impact.
10. The appellant has drawn my attention to the presence of new dwellings of a contemporary architectural style in the conservation area, but this does not justify the harm identified above. I also recognise that the existing dwelling has been subject to a range of unsympathetic alterations and extensions which has eroded some of its consistency in form and detailing. However, I am satisfied that it nonetheless retains a significant part of its original character, particularly to its front elevation and main roof, and I would not consider it appropriate to allow further harmful changes.
11. The appellant has also drawn my attention to previous schemes approved for a replacement dwelling on the site in 2000 and 2001². However, a significant period of time has elapsed since these decisions were made and planning policy has evolved accordingly, with the conservation area not being designated until

¹ Outer Loudwater Conservation Area Appraisal, January 2007 (Approved March 2007), Three Rivers District Council.

² Council refs: 00/00072/FUL permitted 25/05/00 and 00/01629/FUL permitted 19/04/01.

6 February 2006. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.

12. My attention has further been drawn by the appellant to other planning decisions in the area approved by the Council and allowed at appeal. However, none of these were comparable in terms of the exact nature of the works proposed and plot size or character. In particular, I note that the Inspector concluded in the appeal decision that the existing dwelling to be replaced held no special architectural interest and that at best it made a neutral contribution to the significance of the conservation area³; - which is different from the conclusion I have drawn in terms of Elm Cottage. Accordingly, the circumstances of these cases are not directly comparable with those which apply in this appeal. I have therefore reached my own conclusions on the appeal proposal on the basis of the evidence before me.
13. 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.
14. I therefore conclude that the scheme would conflict with Policies CP1 and CP12 of the Core Strategy⁴ and Policies DM1 and DM3 of the Development Management Policies Document⁵, which collectively seek, amongst other things, for developments to: - (1) be of a high standard of design; and (2) conserve, protect and enhance the built environment and heritage assets.

Planning balance

15. Although the Core Strategy and Development Management Policies Document are over 5 years old, Paragraph 213 of the Framework⁶ 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.
16. Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies Document 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 fully 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.
17. Overall, I have reached the view that the basket of most important policies for determining this appeal is not out-of-date, and accordingly the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework does not apply in this case.
18. On the basis of the evidence and my observations on-site, I also find that the scheme conflicts with Paragraphs 127 and 130 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to

³ Planning appeal APP/P1940/W/15/3022096 allowed on 29/09/15.

⁴ Local Development Framework, Core Strategy, Adopted 17 October 2011, Three Rivers District Council.

⁵ Local Plan, Development Management Policies, Local Development Document, Adopted July 2013, Three Rivers District Council.

⁶ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

local character; and (b) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

19. I am nonetheless 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 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.
20. 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.
21. I recognise that the scheme would result in an economic benefit from local employment during construction and enhanced accommodation for the appellant, but consider these to be of limited value and outweighed by the harm to the character and appearance of the conservation area.
22. 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

23. 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