



Appeal Decision

Site visit made on 1 April 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/P1940/C/23/3328837

Land and building at Wheelers Cottage, 16 Solesbridge Lane, Chorleywood WD3 5SN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Dakhsa Chandarana against an enforcement notice issued by Three Rivers District Council.
- The notice was issued on 25 July 2023.
- The breach of planning control as alleged in the notice is without planning permission, the partial demolition of the front boundary flint and brick wall, demolition of the chimney stack (including its chimney pots) and the installation of a satellite dish to the front elevation of the dwelling.
- The requirements of the notice are:
 1. Re-build the front boundary flint and brick wall to match its pre-existing formation in terms of location, width, height, depth, design and materials used as shown attached on Image 1 and Image 2.
 2. Erect a chimney on the dwelling to match the pre-existing formation of the chimney removed in terms of its location, scale, design and materials used as shown on Plan Numbers 16solesbridgelane/2020/03 and 16solesbridgelane/2020/09 submitted as part of planning application 20/0295/RSP and as shown on Image 1 and Image 3 attached to this Notice.
 3. Remove the satellite dish from the front elevation of the dwelling (as shown on Image 4 attached to this Notice) including any associated fixtures and fittings.
 4. Following compliance with the above steps, remove from the Land all debris and waste materials resulting from compliance with these steps.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act ("the DPA").

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision

Preliminary Matters

1. As the Land is located within a conservation area, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing its character or appearance.

The appeal on ground (a)/the DPA

2. Appeals on ground (a) are made on the basis that planning permission should be granted for the matters constituting the breach of planning control as stated in Section 3 of the Notice.

Background and Main Issues

3. Wheelers Cottage is a detached dwelling located within the Chorleywood Common Conservation Area ("CCCA").

4. In 2010, an Article 4 Direction¹ removed 'permitted development' rights related to the removal of chimneys, and alterations to dwellinghouses and the alteration of walls where they would front a highway, among other things.
5. During, or prior to, 2019 the chimney was removed, part of the front boundary wall was demolished, and a satellite dish was installed on the front elevation.
6. The main issue is the effect of the development on the character and appearance of the dwelling and the CCCA.

Character and appearance

7. Paragraph 202 of the National Planning Policy Framework ("the Framework") describes heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance.
8. The CCCA was designated in 1976, and the CCCA Appraisal describes how it is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common demonstrates the growth of the area throughout history.
9. Its special interest relates to the types of buildings, and how the built form surrounding the Conservation Area has developed and grown throughout history. Architectural features, such as chimneys, are considered to play an important role in maintaining the historic architectural features of the Conservation Area. The open and rural integrity of the Common has been maintained by informal drives and minimal front boundary treatments which generally consist of low brick walls, picket fencing or soft vegetation boundaries.
10. Wheelers Cottage is part of CCCA Character Zone A. Although the predominant character of the CCCA is a rural one, Zone A has an urban character created by the development of Rickmansworth Road. Some of the houses included in Solesbridge Lane are considered to provide good examples of early 20th century terraces, interspersed among modern housing.
11. Wheelers Cottage is a detached house, and the last building included in the CCCA on the northern side of the lane. It is a rendered building, narrow in width, but long in depth. It has a dual ridged roof with a valley between them, which gives it a relatively low slate roof. The dwelling has a character unlike any other dwelling on the lane, but is not specifically noted in the CCCA appraisal or a Locally Listed Building.
12. The chimney once stood on the front eastern gable end of the building. It was a brick stack which featured some of the detailing of those of the terrace adjacent, but was shorter, with two pots. It would have had some visibility from the street from the south-west and immediately in front of the dwelling, but only very limited visibility from the north-east on account of the larger neighbouring dwelling. Chimneys are acknowledged to be a feature of the conservation area generally, and although it was not one of the grander chimneys found on the traditional terraces, it nevertheless contributed to the character of the CCCA.

¹ Article 4 of the Town & Country Planning (General Permitted Development) Order 1995

13. The neighbouring dwelling to the east is not included within the CCCA, but they had matching brick and flint walls, relatively low in height, enclosing the properties and the boundary between them. Prior to the development, a narrow gap on the road frontage for each dwelling afforded access to a private driveway for one car. The partial demolition of the wall has opened up the majority of the frontage for Wheelers Cottage. Low brick walls are a feature of the CCCA, although there are also several examples of open frontages along the lane. At Wheelers Cottage an area of garden has been removed and the largely open frontage, with the forecourt prepared for vehicular use, has resulted in a loss of character to Wheelers Cottage and the CCCA, and harms its appearance.
14. Satellite dishes are not a notable feature on frontages in this part of the CCCA. The satellite dish is relatively small, and its dark colour and mesh appearance mean it is not excessively obtrusive. Nevertheless, against the pale colour of the building it contributes to clutter on the principal façade. Its height and location mean it is relatively prominent on the building from the south-west, and one which does not preserve the character of the CCCA. The appellant advises that moving it only slightly to the side elevation would have a similar effect, but doing so would significantly reduce its prominence from the lane.
15. The development therefore harms the character and appearance of the dwelling and the CCCA. It conflicts with Three Rivers District Council Core Strategy (2011) Policies CP1 and CP12, Development Management Policies Local Development Document (2013) Policies DM1 and DM3, and Chorleywood Neighbourhood Development Plan 2020-2035 (2020) Policies 1 and 2.
16. Together these policies require development to preserve or enhance the character or appearance of the CCCA, maintain local distinctiveness, be in keeping with the special characteristics of Chorleywood, make a positive contribution to the street scene, retain traditional features such as walls, and restores or reinstates missing features. Demolition will only be permitted where the structure makes no material contribution to the special character or appearance of the area, or the structure is wholly beyond repair, or would lead to enhancement of the conservation area.
17. Any harm to the significance of a designated heritage asset should require clear and convincing justification. In the terms of the Framework, the development leads to 'less than substantial harm' to the significance of the CCCA. That harm should be weighed against the public benefits of the development, and great weight must be given to the asset's conservation.

Other Matters

18. Solesbridge Lane is a two-way road, and appears to be of average width, with a narrow footway on the south-eastern side only. The lane narrows to a single lane for a short stretch near Rickmansworth Road, and at my visit, and in the evidence before me, cars park along the south-eastern side of the road.
19. Prior to the partial removal of the wall, the opening was relatively narrow for modern vehicles. The appellant advises the opening up of (all but a very small part of) the frontage has improved access for vehicles entering and leaving the property. With an access directly opposite, no parking is likely to occur in that location, but there are no restrictions on vehicles parking close to the entrance, and manoeuvring of larger vehicles may have been somewhat difficult.

20. I have seen no comments from the highway authority or other highway experts, but note that there is no footway between the Land and the carriageway. Significant risk to pedestrians from vehicles entering and leaving the site is therefore unlikely. Although Solesbridge Lane is subject to a 30mph speed limit, much of it is reduced to single file traffic, and neither party has presented evidence of fast-moving traffic in this location. No significant highway safety benefit from the development has therefore been evidenced, and this matter attracts only limited weight.
21. The appellant also advises that the lane is largely unsuitable for on-street parking, and has provided evidence of damage to her vehicle while parked on the street. There are a number of dwellings on the lane without off-street parking. Parking on one side of the road is therefore likely to continue, given the Article 4 Direction restricting 'permitted development' rights associated with the removal of boundary treatments. Although there may be a private benefit to the appellant, I have not seen evidence of excessive or dangerous parking, congestion, or of vehicles unable to be parked on the road in this location. A public benefit has therefore not been demonstrated in this respect.
22. The limited weight I attribute to the public benefits therefore do not outweigh the significant weight against the development attributable to the harm to character and appearance of the dwelling and the significance of the CCCA.

Conclusion on ground (a)/the DPA

23. Given the above, and in the absence of any significant public benefit, on balance, the development fails to preserve the character or appearance of the Chorleywood Common Conservation Area.
24. The development therefore fails to satisfy the requirements of the Act, and is not in accordance with the development plan. There are no other material considerations that require a decision to be made other than in accordance with the development plan.

Whether a reasonable alternative

25. The appellant considers it unnecessary to require the rebuilding of the front wall in brick and flint, and that details relating to new front boundary treatment could be secured by planning condition on a planning permission.
26. Section 3 of the Notice explicitly refers to the partial demolition of the brick and flint wall. Therefore, any wall other than one constructed of brick and flint, and any other boundary treatment not in the form of a wall, would not be part of the matters constituting the breach of planning control.
27. With no specific alternative proposals before me I cannot be certain that a suitable alternative boundary treatment, which would preserve or enhance the character or appearance of the CCCA, can be agreed between the appellant and the Council. The development would therefore not be made acceptable through the imposition of such a planning condition.
28. The appeal on ground (a) therefore fails.

The appeal on ground (f)

29. Appeals on ground (f) are made on the basis that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity.
30. Although the Council's statement also refers to remedying injury to amenity, no such reference is made in the Notice. It is clear that the purpose of the Notice is to remedy the breach of planning control, by requiring full restoration of the elements removed and the removal of the satellite dish.
31. In relation to the requirement in Section 5(1) of the Notice, I found above that any boundary treatment other than a brick and flint wall would not be part of the matters constituting the breach of planning control. Having not allowed the appeal on ground (a), and there being no other planning permission which could be implemented, there is no alternative that would remedy the breach of planning control.
32. In relation to requirement 5(3), removal of the satellite dish from the front elevation of the dwelling is the minimum step required to remedy the breach of planning control. The requirement would not prevent the appellant from relocating it elsewhere in accordance with 'permitted development' provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, but it would not be necessary to require its relocation.
33. The appeal on ground (f) therefore fails.

The appeal on ground (g)

34. Appeals on ground (g) are made on the basis that the period for compliance with the requirements falls short of what should reasonably be allowed.
35. The time period for compliance with the requirements of the Notice is four months.
36. The works of restoration of the chimney and front wall will require the employment of suitable contractors and will incur cost. Particularly so given the appellant advises the chimney breast has been removed internally.
37. A period of 6 months would be reasonable in the circumstances, and I shall vary the Notice accordingly.
38. The appeal on ground (g) therefore succeeds.

Overall conclusion

39. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision

40. It is directed that the enforcement notice is varied by, in Section 5, the deletion of the words "4 months", and their substitution with the words "6 months".

41. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR