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# Appeal Decision

Site visit made on 10 January 2023

**by R Norman BA(Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 June 2023**

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**Appeal Ref: APP/A1910/Y/22/3290758**

**Cottage 110, Wharf Lane, Cow Roast HP23 5RE**

- 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 Jack Wheeler against the decision of Dacorum Borough Council.
  - The application Ref 21/03180/LBC, dated 13 August 2021, was refused by notice dated 12 October 2021.
  - The works proposed are the construction of new 2 storey rear extension incorporating existing outrigger and construction of new raised veranda and steps to garden.  
Reinstatement of front right hand side window and various internal alterations.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal before me relates to the listed building application, reference 21/03180/LBC. An associated full householder application was submitted to and refused by the Council under their reference 21/03179/FHA, however no associated appeal has been submitted to the Planning Inspectorate. I have therefore determined the appeal against the refusal to grant listed building consent for the works proposed for the reason set out in the Council's decision notice. The appeal site is located within the Metropolitan Green Belt, an area of archaeological significance and the Chilterns AONB, however I have considered this appeal against the listed building works only, having regard to the statutory duty as set out in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Appellant has submitted a revised scheme, illustrated by drawings PO2 Rev C and PO3 Rev C, to address the impact on the living conditions of the neighbouring occupiers. However, that relates to the second reason for refusal on the full householder application and not the listed building appeal before me. Furthermore, the appeal process should not be used to evolve a scheme and the Council have confirmed that it has not seen the revised plans and therefore their interests would be prejudiced if the plans were to be accepted. As such, I have not considered the revised plans in relation to this appeal.
4. The description of development on the application and appeal forms differ, although Part E of the appeal form states that the description of development has not changed from that stated on the application form. I have had regard to the original description of development, however in the interests of conciseness and accuracy I have used the description from the appeal form in the above heading.

## **Main Issue**

5. The main issue is whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as Lock House and Adjoining Lock Cottage at Lock No 46 on Grand Union Canal.

## **Reasons**

### *Special interest and significance*

6. The appeal property forms part of a Grade II listed building, Lock House and Adjoining Lock Cottage at Lock No 46 on Grand Union Canal, list entry number 1174821. The listed building comprises a pair of semi-detached, two storey cottages with basements. It has a hipped slate roof and painted white brickwork and incorporates some traditional sliding sash windows. The listed building description sets out that the East House, i.e. the appeal property, was formerly two small houses with handed plans which have since been converted into the current property.
7. The listed building fronts onto the canal with a public footpath running along the front. Associated garden land is located to the rear and side of the property and there is a vehicular access and driveway accessed off Wharf Lane. The land levels fall away from the canal exposing the basement level of the properties to the rear. Collectively with the adjoining dwelling, the properties have a historic and architectural group value with a degree of cohesiveness in the designs, proportions and use of traditional features and materials.
8. From the evidence before me, the special interest and significance of the listed building, comprising both Nos 110 and 111, is largely found in its fine and relatively rare example of traditional canal lock cottages and, in part, in its group value. Pertinent to the appeal, from the front and side, Cottage 110 mostly retains its traditional features and proportions, and it has a modest and simple character and size. Internally, its historic floor plan is still legible and some historic features have been retained.
9. Both properties have been extended to the rear with more modern extensions, which differ in designs, with the appeal property extension being single storey with a flat roof and the adjoining cottage having a larger, two storey sloped roofed extension. I find that these additions detract from the historic and architectural merit of the cottages to an extent, but do not unduly compromise the listed building's intrinsic heritage merit.

### *Appeal proposal and effects*

10. The proposed works would involve an extension and alterations to the existing property. Externally, a new rear extension would be constructed which would incorporate the existing rear outrigger. There would also be a raised veranda to the rear. The proposed works also include the removal of the existing render from the side, to be replaced with a new lime stucco detailing to match the front elevation. The current windows would be refurbished. The existing bricked up window in the front elevation at ground floor would also be reinstated. Internally this would necessitate the relocation of the staircase which blocks this window.
11. The internal works would also comprise a new staircase to the rear of the property to replace the current one, the removal of the internal walls to the

dining room and kitchen at ground floor and the removal of an internal wall in the front bedroom as a result of the staircase removal.

12. The proposed introduction of a two-storey extension to the rear of the property would represent a sizeable addition to this modest historical cottage. The depth of the proposed extension would mirror the host property and its limited return of around 50mm would not be sufficient to make the extension subservient. It would be readily visible from the public footpath when approaching the property and would appear as a bulky and featureless addition from the side.
13. Whilst the proposed extension would involve the modification of the inharmonious flat roofed rear extension and be raised to retain the cellar window, it would also further mask the historic rear elevation and features of the property. This would diminish the historic legibility of the building with a dominant and poorly proportioned addition. Furthermore, the veranda would be a substantial structure which would further alter the restrained, functional nature of the cottage and would be an overly modern addition.
14. The internal alterations to create a large open plan area to the ground floor and three new openings to the first floor would result in a significant open plan area to the ground floor which would result in the irreversible loss of the historic fabric. These works would considerably undermine the integrity of the historic floor plan within this modest historic cottage.
15. For the above reasons, I find that the proposed development would not be sufficiently subservient to the modest host cottage, would obscure the historic legibility of the original property and would make it difficult to appreciate its historical features and context. The proposal would therefore fail to preserve the special architectural and historic interest of this Grade II listed building. As such, it would harm the significance of this designated heritage asset.

*Public benefits, balance and conclusion*

16. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to the significance of a designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be less than substantial given the extent of the proposal and its consequent effects but nevertheless I give this harm considerable importance and weight in the planning balance. Paragraph 202 advises that this harm must be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
17. The modification of the existing flat roofed extension, reinstatement of the blocked window opening, works to the windows, lime stucco finish on the gable wall and removal of the TV aerial would be of heritage benefit to the building. Additionally, the improvement in the building's energy efficiency would provide some environmental benefits. Together these would constitute benefits that would flow to the public at large and although tempered by the scale of the works, carry moderate weight in favour of the appeal. Nevertheless, the additional accommodation would be of private benefit to the occupants. Moreover, no compelling evidence is before me which confirms that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeal were to fail and the proposal, as submitted, was not

implemented. In these respects, the identified harm to the significance of the listed building has not been clearly and convincingly justified.

18. I have considered the Appellant's alleged fallback position with regards to the 2015 consent for a rear extension to the property<sup>1</sup>. Based on the information before me, whilst the approved scheme would involve the loss of the corbelled string course at eaves level, I consider that the 2015 permission would involve a more modest addition by including a single storey element. This would serve to break up the overall bulk of the extension when viewed from the side. As such, the consented scheme would not be as harmful as the scheme before me and I find, therefore, that it is not wholly comparable to the scheme before me and is not sufficient to justify the proposed works in this instance.
19. I have had regard to the extension to the adjoining property and accept that the works before me have been designed to reflect that adjacent extension. Nevertheless, I have limited details regarding the specific considerations that led to the approval of that extension, however from the information before me it appears both extensions at 110 and 111 were built before the buildings were listed and were therefore not subject to the same controls. I note the Appellant's consideration of the likely dates of construction, however the presence of this extension does not, in itself, justify the proposed works before me.
20. I note the Appellant's concerns relating to the preciseness of the Council's reasons for refusal. However the TCPA Procedure Order 2015 refers to 'where planning permission is refused', rather than a listed building application. In any event, I find that the reasons for refusal have been adequately expressed and supported by the evidence from the Council.
21. Consequently, the moderate weight I give to the public benefits arising from the proposal would not be sufficient to outweigh the considerable importance and weight that I give to the harms arising. As such, the proposed works would not preserve the Grade II Listed Building known as Lock House and Adjoining Lock Cottage at Lock No 46 on Grand Union Canal. This would fail to meet the requirements of Section 16(2) of the Act. It would also fail to meet the provisions within the National Planning Policy Framework (2021) which seek to conserve and enhance the historic environment.
22. The works would also be contrary to Policies CS27 of the Dacorum Borough Council Core Strategy 2006 - 2031 (2013) and Saved Policy 119 of the Dacorum Local Plan, which seek to ensure that all development favours the conservation of heritage assets and requires consideration of the extent to which the proposed works would bring substantial benefits for the community, amongst other things.

## **Conclusion**

23. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR

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<sup>1</sup> 4/02479/15/FHA