



Appeal Decision

Site visit made on 8 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/P1940/D/25/3361962

The Corner House, Shire Lane, Hertfordshire, Chorleywood, WD3 5NR

- 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 John Blanchard against the decision of Three Rivers District Council.
 - The application reference is 24/1781/FUL.
 - The development proposed is replacement of existing black and white painted windows with black and white UPVC windows.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement of existing black and white painted windows with black and white UPVC windows at The Corner House, Shire Lane, Hertfordshire, Chorleywood, WD3 5NR in accordance with application ref: 24/1781/FUL and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-001 (location plan), P-003 (proposed drawings), Design, Access and Heritage Statement (November 2004) and TRCD 001 (as labelled by the Council) - Residence Collection Brochure;
 - 3) Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Main Issues

2. The main issue is the impact of the proposals upon the host dwelling, the character of the Chorleywood Station Estate Conservation Area and the street scene.

Reasons

3. The appeal site is a semi-detached residential dwelling which stands on a corner plot between Shire Lane and Hillside Road. The appeal site stands within the Chorleywood Station Estate Conservation Area (CA) which is a designated heritage asset, and the impacts of the proposal should be considered in the context of the character and appearance of the CA as a designed heritage asset. As a result of the appeal sites positioning the host dwelling is noted to be within a prominent location with a front, side and partial rear elevations being readily visible within the surrounding street scene. Within the Conservation Area Appraisal 2005 (CAA) Shire Lane is outlined as Sub Area 1. I note that it is stated, by the Council, that in

order to control the replacement of windows within the CA an Article 4 (2) Direction exists which controls permitted development which appears, from the list within the Council's delegated report, to have been brought in from 2006 onwards.

4. Overall, I find that there is limited information and evidence before me from the Council in relation to their assessment of the appeal site and any reasoning for the refusal reasoning stated. The Council's delegated report makes reference to a verbal consultation response made by the Conservation Officer but there appears to be no published, written, consultation response or full reasoning submitted as evidence as part of the determination of the application itself or this appeal.
5. The Council have provided a copy of the CAA for the CA which sets out that the overall important character in the CA is described within this document but for the purposes of the executive summary there is a list of important characteristics. There is no specific reference to windows, however, I note inclusion as to widespread use of traditional materials including timber. I appreciate that in the context of a CA great care should be taken to maintain its character when considering development proposals and that character can, in many cases, be as a result of the use of certain materials and the retention of original features. The CAA notes that many buildings display attractive original features, but I am also mindful that the CAA is nearly twenty years old.
6. In this case, however, I am also mindful that the appeal site was originally built as a side extension and sub-division of Wincott (the adjacent dwelling) circa 2002 and that whilst it was constructed with timber windows to, presumably, be consistent with the dwelling which it originally extended from I found that at the time of my site visit there were extensive examples, within the CA, of use of UPVC windows and these have also been highlighted by the appellant's statement of case. I note that the Council acknowledges that the adjoining property, Wincott, may have replaced their windows but that this has not been subject to a planning application nor assessed in line with local or national planning policy, however, this is far from an isolated example of windows of this material within the vicinity of the appeal site and in the wider CA and the Council make no reference to potential enforcement.
7. Whilst character, and appearance, are separate matters and whilst the site is in a prominent corner location, the site is shielded, in part, by existing vegetation which would restrict views of some elevations albeit I acknowledge the side elevation is, in particular, fully visible from the pavement within Shire Lane. The appellant has also included, for example, images stated to have been taken from the Chorleywood Station Estate Conservation Area Architectural Survey 2005 as a direct comparison to photographs taken in March 2025. Whilst there are, evidently, some design differences, I find that the proposals also demonstrate that in some cases (in each case should be considered on its own merits), that UPVC can be appropriate in use within the CA as has already happened.
8. Given the prevalence of UPVC within the locality I would consider it reasonable that the Council would, within their delegated report (or a Conservation Officer's written response) have either raised an ongoing issue with potential enforcement of such matters and/or that such alterations had (for example) been undertaken prior to the Article 4(2) Direction (with reasoning for the direction) but no such comment or clarification is provided. I acknowledge that the Council outline that the proposal would result in erosion of the positive contribution made by the host dwelling to the CA, however, aside from submission of the CAA as discussed above, and a

summary of verbal comments made by the conservation officer I find that the Council have done little to substantiate the comments made with specific regard to the prevalence of UPVC within the CA as well as reference to any other supporting information, such as the CAA itself, within their delegated report. Appeals via written representations are, essentially, an evidence-based determination and based upon the evidence before me and my site visit, I find that the proposal would preserve the character and appearance of the CA and would not cause harm to the character and appearance of the host dwelling or the street scene.

9. Whilst I acknowledge that a condition survey has not been submitted with the application and the Council have outlined concern with the level of information provided overall, in principle, I find that based upon the evidence before me the proposed finish in UPVC, acknowledged to be a modern material, is one which is relatively widely used within the CA and whilst the proposal would be visible from numerous public vantage points within the CA I do not find that the proposal would be inappropriate nor result in harm to the CA as a designated heritage asset. There is, therefore, no requirement to consider public benefits arising from the proposal.
10. The proposal would be consistent with Three Rivers District Council Core Strategy 2011 (CS) policy CP1 which seeks to contribute to sustainability of the district including taking into account the need to tackle climate change by increasing energy efficiency of buildings as well as seeking to promote building of a high enduring design quality that respects local distinctiveness. The proposal would also be consistent with CS Policy CP12 which requires development to have regard to the local context and conserve or enhance the character and amenities of an area and conserve and enhance natural and heritage assets.
11. The proposal would also be consistent with Development Management Policies Local Development Document 2013 (LD) Policy DM1 which requires development to not lead to a gradual deterioration in the quality of the built environment nor have a significant impact on the visual amenities of the area and LD Policy DM3 which permits development only if the proposal uses materials that are appropriate to the local context. The proposal would also be consistent with Chorleywood Neighbourhood Development Plan 2020 Policy 1 which sets out that development proposals in conservation areas should preserve or enhance the character of appearance and use materials that are appropriate as defined in the relevant CAA and Policy 2 which requires all development to make a positive contribution to the street scene by way of frontage, building line, scale and design.

Conditions

12. The Council have suggested four conditions in the event that this appeal is allowed which I have considered as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent which means that conditioning the existing plans is unnecessary, so I have amended this. A material condition is required to ensure an appropriate finish.
13. The Council have suggested a condition requiring obscure glazing and restriction as to opening of the first-floor window in the southwest (right) elevation is required to ensure adequate protection of the residential amenity of neighbouring occupiers. No discussion or justification as to this is discussed within the Council's delegated

report in relation to impact upon neighbours other than the short reasoning in the Councils questionnaire stated to be “to safeguard amenities of occupiers of the neighbouring residential properties”. Given the position of the window and the built form of the host dwelling (and the attached dwelling) I do not find that a condition of this nature is necessary.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject conditions.

Eleni Marshall

INSPECTOR