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## Appeal Decision

Site visit made on 21 January 2021

**by Christopher Miell MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> February 2021**

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**Appeal Ref: APP/P1940/D/20/3264615**

**Highacre, Loudwater Heights, Loudwater WD3 4AX**

- 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 N Steer against the decision of Three Rivers District Council.
  - The application Ref 20/1567/FUL, dated 31 July 2020, was refused by notice dated 28 September 2020.
  - The development proposed is a two storey front, side extension and rear extensions, loft conversion including increase in ridge height and the provision of rear roof lights and construction of a detached garage building.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Loudwater Estate Conservation Area.

### Reasons

3. The appeal property is a detached two-storey dwelling situated within a substantial plot on Loudwater Heights. The appeal site falls within the Loudwater Estate Conservation Area (the 'CA').
4. It is proposed to erect extensions to the front, rear and either side of the host building and undertake a loft conversion, which would include increasing the existing ridge height and the provision of a dormer window and roof lights to the rear. In addition, a detached double garage is proposed to be constructed on the existing tennis court area, which would be removed with the remaining hardstanding returned to lawn as part of the development.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The National Planning Policy Framework (the 'Framework') advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and, the more important the asset, the greater the weight should be.

7. Paragraph 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
8. The Loudwater Estate Conservation Area Appraisal (2013) (the 'CAA') explains that the area of Loudwater is located on the east and west banks of the River Chess. The Loudwater Estate is characterised by large detached residential dwellings, which typically feature a variety of Arts & Crafts styles, designs and materials. The dwellings are usually set within generous plots, which feature extensive landscaping and mature trees, whilst the wider area is well-wooded with an undulating typography that is served by an informal network of narrow roads.
9. In respect of the appeal site, the CAA explains that Loudwater Heights comprises of 1950's development, which is located in the north-western corner of the CA. The cul-de-sac is characterised by large, two storey detached dwellings of varied designs on substantial plots. It goes on to state that despite these dwellings being a relatively modern addition to the CA, they possess characteristics that are identifiable with the Loudwater Estate, such as the expansive plots and wide, open frontages within a sylvan setting.
10. The appeal property is located at the end of Loudwater Heights and exhibits the local and distinctive characteristics set out above. Moreover, despite its post war construction, the design and appearance of the dwelling has been strongly influenced by the Arts & Crafts style, which is common throughout the CA. Consequently, the appeal property contributes positively to the character and appearance of the CA.
11. The Council argue that the proposed extensions to the existing single storey sitting room area would undermine the form of the appeal property by eroding the subservient nature of the existing side outshot. Moreover, they contend that the two storey front extension, which includes alterations to the existing porch, would detract from the character of the existing front elevation.
12. I do not share the Council's view in respect of these extensions. The proposed extensions would be of a modest scale and would have a subservient relationship with the host building. In addition, the fenestration layout on the proposed front extension would improve the building's symmetry and balance.
13. However, the proposed development comprises of several extensions, which cumulatively would provide a significant amount of additional floorspace for the host building at ground floor, first floor and second floor level. The overall footprint and scale of the proposed extensions, particularly the bulky two-storey side and rear extension and the rear dormer window, would be significant and excessive in the context of the proportions of the existing dwelling. Consequently, when considered cumulatively, the proposed extensions would fail to create a subservient relationship with the host building.
14. In terms of the proposed design, despite the use of matching materials, the fenestration arrangement at the rear of the building, in particular the large vertical window over the first and second floor, would be out of keeping with the design and appearance of the host building and the local vernacular of the existing buildings on Loudwater Heights.

15. Furthermore, the overall extent of the proposed roof alterations would create an awkward roof form, which would be at odds with the simple roof form of the existing building. The stark and jarring appearance of the proposed roof alterations would be most evident when viewed from the rear of the building due to the differing ridge heights of the various extensions and the significant and disproportionate scale of the rear dormer window.
16. The appellant states that they would be willing to change the fenestration at the rear of the building to incorporate small panes with black-finished aluminium crittal effect. Whilst such changes may or may not improve the design and appearance of the proposed development, such a proposal is not before me. As such, this is not a determinative point in this case.
17. The appellant explains that the Council granted planning permission for significant extensions to a property known as 'Rosegarth', which is also located on Loudwater Heights. However, only limited information has been submitted about this development and therefore I am unable to assess its relevance in respect of the appeal. In any event, I have determined this appeal on its individual planning merits.
18. In addition, my attention has been drawn to other approved developments within the CA, which includes a replacement dwelling known as 'Cherry Tree Cottage' and extensions/alterations to residential properties known as 'Larchmead' and 'Brae Cottage'. However, as above, very little technical information has been provided about these developments. Nevertheless, based on the evidence before me, it is apparent that these properties are located on other streets within the CA, and thus such development is not seen in the context of the appeal site and does not therefore contribute directly to the distinctive characteristics of Loudwater Heights.
19. The appellant states that the Council granted planning permission in 1973 for a large side extension at the appeal property. Whilst this may be the case, the parties agree that the permission was never implemented and is no longer extant. Given that the decision is historic and predates the development plan and the Framework it carries very little weight.
20. Overall, when considered as a whole, the proposed extensions would dominate the host building and unacceptably diminish its architectural integrity. Therefore, the proposal would neither preserve or enhance the character or appearance of the CA, and, thus, it would be harmful to the significance of the designated heritage asset.
21. Given the minor nature of the proposed development, I consider that the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
22. In terms of public benefits, the appellant argues that the proposal would enhance the character and appearance of the CA. For the reasons set out above, I have found that this would not be the case. Consequently, this would not be a public benefit which would flow from the proposed development.
23. In terms of other public benefits, the appellant explains that the proposed development would improve the thermal efficiency of the appeal property, which in turn would lead to a reduction in greenhouse gas emissions. In

addition, they state that returning a significant proportion of the existing tennis court area to garden use would improve drainage by providing opportunities for additional soft landscaping. Whilst no technical information has been provided to substantiate the extent of these benefits, they are environmental benefits which weigh in favour of the proposal.

24. Overall, such public benefits would be modest due to the quantum of development proposed. Consequently, I find that the public benefits would not be sufficient to outweigh the harm to the significance of the Loudwater Estate Conservation Area.
25. In conclusion, the proposal would be an unsympathetic addition to the existing dwelling, which would dominate the host building. Therefore, the development would fail to preserve or enhance the significance of the CA. As such, the proposal would not accord with Policies CP1 and CP12 of the Three Rivers District Council: Core Strategy and Policy DM3 of the Three Rivers District Council: Development Management Policies Local Plan Document (the 'DPD') which requires development proposals to be of a high standard of design and sustain, conserve and, where appropriate, enhance the significance, character and setting of the District's heritage assets.
26. In addition, the proposal would conflict with the design criteria contained within Appendix 2 of the DPD. Design criterion 4(a)(iii) of Appendix 2 states that extensions must respect the character of the property/street scene.
27. The appellant argues that the proposal would comply with design criterion 5(c) of Appendix 2, which relates to the positioning of two storey extensions in relation to site boundaries. Even if I were to agree with the appellant's position, compliance with one of the design criteria, would not overcome or outweigh the harm I have identified with the other development plan policies.
28. The reason for refusal on the Council's decision notice refers to Policy DM1 of the DPD. However, this policy relates to new residential development and the subdivision of dwellings. Consequently, I consider that the policy is not applicable in respect of the appeal proposal, which relates to alterations and extensions to an existing dwelling.

## **Conclusion**

29. The Council's landscape officer explains that the tree survey and constraints plan submitted with the planning application lacks technical detail and fails to demonstrate that the proposed garage could be constructed out causing harm to adjacent trees. Given my findings on the main issue, this is not a matter I need to address.

## **Conclusion**

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Christopher Miell*

INSPECTOR