

Appeal Decision

Site visit made on 13 September 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Appeal Ref: APP/P1940/D/21/3279389

Rajah Shanth, Troutstream Way, Loudwater WD3 4LE

- 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 Roshan Rajaratnam against the decision of Three Rivers District Council.
 - The application Ref 21/0781/FUL, dated 24 March 2021, was refused by notice dated 15 June 2021
 - The development proposed is for the erection of a timber battern gate [sic].
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Decision

1. The appeal is dismissed.

Application for Costs

2. An Application for Costs has been made by the appellant against the Council and which is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the Conservation Area, including upon protected trees.

Reasons

4. The appeal site is located within the Loudwater Conservation Area situated within a private residential estate comprising large detached houses in generous plots, many of which are set well back from the road with mature landscaped front gardens.
5. The majority of driveway entrances are open, but a number of properties including 'Old Tiles' and 'Trout Rise Farm' opposite have timber gates of a more traditional rural design.
6. Consequently I consider that there can be no objection to the principle of the installation of gates subject to an appropriate design being employed. In this particular case, whilst the use of timber as a material would be acceptable, the design as shown on drawing No 01 Revision A1 (along with unspecified finish), would run counter to the design of most of the gates found elsewhere within the estate, rendering them as incongruous within the street scene. I note that wrought iron gates have been installed at 'The Coppice' next door and whilst it is not for me to comment on the appropriateness of these or otherwise, ultimately each case must be assessed on its own merits.

7. No detailed scaled Site Plan has been provided as part of the application and therefore it is not clear precisely where the gates would be installed, whether they would be installed in isolation, with no other form of boundary treatment to either side of them or how close they would be to the road; their means of opening is also unclear.
8. Furthermore, by virtue of the Conservation Area designation, a number of trees within the appeal site are protected. In response to this the appellant provided arboricultural information to the Council prior to the determination of the application. It was unclear as to whether or not the Council had actually received this documentation and therefore I gave them an opportunity to comment, although no response was received from them.
9. However, having regard to the submitted Tree Protection Plan, it shows the foundations for gate pillars to be of a pile and beam/raft to enable brick construction. It states that pile locations would be excavated by hand to establish whether there are any significant roots, but I have been provided with no construction details of the pillars themselves and drawing No 01 Revision A1 provides very little detail. In addition, the two drawings do not seem to tally, with the latter appearing to show gate posts as opposed to pillars.
10. In the absence of an appropriately detailed Site Plan I am unable to ascertain whether the location of the proposed gates, as identified within the Tree Protection Plan, is correct. Consequently there is an air of uncertainty hanging over the proposal, especially as the tree report in paragraph 3.3 states that their location was estimated.
11. Therefore, by virtue of this uncertainty, I can only conclude that insufficient information has been provided to enable me to determine whether or not the development would have a detrimental impact upon protected trees and consequently the visual amenities of the area.
12. Combined with the inappropriate design of the gates, I consider that the proposal would fail to preserve the character or appearance of the Conservation Area, and therefore the proposal would give rise to less than substantial harm to a designated heritage asset, with no public benefits having been advanced that would outweigh this harm.
13. I find the proposal contrary to Policies CP1 and CP12 of the Three Rivers District Council Core Strategy (CS), Policies DM1, DM3 and DM6 of the Three Rivers District Council Development Management Policies Local Development Document (DMP) and Policy 2 of the Chorleywood Neighbourhood Development Plan which together seek to protect and enhance natural, built and historic environments and features, including trees from inappropriate development, stipulating that development within Conservation Areas will only be permitted where, amongst other things, it uses building materials and finishes, including those for features such as gates, that are appropriate to the local context.

Conclusion

14. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR