



Appeal Decisions

Site Visit made on 24 November 2021

by R J Jackson BA MPhil DMS MRTPI MCM

an Inspector appointed by the Secretary of State

Decision date: 07 DECEMBER 2021

Appeal A Ref: APP/X0415/W/21/3267129

Hertfordshire Lodge, Coleshill Lane, Coleshill, Amersham HP7 0PD

- 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 Neil Cadman against the decision of Buckinghamshire Council - East Area (Chiltern).
- The application Ref PL/20/1000/FA, dated 23 March 2020, was refused by notice dated 23 July 2020.
- The development proposed is installation of security cameras and lights, an oak open porch and driveway gate.

Appeal B Ref: APP/X0415/Y/21/3267125

Hertfordshire Lodge, Coleshill Lane, Coleshill, Amersham HP7 0PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Neil Cadman against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/1001/HB, dated 23 March 2020, was refused by notice dated 23 July 2020.
 - The works proposed are installation of security cameras and lights, an oak open porch and driveway gate.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The applications are retrospective. In inspecting the building, it was clear that in addition to the security cameras, lights, porch and driveway gates that there are a number of other additions to the exterior of the building. These include a satellite dish, alarm box, what appear to be external loudspeakers and microwave receivers together with external cabling. I have not considered these as part of these appeals. To clarify, the elements the subject of these appeals are:
 - the porch;
 - the driveway gates;

- the lights on all four elevations;
 - the security cameras on all four elevations; and
 - the two security cameras on wooden poles between the house and the road.
4. The Council indicates that the driveway gates replace a five-bar gate. However, I have not been provided with any further details, including as to its age. I have therefore dealt with this element only in respect of the appeal against the refusal of planning permission.

Main Issues

5. In respect of Appeal A, although the site lies in the Green Belt it is agreed between the parties that the proposal would represent not inappropriate development on the basis that it would not result in disproportionate extensions over and above the size of the original building. I have no reason to disagree on this point.
6. The main issues for Appeal A are:
- (i) whether the proposal would preserve the special architectural and historic interest of the Grade II listed Hertfordshire Lodge and its setting; and
 - (ii) the effect on the Chilterns Area of Outstanding Natural Beauty (the AONB).
7. The main issue for Appeal B is whether the proposal would preserve the special architectural and historic interest of the Grade II listed Hertfordshire Lodge and its setting.
8. As the first main issue in respect of Appeal A and that of Appeal B are effectively the same, I will consider them together and will have special regard to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) as appropriate.

Reasons

The effect on Hertfordshire Lodge and its setting as a listed building

9. The National Planning Policy Framework (the Framework) defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The national Planning Practice Guidance also notes (Reference ID: 18a-006-20190723) that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.
10. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
11. Hertfordshire Lodge is a detached dwelling. Originally dating from 1845 it is constructed from red brick with noticeable fretted bargeboards to the east and north gabled elevations. There are hoodmoulds and chamfers. Small lean-to

additions on the north and west sides noted in the listing description have been replaced by two two-storey extensions, that to the north to the full height, while that on the west is set down below the ridge. The building has been described as a "cottage d'ornay", which is understood to have been designed for its picturesque qualities.

12. From the name as a 'lodge', the listing description and my site visit it is clear that the significance of the listed building for the purposes of this appeal derives from its simple design, but with some ornate detailing, and prevalence of original external features. Although it has been extended, the simple and sub-ordinate nature of the building to the main building at Hertfordshire House a short way to the south can clearly be understood. I would disagree with the Heritage Statement submitted by the appellant where it suggests that the architectural and aesthetic value has been eroded. The setting is important to its significance in that it provides a lodge building at the junction of three roads on the approach to Hertfordshire House. I therefore consider that the illustrative and communal value of the building remains clear.
13. The driveway gates are solid and harmfully detract from the setting of the listed building, a designated heritage asset. They are noticeably taller than the five-bar gates providing field entrances nearby. Five-bar gates allow views through to provide an open and welcoming setting to the lodge and thence to the main house. The current gate is in three sections, two main opening sections opening to a central point to allow vehicular access and a pedestrian gate to one side. These gates are predominantly solid, although with a trellis above, and prevent a ready view into the area by the house which is part of its historic significance. Although a minor point, the main gates have been hung from the wrong side of the gate posts which means that they have an awkward appearance adding to harm; having said that had that been the only issue, which it is not, this could have been resolved by condition.
14. The porch is constructed from heavy timbers with a tile roof. While the main roof is also tiled, the porch roof colour is completely different and incongruously so; weathering will not be sufficient to mitigate this. The heavy natural coloured timbers are harmfully in contrast to the thin white painted elements of the original porch on the western side, the barge boards and other timber elements throughout the building, even those which are larger and more ornate. Through its design and materials, the porch harms both the house as a listed building and its setting.
15. The lights and the security cameras attached to Hertfordshire Lodge also harm the listed building. The number of them, along with their locations, in contrasting colours to the brickwork, detract from the simplicity of the building. To my mind, some are located so that they interrupt the architectural features noted above that form part of the architectural significance of the building, and others appear to have been placed without any reference to architectural features.
16. The two cameras mounted on large wooden poles appear as independent and crude features standing above the hedge line unrelated to the building; they detract and harm from the setting of the listed building.
17. In each case and taken together, within the terms set out in the Framework, these represent less than substantial harm to the significance of the designated heritage asset; nevertheless, this harm should be given considerable

importance and weight. That being the case paragraph 202 of the Framework states that this harm should be weighed against the public benefits of the proposal. I will discuss this below.

18. Consequently, the matters the subject of these appeals fail to preserve the special architectural and historic interest of the listed building and its setting. They are contrary to Policies LB1 and LB2 of the Chiltern District Local Plan (the Local Plan) which require proposals to preserve the character and appearance of listed buildings and their settings.

Effect on AONB

19. The site lies in the AONB. Policy LSQ1 of the Local Plan requires development to conserve and, where practical, enhance the special landscape character and special qualities of the AONB. Paragraph 176 of the Framework indicates that great weight should be given to conserving landscape and scenic beauty in AONBs.
20. The Council has referred to the Chilterns AONB Design Guide published by the Chilterns AONB Board. This provides guidance on ensuring development is appropriate in the AONB. However, I have not been provided with information as to its status in planning terms and thus can only give it limited weight.
21. Road boundaries in the surrounding area are predominantly hedges with some post and rail fences. There is metal fencing to the south around the parkland associated with Hertfordshire House. Fences allow views through permitting an appreciation of the landscape, and the gate the subject of this appeal does not allow this. The AONB Design Guide specifically decries high and solid gates as being out of place in the countryside. Further, the stand alone cameras on poles appear as incongruous features unrelated to the landscape adding to harm.
22. The porch does not have any material effect on the wider AONB being attached to the house. However, the cameras and lighting on the building add to visual clutter detracting from the building within the wider landscape. Furthermore, when the lights are working they will be seen over a wide area, including in any view of the building. This is contrary to the AONB Design Guide which notes the "threat" from light pollution and indicates that lighting should be limited to specific areas adjacent a house. Here lighting is on all four elevations.
23. Consequently, the proposal in respect of the gates, pole mounted cameras and cameras and lights attached to the building is harmful to the landscape and scenic quality of the AONB and contrary to Policy LSQ1 of the Local Plan and the AONB Design Guide referred to above.

Other Matters

24. In support of his case the appellant makes the point that the cameras and lighting provide security for the property and the wider Hertfordshire House estate. This is said to be a public benefit in that it reduces crime levels. I have been provided with a Security Review authored by the appellant where he states that the estate has been subject to crime, some of which relates to property and land and some, such as "reckless driving", do not. He indicates such activities have reduced since the cameras were installed. Similarly, the application was accompanied by an output of crime statistics from 2019 for the wider local area. These statistics include matters which have no relation to

property or the use of land, and, in the absence of specific reference to specific events at the appeal property or the wider estate, I give this list limited weight.

25. While the Security Review does refer to the wider estate there are a number of incidents described as "suspicious activity" and "anti-social behaviour". I have not been provided with information that this related to proven illegal activity. The location and direction of the two pole mounted cameras, one of which is directed at the end of a public right of way, seems to me to be particularly intrusive to those undertaking lawful recreational activity on the public rights of way network.
26. The appellant indicates that the local police are supportive of the security measures and have utilised information obtained. To this end the security equipment does represent a public benefit, although I consider that this to be a limited benefit.
27. However, while there may be a public benefit from the security measures, I consider the benefit of the subject of the proposals principally to be private. This also applies in respect of the porch and gates. I therefore conclude that the public benefits of the proposals do not outweigh the less than substantial harm that I have identified to Hertfordshire Lodge as a designated heritage asset and its setting or the effect on landscape and scenic quality in the AONB.
28. The appellant has referred to a number of other listed buildings in the vicinity, including Hertfordshire House. I am satisfied that the proposals have no effect on any of the settings of these buildings which would therefore be preserved.

Conclusion

29. The development is contrary to the development plan as a whole and there are no material considerations sufficient to outweigh the presumption in favour of determining the proposal in accordance with the plan.
30. For the reasons given above I conclude that the appeals should be dismissed.

RJ Jackson

INSPECTOR