



Appeal Decision

Site visit made on 16 May 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 June 2023.

Appeal Ref: APP/P1940/D/23/3316976

Stamhus, Troutstream Way, Hertfordshire WD3 4LB

- 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 S Morgan against the decision of Three Rivers District Council.
 - The application Ref 22/2104/RSP, dated 8 November 2022, was refused by notice dated 11 January 2023.
 - The development is the erection of an outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The outbuilding subject of this appeal has been erected within the extensive rear garden of a dwelling which is located within Loudwater Estate Conservation Area. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and this is echoed in Policy DM3 of the Development Management Policies Document (DMPD) and Policy 1 of the Chorleywood Neighbourhood Plan (CNP).
4. Based upon the site visit, the Conservation Area is characterised by large dwellings of varying designs situated on extensive landscaped plots with open boundary treatments. The dwellings are set within a sylvan, woodland setting giving the Conservation Area an open and verdant character and appearance. From what could be observed during the site visit, the domestic outbuildings within rear gardens are generally of single storey height and are constructed of a variety of external materials, including timber.
5. The outbuilding which has been erected is 2-storeys in height and is sited close to the garden boundary adjacent to a well-defined public right of way. The lower part of the outbuilding has the appearance of a circular shaped pedestal and this supports a second storey which is wider in diameter. The external material is oak timber boarding.

6. By reason of siting and scale, the outbuilding is an incongruous and visually prominent form of development which projects well above the timber boundary fence when viewed from the adjacent public right of way. There are also views from this footpath when approaching the outbuilding from either the east or west. As such, the appeal scheme is inconsistent with the height of other outbuildings sited in rear gardens, including those which can be seen from the footpath. Accordingly, by reason of siting and height, the development does not have regard to its context and causes unacceptable harm to the open and spacious character and appearance of the Conservation Area.
7. As already identified, mature trees make a positive contribution to the sylvan and verdant character and appearance of the Conservation Area. The outbuilding has been erected on a concrete pad which is sited under the crown of a mature tree. No details have been provided about the depth of the concrete pad and whether the appeal scheme has been erected within the tree's root protection area.
8. From what could be observed during the site visit there does not currently appear to be obvious evidence any of stress or damage to the tree associated with the erection of the outbuilding. However, no details have been provided in the form of an arboricultural assessment to confirm that the erection of the outbuilding has not caused any damage to the tree, including its root system, and that this tree will continue to positively contribute to the verdant and sylvan character and appearance of the Conservation Area.
9. For the reasons given, the appeal scheme fails to preserve the character and appearance of the Conservation Area. However, the development causes less than significant harm to the heritage significance of the Conservation Area and the National Planning Policy Framework requires that this harm should be weighed against the public benefits of the proposal. Other than providing additional domestic accommodation for the appellant, no specific public benefits have been identified that outweigh the harm caused to the heritage significance of the Conservation Area.
10. Accordingly, and including the absence of further information about the impact of the appeal scheme on the tree, it is concluded that the development causes unacceptable harm to the character and appearance of the surrounding area and, as such, it conflicts with DMPD Policies DM3 and DM6, CNP Policies 1 and 2 and Policies CP1 and CP12 of the Core Strategy. In addition to heritage considerations, these policies also refer to development being of a high standard of design having regard to being in keeping with its local context. DMPD Policy DM1 refers to residential development rather than the erection of domestic outbuilding and, as such, it is not considered to be relevant to the determination of this appeal. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR