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## Appeal Decision

Site visit made on 23 September 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> October 2025

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**Appeal Ref: APP/N1920/W/25/3369072**

**15 Loom Lane, Radlett, Hertfordshire WD7 8AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Cherry of Caraeno Ltd against Hertsmere Borough Council.
  - The application Ref is 25/0403/FUL.
  - The development proposed is described as the “demolition of existing dwelling and replacement with new 6 bedroom house on two levels plus roof accommodation. Roof to have skylights to side elevation and rear dormer window. New driveway from garage to front of house using the existing crossover”.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and replacement with a new dwelling including a new driveway from garage to front of house using the existing crossover at 15 Loom Lane, Radlett, Hertfordshire, WD7 8AA in accordance with the terms of the application, Ref 25/0403/FUL, and subject to the conditions in the attached schedule.

### Preliminary Matters

2. For the avoidance of doubt, I have simplified and amended the description of development in my formal decision, omitting elements that do not relate to an act of development.
3. The appellant has submitted two plans with this appeal which differ to those cited by the Council in its list of suggested conditions. The Proposed Plans and Elevations<sup>1</sup> and CGI of the front elevation<sup>2</sup> show a reduction in the width of the dwelling, changes to the materials, roof form and a reduction in the number of rooflights. The Council has confirmed that whilst it had sight of these plans during its consideration of the planning application, they were not the plans upon which it has referred to in its evidence. However, the amendments proposed do not make a substantial difference or fundamental change to the development when compared to the plans upon which the Council has assessed in its evidence. This Council has also had the opportunity to review and comment on these plans such that accepting them would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore determined the appeal on the basis of the amended plans.
4. The appellant has also provided a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment during the course of this appeal to satisfy the minimum information requirements to discharge the biodiversity condition as set out in Article 7 of The Town and Country Planning (Development Management Procedure)

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<sup>1</sup> Ref. DB504-02 Rev. G

<sup>2</sup> Proposed Elevations – Ref. DB504-10 Rev. B

(England) Order 2015 (the DMPO). The Council has had the opportunity to comment on these documents as part of the appeal and, given their content, I am satisfied that accepting the additional documents would not prejudice other interested parties. I have therefore considered these documents as part of this appeal.

### **Background and Main Issue**

5. The appeal is made against the failure of the Council to reach a decision on the application within the relevant statutory timeframe. However, it has indicated that had it been able to issue a decision, it would have refused permission on the grounds that the demolition of the dwelling would detract from the special interest of the Radlett (South) Conservation Area, and its replacement would fail to preserve or enhance its character and appearance. The Council concludes this would result in less than substantial harm to the designated heritage asset, which is not outweighed by any public benefits.
6. Based on the Council's putative reasons for refusal I consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Radlett (South) Conservation Area.

### **Reasons**

7. The appeal site is located within the Radlett (South) Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA, insofar as is relevant to this appeal, derives from the architectural and historic value of the buildings within the CA dating from the 19<sup>th</sup> and 20<sup>th</sup> centuries, the evolution of the village settlement which represents a transitional area between the surrounding open land and the centre of Radlett and its green, verdant and secluded setting. The appeal dwelling is located along Loom Lane which retains the character and appearance of a semi-rural lane with its narrow carriageway between high verges with extensive tree and shrub planting.
8. The Radlett (South) Conservation Area Appraisal 2012 (the CA Appraisal) identifies the original houses along Loom Lane, set down long front gardens in secluded settings, generally with ample space between them, with narrow access points and amongst extensive tree and shrub planting as principal features of the CA. As individual houses on Loom Lane are set back from the road, on higher ground and surrounded by existing landscaping, many are barely glimpsed from the public realm. However, there are more open views of others and multiple examples where replacement dwellings have been constructed, which contributes to the varied character and appearance of the lane and the local area.
9. The appeal property is a detached dwelling set back from and at a higher level than Loom Lane. It is an Arts and Crafts influenced style 3-bay cottage with pitched roofs, chimneys, render at ground floor and hung tiles to the first floor which is characteristic of the original properties on Loom Lane. No 15 is identified as a house sharing a common design with No 13 and 17 Loom Lane which make a positive contribution to the character of Loom Lane along with several other properties. Existing mature trees and vegetation along the boundaries of the site limit public views of the dwelling to only glimpses up the narrow access driveway and through the vegetation. The setting of the dwelling is verdant and secluded. The site shares many of the important features of the CA identified within the CA Appraisal and therefore contributes positively to its character and appearance.

10. The demolition of No 15 would result in the loss of one of the original houses on Loom Lane. The appellant's evidence indicates that the existing dwelling has significant structural defects, and that necessary remedial and renovation works would be cost prohibitive. The Council has not presented any substantive evidence which disputes these findings.
11. While the dwelling is of a traditional form and Arts and Crafts style, sharing design features with its adjacent neighbour, it has relatively simplistic and common architectural features and is not identified as a locally listed building in the CA appraisal. I have no substantive evidence before me that the building has high local historical, architectural or archaeological significance. The house is also only one element of the appeal site that contributes positively to the character and appearance of the CA. Therefore, while the building adds to the history and character of the area, as one building within the CA, or even if considered as a group with No 17, the contribution it makes to the significance of the CA as a whole is limited.
12. There are also several examples on Loom Lane where original dwellings, including others identified as positive buildings in the CA and No 13 on the neighbouring site, have been replaced. Irrespective of when these properties were replaced and what condition they were in at the time, as the defining characteristics of this character area of the CA have largely been retained, such as the set back of properties in spacious plots down narrow access points, amongst extensive landscaping and incorporating traditional materials and design features, this has not undermined the significance of the CA or diminished its special historic interest.
13. The replacement dwelling would be sited in broadly the same position as the existing dwelling, retaining the deep, landscaped site frontage and characteristic build line on this side of the lane. The dwelling would be marginally wider than existing, however, its overall scale, massing and separation distances between the site boundaries and adjacent properties would not be dissimilar to others in the immediate vicinity. The design would incorporate pitched roofs, gables, a chimney, fenestration pattern, material palette and detailing which would reflect features of surrounding properties and the Arts and Crafts style. The incorporation of the crown roof would also be similar to other nearby properties such that it would not be an uncharacteristic design feature and the incorporation of a limited number of rooflights on the side elevations would be discrete. Overall, this complies with the overarching principles of good design supported by the Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (2016).
14. The realignment of the driveway and front landscaping works would result in the removal of some existing vegetation; however, the incorporation of additional landscaping would mitigate this minor loss. The replacement of the existing access track down the north-eastern side boundary with landscaping would also likely further reduce views of the dwelling from the public realm. However, any achievable views would be of a dwelling that would be reflective of the surrounding vernacular in a verdant setting. The parking area to the front of the dwelling would also be some distance from the highway, with intervening landscaping, which is not dissimilar to surrounding parking arrangements. As such, the main characteristics of the relationship between the dwelling and the verdant setting of the lane would not be materially altered or affected. Therefore, considering the development as a whole, including both the demolition of the existing building and the dwelling, which is proposed in replacement, the overall effect on the CA would be neutral.

15. For the above reasons, I conclude the development would preserve the character and appearance of the Radlett (South) Conservation Area. This accords with Policies CS14 and CS22 of the Hertsmere Local Plan Core Strategy (2013), SADM3, SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan (2016) and HD3 and HD4 of The Radlett Plan 2020 to 2036 insofar as they seek a high quality of design which respects the local context, including the area's distinctive green and verdant qualities and with particular attention to the requirement to preserve or enhance the character and appearance of designated heritage assets. The development also complies with the National Planning Policy Framework where it requires consideration to be given to the impact of a proposal on the significance of a designated heritage asset, and great weight to be given to the asset's conservation.

### **Other Matters**

16. In addition to matters addressed above, representations have been made by interested parties in relation to several other matters. Based on the scale and positioning of the replacement dwelling and with a condition imposed to ensure the first-floor side elevation windows are obscurely glazed, the Council concludes there would be no adverse effect on the living conditions of neighbouring occupants in relation to outlook, light or privacy. Based on the evidence and my observations on site I see no reason to come to a different conclusion.
17. I note the concerns raised in relation to the potential noise disturbance from the proposed air conditioning units and air source heat pump. However, the Council's Environmental Health Officer (EHO) suggests a condition to limit the noise from such installations would be sufficient to preserve neighbouring living conditions. I see no reason to come to a different conclusion on this matter. There is no substantive evidence before me that Loom Lane is incapable of accommodating construction traffic for a finite amount of time during the construction period either.
18. The Council has raised no concerns in relation to the effect of the development on ecology or trees. The latter of which is proposed to be mitigated by a replacement planting secured by a condition and the remainder of trees within the site would be protected by tree protection measures as described in the evidence. The Council's EHO has also suggested a condition to ensure that any contamination on site is appropriately managed.
19. Interested parties also refer to the requirement for a party wall agreement, however, this matter falls outside my jurisdiction in determining this appeal. Reference has been made to the maintenance of 'Postman's' and 'Children's' path. However, there is no substantive evidence before me that the development would result in any effect on the local highway network or public rights of way.
20. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (the Act). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. As such, unless specifically exempt, the development would be subject to the mandatory BNG condition, which requires the delivery of at least 10% BNG.
21. The application form states the scheme would be a self-build and custom build development in order to qualify for the BNG exemption. However, there is no substantive evidence before me that demonstrates the development would meet the

definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended) and no mechanism has been provided to secure the development as self-build. On this basis, I have not considered it as such, and the proposal would not qualify for this BNG exemption. Nevertheless, the appellant has provided the minimum information requirements to discharge the biodiversity condition.

22. The BNG Assessment sets out that the necessary 10% BNG would not be met on-site. However, the Planning Practice Guidance (PPG) advises that the necessary 10% increase in biodiversity value relative to the pre-development value of the on-site habitat can be achieved through on-site gains, registered off-site biodiversity gains or statutory biodiversity credits. The appellant has indicated that their intention would be to purchase the requisite statutory biodiversity credits. This would be sufficient to successfully discharge the general biodiversity gain condition, which is deemed to apply to every planning permission granted it should not be duplicated by planning conditions, and would ensure that the development complies with the legislation in this respect.

### **Conditions**

23. The Council has suggested several conditions which I have considered in light of the advice in the Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
24. In addition to the standard three-year time limit condition for implementation, a condition that defines the approved plans is imposed in the interests of certainty. In the interest of preserving the character and appearance of the area conditions are also imposed relating to submission of material details and technical specifications for external windows, doors and rooflights. However, I have adjusted the suggested timescale trigger as it is not necessary to prevent the commencement of development prior to submission of these details.
25. Conditions are also imposed to require submission and implementation of hard and soft landscaping schemes in the interests of the character and appearance of the area and ecology. However, I have adjusted the suggested timescale trigger for the same reason above. In order to ensure protection of the site's ecology and biodiversity, a further condition has also been attached to require compliance with the recommendation measures listed in the PEA.
26. To preserve the living conditions of neighbouring occupiers, conditions are also imposed to require the first-floor side elevation windows to be fitted with privacy measures and for noise from plant and equipment associated with the development to be restricted. A condition requiring the reporting of any unexpected contamination is also attached in the interests of the health and safety of future site users. A condition has also been imposed requiring compliance with the optional building regulations in relation to accessibility and adaptability.
27. In addition to matters addressed above, the EHO has suggested several informative notes be attached relating to restrictions on lighting, imported soils and construction working hours and to ensure best construction working practices. These conditions have not been included on the Council's suggested list and given the site context, scale of the development and likely duration of the construction period, they are not considered to be necessary in this instance.
28. The Council has also suggested conditions to restrict permitted development rights under the Town and Country Planning (General Permitted Development) (England)

Order 2015 for the enlargement or extension of the dwelling or any alteration or addition to the roof. The Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights or that harm would arise to the living conditions of neighbouring occupiers or the character and appearance of the area in the absence of this condition. As such, I have not imposed it.

**Conclusion**

29. For the reasons given above, I conclude the appeal should be allowed.

*H Whitfield*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos and documents:
  - 1:1250 Site Plan
  - Proposed Plans and Elevations ref. DB504-02 Rev. G
  - Part 1: BS: 5837 Tree Survey & Tree Constraints Plan Report ref. GD/250065/R1
  - Part 2: BS: 5837 Arboricultural Impact Assessment & 'Draft' Tree Protection Plan Report ref. GD/250065/R2
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) Prior to their installation, details of the design of all external windows, doors and rooflights including sections and elevation drawings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - a schedule detailing the location, sizes and numbers of all proposed trees/plants to be planted;
  - boundary treatments; and
  - hard surfacing materials.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 6) Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).
- 7) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development (or relevant phase of development) shall not resume or continue until remediation and verification schemes have been carried out in

accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 8) The building hereby permitted shall not be occupied until the windows at first floor on the north eastern and south western side elevations have been fitted with obscured glazing (to Pilkington Level 3 or equivalent), and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.
- 9) The development hereby permitted shall not be occupied until the Building Regulations requirements for accessibility and adaptability have been complied with.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations outlined in the Preliminary Ecological Appraisal prepared by Arbtech, including the ecological mitigation and enhancement measures which shall be implemented in full prior to first occupation of the development hereby permitted.

**\*\* END OF SCHEDULE \*\***