



Appeal Decision

Site visit made on 8 September 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th September 2025

Appeal Ref: APP/P1940/W/25/3368715

Meldon, Chenies Road, Chorleywood, Hertfordshire WD3 5LY

- 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 Mr Neil Spence against the decision of Three Rivers District Council.
 - The application Ref is 24/1837/FUL.
 - The development is described as 'sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works'.
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Decision

1. The appeal is allowed and planning permission is granted for the sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works at Meldon, Chenies Road, Chorleywood, Hertfordshire WD3 5LY, in accordance with the terms of the application, Ref 24/1837/FUL, and the plans submitted with it, subject to the conditions shown in the attached schedule.

Preliminary Matters

2. The description of development in both the banner heading and the formal decision is taken from the appeal form, as this more accurately reflects the development following amendments during the application process. The Council have determined the appeal on the basis of amended plans, and I shall do the same.
3. The Site Location Plan (SLP) submitted with this appeal was originally in black and white. The Council advised it did not hold a copy of the coloured plan. Upon request, the appellant has provided a coloured version of the SLP, and the Council have confirmed this matches the SLP upon which they made their decision. I proceed on that basis.
4. Representations have been received that neighbours have not been directly notified of this appeal. The Council have provided copies of the notification sent and I have received representations from multiple residents. On this basis, I am satisfied that due process has taken place and that interested parties have had the opportunity of commenting. Furthermore, upon request I have viewed the appeal site from three adjacent properties.
5. The site lies adjacent to the Chilterns National Landscape (NL) and I am required to give great weight to conserving and enhancing the natural beauty of the NL. The site is also located within the Green Belt. However, neither of these matters are in dispute between the parties and from the evidence before me, I have no reason to disagree. As such I do not need to deal with either matter further.

6. As the site is also located within the Chorleywood Common Conservation Area (CA), I have had regard to the statutory duty set out in Section 72(1) of the Act that requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. Policies from the Chorleywood Neighbourhood Development Plan 2020-2035 (made 2021) (Neighbourhood Plan) have been referenced in the Council's statement of case. These were not cited in the decision notice and one was not cited in the Council's committee report. However, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The appellant has been able to make representations on the Neighbourhood Plan, so is not prejudiced by this approach.

Main Issues

8. The main issues are the effect of the proposal on the:
 - character and appearance of the area, including the CA; and
 - living conditions of the occupants of properties on Heritage Walk and Clockhouse Mews, with particular regard to outlook.

Reasons

Character and appearance

9. Meldon is situated behind two detached properties known as Old Stocks and Carsu which both front Chenies Road in Chorleywood. Access to Meldon is via a driveway between these properties and serves all three dwellings. The appeal site contains this driveway and part of the garden of Meldon, a two-storey dwelling constructed around 2005.
10. The appeal site lies towards the north-western edge of the CA, within Character Zone A as identified in the Chorleywood Common Conservation Area Appraisal. The significance of the CA is derived from its historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding it, creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from the 16th Century demonstrates its evolution over time. In relation to the fringes of the Common, such as along the Rickmansworth Road and Chenies Road area, the built form is subservient to the vast expanse of the Common, offering an open and rural character. The area along Chenies Road, is typically characterised by low density, larger detached houses set back from the road.
11. Owing to its modern construction and its backland positioning, Meldon makes a neutral contribution to the character and appearance of the CA. Although it sits in a large plot, the garden space to the east does not offer a strong sense of openness appreciable from the public realm. Views of Meldon can be achieved from the CA as this property forms a visual end stop as the access driveway terminates. However, the proposed development would occupy a more discreet position directly behind Carsu and established planting, which would largely obscure views of the proposed dwelling from the drive and elsewhere along Chenies Road. Separation distances between Meldon and the proposed dwelling would be sufficient to avoid a cramped, visual wall of development when viewed from

Chenies Road. Views of the site, including from private dwellings, would also be appropriately intimate in mass and scale, than those fronting the roadside, in accordance with Policy 3 of the Neighbourhood Plan.

12. Tandem development is not out of character in this part of the CA, given the positioning of Meldon and those dwellings at Heritage Walk and Clockhouse Mews which are all located behind the main road. Therefore, the grain of the appeal dwelling would not be out of context in this regard. The resulting plot sizes of Meldon and the proposed dwelling would be more modest than the lower density dwellings fronting Chenies Road. However, many of the dwellings that are set back such as Heritage Walk and Clockhouse Mews do have smaller plot sizes which the appeal site would be read visually in the context of.
13. The design and scale of the proposed dwelling is similar to the existing dwelling at Meldon and its positioning within the plot is such that it would not appear out of character or appearance with the area. Rather I find it would maintain the open and semi-rural integrity of the CA.
14. Drawing the above together, I find that the effect of the proposal on the character and appearance of the CA would be one of preservation, thus meeting the statutory duty and the requirements of Neighbourhood Plan Policies 1, 2 and 3. Neither do I find conflict with policies CP1 or CP12 of the Core Strategy (adopted 2011), or Policy DM3 of the Development Management Policies Local Development Plan Document (adopted 2013) (Local Plan). Amongst other things these policies seek sustainable development and high quality design that preserves or enhances the character and appearance of the area, including conservation areas.

Living conditions

15. Policy DM1 of the Local Plan refers to design criteria set out in its Appendix 2. This guides that in the interests of privacy and to prevent overlooking, the distance should indicatively be 28m between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. It does not specify a side to rear elevation distance, which is the relationship the appeal dwelling would share with those at Clockhouse Mews and Heritage Walk.
16. The plans show the two-storey flank wall of the proposed dwelling would be approximately 10.1m to the south-eastern boundary shared with the nearest neighbour at Heritage Walk and the distance to the dwelling would be similar. According to the proposed landscaping plan, this distance increases to around 12.3m towards the north between the two-storey flank wall of the proposed dwelling and neighbour at No. 9 Clockwork Mews. However, importantly it is not overlooking that is of concern to the Council which the Appendix 2 guidance seeks to tackle.
17. I find no conflict in respect of 'prospect' of Appendix 2 of the Local Plan in terms of its guiding principles for rear to flank distances, nor with respect to the 45 degree splay line which would not be breached. There are some land level differences between the appeal site and neighbours. However, even so, the proposed distances between dwellings and boundaries are sufficient to avoid causing an overbearing effect on the occupiers of adjacent dwellings, including from their private garden areas. The distances would also be adequate to avoid the

proposed two storey dwelling from appearing overly prominent from neighbouring dwellings and gardens. Furthermore, the orientation of the proposal to the north of these neighbours means that as the sun moves from east to west, it would avoid adverse effects such as a loss of light and undue shading to dwellings and their gardens.

18. My attention is drawn to the clear value that neighbours place on their modest sized gardens, said to be adversely affected by the proposal. Even noting the deciduous nature of the existing boundary planting, which in most cases supplements other forms of boundary treatments, does not lead me to find differently given that proposed separation distances are adequate. Consequently, there is nothing before me that indicates these neighbouring gardens would be adversely affected by the proposal in terms of outlook.
19. Whilst noting the proposal to plant some additional trees along the south-eastern boundary of the appeal site, the development does not rely on screening to make it acceptable, offering proposed soft landscaping only to infill gaps in existing planting as an enhancement to privacy and nature conservation. The planting of trees is not an act of development and could be undertaken regardless of the outcome of this appeal. Should trees become unduly oppressive or unneighbourly, there is legislation¹ that can assist in resolving disputes over such matters.
20. For these reasons, I find the effect of the development on the living conditions of occupants of properties on Heritage Walk and Clockhouse Mews, with particular regard to outlook, would be acceptable. Accordingly, I find no conflict with Policy DM1 or Appendix 2 of the Local Plan. This requires developers to satisfy established design criteria to ensure that development does not lead to a gradual deterioration in the quality of the built environment. It goes on to say that development will only be supported where proposals would not result in loss of residential amenity. Neither have I found conflict in respect of Core Strategy policies CP1 and CP12 which also seek to protect residential amenities from inappropriate development by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

Other Matters

21. I am mindful that whilst not raised by the Council, concerns have been raised by interested parties that are broader than those set out in the reason for refusal. These include harm to additional properties and loss of privacy from overlooking. However, I am satisfied that due to the distances between all neighbouring dwellings and the design, including window placement, there would be no unacceptable adverse effects on privacy for neighbours. Whilst noting the representations made to me, I have not been made aware that the site lies in an area identified as being at high risk of flooding or subsidence. Without substantive evidence on these matters, I do not find differently to the Council who do not raise any such concerns. Concerns relating to tree protection and landscaping can be dealt with via conditions.
22. The Council confirm that it cannot demonstrate the necessary five-year housing land supply. Ordinarily this would warrant the application of paragraph 11(d) of the Framework. However, in this case as I have found no harm and no conflict with the

¹ Part 8 of the Anti-social Behaviour Act 2003

development plan policies, it is not necessary for me to apply this because the appeal scheme is acceptable anyway.

Conditions

23. The Council have suggested a number of conditions. I have considered these in relation to the necessary tests, made changes to some, included additional conditions and not imposed all those suggested for the reasons set out below.
24. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 2) for the avoidance of doubt and in the interests of certainty.
25. To afford trees on site protection during the construction period, a condition (No. 3) is necessary to require the submission of a suitable arboricultural method statement which must be first agreed with the Council and protective measures should be put in place prior to the commencement of development.
26. In the interests of sustainability, it is necessary and reasonable to impose a condition (No. 4) that requires compliance with the energy statement accompanying the planning application. This is in order to meet an improved energy consumption over the requirements of Building Regulations Part L (2013) in accordance with policies CP1, DM4, DM9 of the development plan.
27. Insufficient technical details of the proposed air source heat pump have been provided. Therefore, in order to protect neighbouring residents from potential unacceptable noise disturbance, a condition (No. 5) is necessary.
28. Likewise, insufficient details have been provided in respect of proposed boundary treatments and hard surfacing within the site. Conditions (No. 6's and 7 respectively) to require details to be agreed prior to first occupation are necessary in the interests of the character and appearance of the area and to protect the living conditions of neighbours.
29. The implementation of the approved soft landscaping scheme is necessary and reasonable in the interests of preserving and enhancing the character and appearance of the area. A condition (No. 8) has therefore been imposed to secure this and its maintenance for a reasonable period.
30. It is necessary to impose a condition (No. 9) requiring the installation of obscure glazing to protect neighbours from direct overlooking from the first floor side window.
31. In order to ensure the proposed dwelling is finished in materials appropriate for its context, condition (No. 10) is required.
32. The application is advanced as a self-build dwelling. The Council have suggested this is secured by condition which is undisputed by the appellant. Further representations have been sought on the practicalities of the condition with both parties remaining of the view that this approach meets the tests of the Framework. My attention is also drawn to a recent appeal decision that included a similar condition. Therefore, from the evidence before me I have no reason to take a contrary view and a condition (No. 11) has been imposed to secure the dwelling as self-build.

33. A demolition and construction management strategy condition is suggested by the Council to include details of access and parking arrangements for contractors and delivery vehicles, as well as measures for avoiding mud entering the highway. However, I find this disproportionate for a scheme of just one dwelling. It has not been put to me that a separate construction access would be required nor have sound reasons for requiring details of the routing of vehicles. Furthermore, the Highways Authority have powers that cover mud deposits on the road if needed. The condition would not be reasonable and therefore I have not imposed it.
34. The Council request the removal of permitted development rights in relation to certain classes of development. I am mindful that paragraph 55 of the Framework clearly states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification for doing so. I have not been shown that there is a clear justification for removing these rights in order to protect the living conditions of neighbours. It is therefore unnecessary, and I have not imposed it.

Conclusion

35. For the reasons given above, the scheme would accord with the development plan as a whole and the Framework. Thus, having regard to all other matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance the following approved plans:
Location Plan (Ref: TQRQM23317171307705)
Proposed Block Plan,
Basement & Roof Plan,
(Ground & First) Floor Plans,
Elevations,
Side Elevation,
Landscaping Plan

3. No development or other operation shall commence on site until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

4. Prior to first occupation of the dwelling hereby approved, the energy saving measures outlined within the submitted Energy Assessment Report, by Energy Lab to achieve the requirements of Development Management Policy DM4 shall be implemented in full and be permanently maintained thereafter.
5. Prior to the first occupation of the dwelling hereby approved, details of the siting, and specification for the Air Source Heat Pump including details of any acoustic enclosures shall be submitted and approved in writing by the Local Planning Authority. The air source heat pump and any necessary enclosure shall be installed only in accordance with the approved details, prior to the first occupation of the development and maintained as such thereafter.
6. Prior to the first occupation of the dwelling hereby permitted, a scaled plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning

- Authority. The boundary treatment shall be erected in accordance with the approved details prior to first occupation of the development hereby approved.
7. Prior to the first occupation of the dwelling hereby permitted, a scheme of hard landscaping, which shall include details of the proposed hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The permitted hardstanding shall thereafter be implemented in accordance with the approved details.
 8. The soft landscaping as shown on the drawing titled 'Landscaping Plan' shall be carried out before the end of the first planting and seeding season following the first occupation of the dwelling or completion of the dwelling hereby permitted, whichever is sooner. If any of the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced in the next planting season (i.e. November to March inclusive) with others of similar size and species.
 9. The dwelling hereby permitted shall not be occupied until the first floor window on the south-east side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be retained thereafter.
 10. The dwelling hereby approved shall be finished in the materials as shown on drawing 'Elevations' and the application form.
 11. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing set out in the Self-build and Custom Housebuilding Act 2015 and the development shall comply with the following:
 - a) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years; and
 - b) The Council shall be notified of the persons who intend to take up first occupation of the dwelling in the development hereby permitted at least two months prior to first occupation.

End of Schedule