



Appeal Decision

Site visit made on 28 June 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 26TH July 2022

Appeal Ref: APP/P1940/D/22/3293684

Elm Cottage, Chess Lane, Loudwater, Rickmansworth 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: 21/2563/FUL dated 4 November 2021, was refused by notice dated 10 January 2021
 - The development proposed is demolition of existing garage and construction of detached two storey outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the Outer Loudwater Conservation Area (OLCA) which is a designated heritage asset.

Reasons

3. The appeal site lies within a part of the Outer Loudwater Conservation Area (OLCA) typified by large dwellings in good-sized plots, retaining a rural feel from the absence of suburban features in the public realm. The host dwelling is accessed off Chess Lane whereas the existing garage is a low, pre-fabricated standard structure accessed from Chess Hill which follows the western perimeter of the Elm Cottage plot.
4. Whereas the existing garage is low and generally unobtrusive in the public realm due to the screening effect of hedging, the sloping topography would significantly increase the prominence of the proposed outbuilding which will be of a significantly greater bulk in terms of depth width and height. Being at a point where there is open outlook to the south from Chess Hill, it would tend to intrude upon this open prospect due to its greater bulk and depth which places the front of the building closer to the road. It would also introduce a built form that lacks any affinity with the host dwelling due to its flat roof cap and tile-clad flank to its upper parts. From my observations, which are not countered by any evidence proffered by the appellant, the design of the proposal would not be of a design or scale that preserves or enhances the LECA.
5. Furthermore, the proposed outbuilding would be located adjacent to the northern plot boundary of Elm Cottage where a tall and well-established

Lawson Cyprus (T11) is found close to the existing garage which is of a pre-fabricated type, lacking deep foundations. This tree is the subject of a Tree Preservation Order¹, and, with others, tends to screen adjacent properties in the approach from Chess Lane. I consider T11 tree makes a positive contribution to the rural character and appearance of this part of the OLCA.

6. The drawings for the proposed outbuilding suggest it would be of a substantial loadbearing construction with cavity masonry walls which, unlike the existing garage, would likely require a substantial excavated foundation. The existing and proposed outbuilding both overlap the probable root protection area for T11, the protected Lawson Cyprus. Although it is possible that there would be no loss of root area as a result of the development there is nothing before me to demonstrate that T11 would not be put at risk of loss as a result of the works proposed. I consider this to be a matter which weighs against the proposal to the extent that the loss of T11 would harm the character and appearance of the OLCA.
7. I have concluded that the design of the proposed outbuilding would not preserve or enhance the OLCA, and that its location and construction presents a risk of harm to a protected tree, the loss of which would also harm the character and appearance of the OLCA. Even though the overall harm to the significance of OLCA would be limited, this is nevertheless a matter which, having regard to the duties set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, must attract great weight. Consequently, notwithstanding the proposal would provide some additional ancillary space for Elm Cottage, I have nothing before me to suggest that these harms are outweighed by any other consideration.
8. Policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011 set out the Council's aspiration for the protection of the natural and historic environment; Policy DM3 part (c) of the Three Rivers District Council Development Management Policies Local Development Document 2013 seeks to protect features and elements which contribute positively to Conservation Areas, including trees and views, and seeks to ensure development retains and enhances designated heritage assets such as the OLCA and, where possible, enhances their significance, character and setting. For the reasons previously given, the proposal does not accord with these policies.
9. Therefore, given the clear conflict with the policies I have identified, and taking into account all matters raised I conclude that the proposal would fail to accord with the development plan taken as a whole, and, in consequence, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

¹ Tree marked as T11 in the Rickmansworth (Loudwater No.5) Tree Preservation Order 1972