



Appeal Decision

Site visit made on 16 April 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/P1940/D/23/3334452

Dyke Cottage, Chorleywood Road, Rickmansworth, Hertfordshire WD3 4ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Judit Kollo against the decision of Three Rivers District Council.
 - The application Ref is 23/1052/FUL.
 - The development proposed is described as second storey side and single story rear extensions, infilling the current carport area and an installation of an entrance gate.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the planning application form. Although it is different to that on the decision notice, no confirmation has been provided that the change to the wording of the description was agreed by both main parties.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Outer Loudwater Conservation Area,
 - the effect of the proposal on highway safety; and,
 - the effect of the proposal on protected trees.

Reasons

Outer Loudwater Conservation Area

4. As the appeal site is within the Outer Loudwater Conservation Area (the CA), I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. The CA forms an attractive and distinctive setting which incorporates low-density residential development. The significance of the CA primarily derives from the sub-areas of individual character which include some distinctive pre and post-war homes. The Outer Loudwater Conservation Area Appraisal 2007 (the CA Appraisal) identifies Chorleywood Road as one of these sub-areas. In this part of the CA, some of the original Edwardian properties have been

- retained. They are important components that contribute to the significance and special interest of the CA as a whole.
6. The appeal site consists of a semi-detached Edwardian house. It previously formed one house with the adjoining property. The appeal house has a distinctive appearance through its white render, the shape of its main roof and eaves, and the two storey projection with a gable roof on the front elevation. This gabled roof projection is also reflected on the adjoining property. Whilst the houses are not symmetrical in their design, they are generally well-balanced in terms of scale and massing.
 7. The appeal house is mostly screened from public view. Notwithstanding this, it makes a positive contribution to the character and appearance of the CA as a whole as it largely retains its historic character, even though it has been extended. The existing extension has already extended the width of the house at ground floor level. It has a relatively modest form as it sits significantly below the main roof ridge and is subordinate.
 8. The proposal would not increase the overall width of the house. However, the width and depth of the first floor would be increased. The first floor extension would extend over most of the width of the lower level. Whilst the extension would be set down from the main roof ridge, as a result of its width, the extension would be a continuous wide massing across the house which would be most noticeable on the front elevation as it would be constructed flush with the existing front elevation with no set-back. It would therefore not be a subservient addition to the house.
 9. The cumulative scale and massing of the extensions would result in a disproportionately wide form of development relative to the existing scale of the house. The proposal would therefore read as a disproportionate addition and would have an unbalancing effect on the appearance of the house. This would not be mitigated by the use of matching materials.
 10. The first floor rear extension would have a projecting gable roof which is intended to reflect the rear elevation of the adjoining property. However, the rear projection at the adjoining house appears in part to project forward of both the ground floor and first floor, whereas the proposed rear projection would only project forward of the existing first floor and the remainder of the projection would be flush with the lower level. Because of these differences, I do not consider that the addition of the gable roof would result in a symmetry between the house and its neighbour that would resolve the width, scale and massing issues of the extension. The proposed wide form of the house would unbalance the current massing and unity of the house and its neighbour.
 11. The bulky and elongated appearance and subsequent wide form of the house would significantly alter its character and appearance demoting the importance and appreciation of the house. This would diminish the positive contribution that the house makes to the CA causing harm to the character and appearance of the CA. The public views would be limited; however, this harmful effect would be visible in some views from the windows and gardens of the surrounding properties.
 12. Although localised in its effect, the harm caused to the CA would be less than substantial. Nevertheless, this attracts considerable weight and importance. In accordance with paragraph 208 of the National Planning Policy Framework (the

Framework), where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

13. I am advised that there are some structural issues with the house relating to the valley gutter over the side extension which would require the walls to be re-built as well as the roof replaced. The render also needs to be repaired and the whole roof needs to be relined, replaced and insulated. However, these would not be public benefits as public benefits must flow from the development and these works could be carried out separately from the proposal.
14. There would be some economic benefits through the construction phase. However, owing to the scale of the proposal, such benefits are only likely to be of a small scale. The extension would restore some of the house's original features, including sprocket eaves and a steep hipped roof, and the windows in the extension would follow a more central arrangement. There would be some environmental benefits as insulation materials would be used and this would improve the energy efficiency of the house. However, I have minimal information before me that demonstrates that these benefits could not be achieved in a less harmful way. In light of this, the public benefits of the proposal are therefore of limited weight and are insufficient to outweigh the less than substantial harm.
15. For these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies CP1 and CP12 of the Core Strategy 2011 (the CS), Policy DM3 and Appendix 2 of the Development Management Policies Local Development Document 2013 (the Local Development Document), Policies 1 and 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version August 2020) and the Framework. These policies, amongst other things, require development to protect, conserve and enhance heritage assets.
16. The proposal also conflicts with the aims of the CA Appraisal which seeks to safeguard and enhance the character of the area.
17. The reason for refusal refers to Policy DM1 of the Local Development Document, however, this policy relates to applications for residential development and is not determinative in the context of this main issue.

Highway safety

18. The proposed entrance gates would be located at the end of the driveway. There is no substantive evidence before me to demonstrate that there would be enough space in front of the gates to allow for cars to pull into the appeal site without having to wait on the road whilst the gates open. Vehicles waiting on the road to turn into the site would potentially cause obstructions to the traffic travelling along the road putting the safety of road users at risk.
19. I therefore cannot conclude that the proposal would not cause harm to highway safety and would not conflict with Policy CP10 of the CS. This policy, amongst other things, requires development to demonstrate that it provides safe and adequate means of access.

Trees

20. A tree preservation order protects several trees within the front and the rear of the appeal site. The CA Appraisal identifies this part of the CA to have significant tree planting which is typical of the CA as a whole. These trees therefore make a positive contribution to the character and appearance of the CA.
21. The application is supported by an Arboricultural Impact Assessment and Method Statement (the tree report)¹. However, the report fails to refer to the protected trees at the front of the site and how works would be undertaken to ensure these trees are protected. While the tree report demonstrates where the fencing, ground protection, and material storage would be, it is not clear how this could be implemented without obstructing the construction of the extensions. Given these issues, I am not persuaded that the proposal would not result in a significant risk of long term harm and/or serious damage to these protected trees during construction.
22. Comments are made in a letter concerning the structural and geological survey, that there is no indication that there will be any impact on the surrounding trees. However, this letter refers to the tree report. As I have found the tree report to be lacking in detail, these comments regarding the trees do not weigh in support of the proposal.
23. Based on the evidence before me, I cannot conclude that the proposal would not cause harm to protected trees. This would therefore conflict with Policies CP1 and CP12 of the CS and Policies DM3 and DM6 of the Local Development Document. These policies amongst other things, require development to protect trees and demonstrate that existing trees will be safeguarded and managed. The proposal would also conflict with the CA Appraisal, the aims of which have been indicated above.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR

¹ Arboricultural Impact Assessment and Method Statement – Report Reference: AAAIADYKE, Report Date: 20th April 2023