

Appeal Decision

Site visit made on 6 March 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024

Appeal Ref: APP/P1940/D/23/3334242

Caldbec, Troutstream Way, Loudwater, Hertfordshire, WD3 4JN

- 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 V Levy against the decision of Three Rivers District Council.
 - The application Ref 23/1125/RSP, dated 4 July 2023, was refused by notice dated 7 September 2023.
 - The development proposed is a part retrospective application for the demolition of existing garage and construction of two storey side extension with front and rear dormers serving the first floor accommodation and first floor rear extension (as previously approved under application ref: 21/2014/FUL) and replacement of dilapidated windows with new aluminium double glazed windows.
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Decision

1. The appeal is allowed and planning permission is granted for a part retrospective application for the demolition of existing garage and construction of two storey side extension with front and rear dormers serving the first floor accommodation and first floor rear extension (as previously approved under application ref: 21/2014/FUL) and replacement of dilapidated windows with new aluminium double glazed windows at Caldbeck, Troutstream Way, Loudwater, Hertfordshire, WD3 4JN in accordance with the terms of the application Ref: 23/1125/RSP dated 4 July 2023 and in accordance with the conditions set out in the attached schedule.

Procedural Matters

2. Planning permission¹ for development including the construction of a two storey side extension with front and rear dormers was granted in November 2021 and this has been built. The retrospective application the subject of this appeal is for the same development, but in addition, the application seeks permission for replacement aluminium windows now in place at the appeal property.
3. Whilst the principle of double glazed aluminium windows at the appeal property is regarded as acceptable by the Council, the application the subject of this appeal was refused because the Council is not satisfied with the detailing of the windows that have been installed.
4. The appeal property is situated in the Loudwater Estate Conservation Area and has an Article 4 Direction removing permitted development rights, including

¹ Reference: 21/2014/FUL.

changes to windows. Conditions imposed on the November 2021 planning permission included a requirement for Local Planning Authority approval for replacement windows. No such approval was sought. The Council states that an enforcement enquiry² regarding replacement of the windows is pending consideration.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the Loudwater Estate Conservation Area.

Reasons

6. The appeal property is a chalet style two storey detached dwelling with front and rear dormers. It is situated in a large garden plot and is surrounded by mature trees and tall hedgerows. The dwelling is set well back from the road and is approached via a driveway and parking to the side.
7. The appeal property is located in the Loudwater Conservation Area, a low density residential estate characterised by the presence of detached dwellings within large garden plots. Dwellings are located within an undulating woodland setting and together, trees, planting and gardens provide for a notably sylvan setting.
8. Further, much of the Loudwater Conservation Area's significance derives from the presence of Arts and Crafts-style dwellings. Whilst I noted during my site visit that many dwellings have been altered and/or extended, such changes generally appear in keeping with the character of host dwellings and their surroundings and as such, dwellings retain an attractive range of original features and materials.
9. During my site visit, I also observed neighbouring dwellings to demonstrate plentiful examples of modern replacement windows. Whilst these generally respect the original appearance of the host dwellings, they are also very clearly modern and different to original windows. The presence of original fenestration is not a particularly notable feature of this part of the Loudwater Estate Conservation Area and furthermore, window styles and designs vary significantly.
10. The appeal property itself presents various attractive Arts and Crafts features, including a catslide roof, traditional materials and an asymmetrical form. However, the dwelling does not appear prominently within its surroundings. Rather, its situation, set well back on its plot, off-set from the entrance to Troutstream Way and surrounded by mature trees and hedgerows, provides for dwelling that nestles, partly hidden, within its surroundings.
11. I observed during my site visit that the dwelling's fenestration does not draw particular attention to itself from the wider area but that, where windows can be seen from the dwelling's surroundings, they largely appear in keeping with the dwelling's Arts and Crafts-style design. They do not appear overly bulky nor do they detract from the overall appearance of the dwelling.

² Reference: 23/0049/COMP.

12. Whilst in this regard, the Council has expressed concerns with the thickness of the frames, glazing bar detailing, reflective properties, internal glazing bars and internal and external trickle vents, none of these features draw any attention to themselves in the available views of the dwelling from its surroundings.
13. Further to all of the above, I am mindful that the appellant has provided evidence to demonstrate that original windows were beyond repair and that the replacement windows have provided thermal insulation and health benefits.
14. Taking all of the above into account, I find that the development preserves the character and appearance of the Loudwater Conservation Area and is not contrary to the National Planning Policy Framework; to the Chorleywood Neighbourhood Plan (2020) Policies 1 and 2; to the Council's Core Strategy (2011) Policy CP12; or to the Council's Development Management Plan (2013) Policy DM3, which together amongst other things, seek to protect local character.

Conditions

15. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
16. A condition requiring materials to match those of the existing house is necessary to protect the character and appearance of the host property and wider area.
17. A condition preventing windows or openings in the flank elevations other than those permitted is required in the interests of residential amenity and local character.
18. The Council has proposed a condition relating to materials that partly repeats elements of and appears as a more confusing version of, Conditions 2) and 3) as attached to the permission. This condition is unnecessary.

Conclusion

19. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/P1940/D/23/3334242
Caldbec, Troutstream Way, Loudwater, Hertfordshire, WD3 4JN**

- 1) Those parts of the development hereby permitted that have not yet been carried out shall begin not later than three years from the date of this decision;
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3402 102 E; and 3402 SP1E.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings other than those expressly authorised by this permission shall be constructed in the flank elevations of the extensions hereby approved.
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