
Appeal Decision

Site visit made on 31 August 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/P1940/W/22/3299547

4 Waterfield, Heronsgate WD3 5BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs B Shah against the decision of Three Rivers District Council.
 - The application Ref 21/2675/RSP, dated 19 November 2021, was approved on 22 April 2022 and planning permission was granted subject to conditions.
 - The development permitted is Retrospective: Erection of Single Storey Garden Outbuilding.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - Condition 2 - Within two months of the date of this decision, the bamboo planting as shown on drawing 001 E shall be carried out and installed at the site. If this bamboo is removed, dies, becomes severely damaged or diseased within five years of the date of this decision it shall be replaced with a planted trellis of appropriate size and species in the next planting season (ie November to March inclusive).
 - Condition 3 - Notwithstanding the existing building/details on drawing 001 E, within six months of the date of this permission, the north western (facing the house) and north eastern (facing the driveway / entrance to the driveway) elevations of the outbuilding hereby permitted shall be physically altered to include the application of outdoor composite wall cladding "New Tech Wood Ultrashield" (referred to as TRDC001) in the colour 'teak' as detailed within page 5 of the specification TRDC001 and the south western and south eastern elevations shall be painted in a colour to match the reclad elevations. Once applied, the new facing materials shall be permanently maintained as such thereafter in terms of colour.
 - The reasons given for the conditions are:
 - Condition 2 - This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
 - Condition 3 - This condition is required to ensure the outbuilding is amended so it has an acceptable visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
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Decision

1. The appeal is allowed and the planning permission Ref 21/2675/RSP for Retrospective: Erection of Single Storey Garden Outbuilding at 4 Waterfield, Heronsgate WD3 5BS granted on 22 April 2022, by Three Rivers District Council, is varied by deleting condition 2 and condition 3.

Main Issue

2. The main issue is whether condition 2 and condition 3 are necessary or reasonable in the interests of safeguarding the character and appearance of the area.

Reasons

Condition 2

3. The approved drawing 001 E shows the installation of planted trellis on top of fencing along the rear elevation and a side elevation of the outbuilding. The latter is adjacent to the boundary of a neighbouring property. These works have not yet been undertaken. However, some new planting has been provided in the form of bamboo plants in planters along the side elevation of the outbuilding which faces the turning circle within Waterfield.
4. The side elevation of the outbuilding which is adjacent to the boundary of a neighbouring property is largely screened by the boundary fence. Although parts of this side elevation are visible from the neighbouring property, this is not particularly significant in length, and is partly screened by planting on the neighbour's side. Nevertheless, it is not uncommon for outbuildings to be visible to some extent from neighbouring properties. Furthermore, because of the limited gap between the outbuilding and boundary fence, I am not convinced that new planting here would be successful. Therefore, I consider the existing arrangement of the outbuilding relative to the boundary of the neighbouring property to be acceptable.
5. Notwithstanding the proposed landscaping, there is an existing planting bed which encloses the side elevation of the outbuilding which faces the turning circle and its rear elevation. This planting bed incorporates established landscaping which has been augmented with a mature Holly plant. This existing landscaping, largely screens and assists the outbuilding to assimilate with the verdant character of the area. In particular, in views from communal areas, such as the turning circle.
6. The existing planting bed does not form part of the approved scheme and therefore its retention cannot be guaranteed. Despite this, the planting bed has been retained and improved during the construction of the outbuilding. Therefore, there is nothing to suggest that its removal is likely. Even if the existing landscaping was removed, the approved landscaping because of its modest extent would offer limited screening of the outbuilding.
7. Consequently, the approved landscaping scheme is not integral to the overall design of the approved development and therefore a condition requiring this is not reasonable or necessary in the interests of safeguarding the character and appearance of the area. As such, the deletion of condition 2 would not be in conflict with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) (CS) and Policy DM6 of the Development Management Policies Local Development Document (adopted July 2013) (LDD). Amongst other matters, these policies seek to secure high quality design.

Condition 3

8. Because of its siting, form and external cladding, the approved development is distinctly designed as an outbuilding. Consequently, even if the existing

landscaping was not in place, the approved development would be apparent as an outbuilding, irrespective of the colour of its cladding.

9. Notwithstanding the above, the extant grey finish on the outbuilding complements its contemporary appearance and is consistent with other features of the host property, including the external paving and garage doors which are also finished in grey. Therefore, the grey finish on the outbuilding is acceptable in the context of the host property and area.
10. For the above reasons, condition 3 is not necessary or reasonable in the interests of safeguarding the character and appearance of the area and its removal would not be in conflict with Policies CP1 and CP12 of the CS and Policy DM1 and Appendix 2 of the LDD. Together, these policies seek to secure high quality design.

Other Matters

11. I have taken account of the representations made in support of the retention of the disputed conditions. However, for the reasons set out above, these do not alter my findings on the main issue. The allegations and concerns raised in respect of matters which are unrelated to the conditions in dispute do not affect my findings on the main issue.

Conclusion

12. For the reasons given above, I conclude that the appeal should succeed. I will vary planning permission (Ref 21/2675/RSP) by deleting disputed condition 2 and condition 3.

M Aqbal

INSPECTOR