



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/22/3293936

Homewood, Farm Lane, Loudwater WD3 4JX

- 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 B Nagi against the decision of Three Rivers District Council .
 - The application Ref: 21/2314/FUL dated 27 September 2021, was refused by notice dated 7 December 2021
 - The development proposed is two storey side and rear extension, single storey side extension, demolition of conservatory, creation of new entrance to house and construction of attached garage with associated hard landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extension, single storey side extension, demolition of conservatory, creation of new entrance to house and construction of attached garage with associated hard landscaping at Homewood Farm Lane Loudwater WD3 4JX in accordance with the terms of the application, ref 21/2314/FUL dated 27 September 2021, and the plans submitted with it, subject to the seven conditions appended hereto.

Main Issue

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

Reasons

Character and Appearance of the Conservation Area

3. Homewood is an early twentieth-century dwelling which, although subject to unsympathetic alteration and extension, largely retains the 'Arts and Crafts' influences which define its design, complimented by an extensive setting and distinctive, but deteriorated, outbuildings. The property occupies a large sloping site within the Loudwater Estate Conservation Area (LECA) which is characterised by detached houses in large plots and wooded settings.
4. The house, which from its condition has been vacant for some time, is approached through lower-level woodland to its south such that it stands back, seemingly isolated by enclosing vegetation and trees, high above the plot entrance. This approach view is emblematic of the character of the LECA but marred by, amongst other things, an intrusive conservatory addition on the principal elevation.

5. From my observations the dwelling, and its outbuildings, require extensive attention not only as a result of its unoccupied condition but in part inherent to the original construction. The proposals would involve significant rebuilding, both at the rear of the existing property where a garage is proposed to the west side replacing a cut and cover parking area, but also a two-storey extension on the east side wrapping the rear of the original building.
6. The Council point to concerns about the design of the proposals in terms of the roof form of the side/rear additions and the increase in the width of the building as detracting from the plan form and scale such that the proposals 'do not compliment the host dwelling'. Although apt to a degree, these observations do not directly lead me to the conclusion that the proposal would fail to preserve or enhance the LECA as my following reasoning explains.
7. Overall, the proposed changes to the external appearance of the building do seek to follow the original architectural approach in terms of fenestration and materials and, importantly, are not in the most prominent location. Care in detailing and material selection (enforced by condition) would overcome the most frequent causes of visual harm in repairs and extensions to buildings of architectural value. Within its own, extensive, setting I do not consider these changes, or the scale of the resultant building, would be unduly obtrusive having regard to its setting and, further, noting the significant improvements to the principal elevation and approach views of the site.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires decision takers to give special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
9. In this case, by its unoccupied condition and related neglect, Homewood can be regarded as a detractor from the identified character and appearance of the LECA. Without beneficial occupation there is a risk of significant further deterioration not only in the dwellinghouse but also of the setting and the distinctive outbuildings such that these could pass beyond economic repair. The appellant has not sought demolition of the outbuildings on the site so it is to be assumed that these would be retained. On the basis that the loss of the outbuildings would harm the character and appearance of the LECA, which is my view, their repair could be ensured by condition which would be a benefit of the scheme.
10. The duty imposed by section 72 of the LBCAA attaches great weight to the desirability of preserving or enhancing the LECA, noting that it is the Conservation Area as a whole to which I must have regard and not only the appeal site.
11. In this case, even if the changes to Homewood were argued as causing less than substantial harm to the significance of the LECA, which I consider to be a matter of fine balance, to my mind this is outweighed by the public benefit of the very likely result of a suitable planning permission; significant investment in the property such that the harm to the character and appearance of the LECA caused by its deteriorating state is undone and the prospect of further deterioration of the building and its setting, or visual harm from inappropriate repair is avoided. I therefore conclude that the proposed scheme, if subject to suitable conditions, would both preserve and enhance the character and appearance of the LECA.

Planning Balance and Conclusion

12. Policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011 set out the Council's aspiration for high quality design. For the reasons previously given I find no conflict with these ambitions. Policy DM3 parts (a) and (c) of the Three Rivers District Council Development Management Policies Local Development Document 2013 seek to ensure development retains and enhances designated heritage assets such as the LECA and, where possible, enhances their significance, character and setting.
13. My reasoning directs that the proposal would broadly accord with these policies; furthermore, I find no opportunity for conflict with other policies referred to in the decision notice. Even if there were, according to opinion, a degree of conflict with section (c) of Policy DM3, as to the appropriateness of the design of the proposed extension, I have concluded that the proposal would, in the round, preserve and enhance the significance of LECA, the designated heritage asset, and this is a matter to which great weight should be given. On that basis the proposal would accord with the development plan taken as a whole and, taking into account all matters raised, I conclude that the appeal should succeed.

Conditions

14. In addition to the usual plans and time limit conditions, the basis of my decision requires that the materials employed and the detail of architectural features is appropriate, also that distinctive outbuildings which make a positive contribution to the setting are retained. I have noted the representations in respect of wildlife and arboricultural matters and, having regard to the sensitive nature of the location, required a construction management plan and landscape scheme to be provided to prevent environmental, ecological and other harms to the setting and avoid undue disturbance from the construction process.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works authorised by this consent shall begin not later than three years from the date of this decision
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 003, 006, 007, 008, 009, 015, 016, 017, 018, 019 except in respect of any details submitted and approved under conditions listed below which differ from these approved plans.

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: ;
- a. the parking of vehicles of site operatives and visitors;
 - b. storage of plant and materials used in constructing the development;
 - c. the erection and maintenance of suitable fencing and enclosures for the protection of trees including other measures for the protection of habitat for badgers, nesting birds and hedgehogs set out in the Greenwood Ecology Report dated 17 June 2021 submitted with the application.
 - d. measures to control the emission of dust and dirt during construction;
 - e. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) All outbuildings within the curtilage of Homewood shall be subject to architectural survey and visual record, such record with statement of significance together with a scheme for their retention, repair or demolition accordingly, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of any development, including demolition. The approved works shall be completed prior to the first occupation of the development.
- 5) No development shall take place until details of the design of all windows doors, eaves, gables, verges, exposed guttering and pipework, vents and feature chimneys including plans/elevations/drawings at scale of 1:20 have been submitted to and approved in writing by the local planning authority; Nor shall the use of any facing material take place unless and until such samples including panels of brickwork, roof tiling and render, have been provided and retained on site for the duration of the work having been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the substantial completion of the works hereby approved; and any trees or plants which within a period of 5 years from that date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.