



Appeal Decisions

Inquiry held on 29 July 2009
Site visit made on 30 July 2009

by **Roger Pritchard MA PhD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
19 August 2009

Appeal Ref: **APP/P1940/A/09/2101765**

Applegarth, Parrotts Close, Croxley Green, Rickmansworth, WD3 3JZ

- 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 Kebbell Country Homes against the decision of Three Rivers District Council.
- The application Ref 09/0193/FUL, dated 16 February 2009, was refused by notice dated 31 March 2009.
- The development proposed is to demolish an existing building and erect three detached houses, three detached garages and landscaping and amenity provision.

Appeal Ref: **APP/P1940/E/09/2102603**

Applegarth, Parrotts Close, Croxley Green, Rickmansworth, WD3 3JZ

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Kebbell Country Homes against the decision of Three Rivers District Council.
- The application Ref 09/0194/CAC, dated 16 February 2009, was refused by notice dated 31 March 2009.
- The demolition proposed is of an existing dwelling, Applegarth and ancillary buildings, within the Croxley Green Conservation Area.

Decision

1. I dismiss both appeals.

Main issue

2. I consider the main issue for both appeals is whether the proposed development would preserve or enhance the character or appearance of the Croxley Green Conservation Area.

Reasons

Background

3. The proposal would construct three, five-bedroomed, detached houses within the curtilage of Applegarth, a large, two-storey property set in extensive grounds and dating from around 1950. Applegarth is unlisted but located within the Croxley Green Conservation Area. The proposal would require the demolition of Applegarth and other buildings within its curtilage, for which Conservation Area Consent (CAC) would therefore be necessary.
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4. The appeal site meets the definition of previously developed land as set out by Planning Policy Statement 3, *Housing* (PPS3) and is situated within the built up area in a sustainable location. I agree with the Council that there can be no objection in principle to the residential redevelopment of the site. Moreover, although the Council refused the original application on the basis of a number of policies in the adopted Three Rivers Local Plan, 1991-2011 (TRLP), it conceded at the Inquiry that the critical issue for the appeal relates to the proposed development's effect on the character and appearance of the Conservation Area. I agree and this is reflected in the main issue I have identified.

The appeal proposal

5. The site has a long planning history. Originally a single curtilage, there are now three separate dwellings – Applegarth, itself; Pefka, in the north east corner, where a dwelling of modern design replaced an earlier structure in the 1980s; and, to the south of Applegarth, Half Acre, a detached chalet bungalow, permission for which was given on appeal about ten years ago. This appeal relates solely to the current, reduced curtilage of Applegarth.
6. The most relevant and recent planning history is the two applications made by the appellants in 2007. Both were accompanied by CAC applications to demolish Applegarth and were, like the proposal before me, for three, two-storey detached dwellings. Both applications were dismissed at appeal in July and October 2008 respectively. These previous appeals are clearly a material consideration but I agree with the appellants that the present proposal must be considered on its own merits.
7. The appellants emphasise that the present proposal seeks to respond to the criticisms made by those Inspectors who dismissed the 2008 appeals. In particular, there has been a lowering of the height of the proposed dwellings, reductions in their scale, mass and bulk, and substantial alterations in their detailed design. Changes are also proposed to the internal boundary treatment of the development, substituting a softer, more natural approach for close boarded fencing.
8. Nevertheless, the proposal remains for three, substantial detached dwellings. Moreover, the basic layout would remain broadly similar with two properties, Units 1 and 2, facing the Green in front of the footprint of Applegarth, and a third property, Unit 3, behind at right angles to Units 1 and 2, within Applegarth's rear garden. Units 1 and 2 would be placed parallel to the site's western boundary, bringing the former significantly closer to that edge compared to Applegarth which is obliquely positioned with its northern elevation set back to the east. However, Unit 1 has been moved south, compared to previous proposals, to lessen its impact on the residential development to the north.

The Croxley Green Conservation Area

9. The Croxley Green Conservation Area Appraisal describes its character and appearance as '*...overwhelmingly green and open.*' At its core is the Green, itself, a traditional village green. Nevertheless, the Appraisal recognises that '*...a powerful spatial quality surrounding many of the predominantly detached houses...*' is of immense importance to the Area's character.

10. I agree. The Area's character is very much determined by the interaction between the open heart of the Green and the surrounding residential development. This varies in age, design and the degree to which it can be seen from the Green. Some properties, the two public houses and the cottages to the south of Copthorne Road are good examples, fully face the Green and are prominent features. Others, including Applegarth, can only be glimpsed through or over the verdant screen that largely surrounds the Green.
11. The appeal site is in the southern part of the Conservation Area. The Appraisal comments that this is more urban than rural in character. To the north of the site is Parrotts Close, a development of detached houses dating from the 1970s; to the west is the Green; and to the south, Stones Orchard, an area of Public Open Space (POS). All these are, like the appeal site, in the Conservation Area. To the east is an area of local authority housing beyond the Conservation Area boundary.
12. The Appraisal criticises those modern developments, including Parrotts Close, which it considers have destroyed open space. It comments that the character and appearance of the Conservation Area is very sensitive and concludes that it should not be compromised through additional development.
13. I recognise that the Appraisal was carried out some time ago and that there have been subsequent changes. I also recognise that Planning Policy Guidance Note 15, *Planning and the Historic Environment* (PPG15) places no bar on development in Conservation Areas. However, I give the Appraisal significant weight as a guide to what circumstances might preserve or enhance the character or appearance of the Croxley Green Conservation Area. I also conclude that where inappropriate development might have occurred subsequent to the designation of the Conservation Area, it cannot be allowed to provide a precedent for future proposals.
14. Within Conservation Areas, the statutory duty requires consideration as to whether proposed development would preserve or enhance their character or appearance. That test is reflected in Policy C1 of the adopted Local Plan and represents the key criteria against which any proposal must be judged.

Effect on the character and appearance of the Conservation Area

15. I subscribe to the main parties' view that Applegarth, whilst a pleasant dwelling, contributes no special quality to the Conservation Area. Its demolition would not result in material harm that would cause the statutory duty to be breached. However, Policy C6 of the adopted Local Plan makes clear that consent for the demolition of an unlisted building making little or no contribution to a Conservation Area will only be given where there are detailed and acceptable plans for redevelopment. I thereby also agree with both main parties that the application for CAC is entirely dependent on the outcome of the planning appeal.
16. The statutory duty imposes a stiff test though the Courts have held that it may be met by development that leaves character and appearance unharmed. In this context, character and appearance have a strong interaction but must be seen as separate factors when development in a Conservation Area is being considered. PPG15 emphasises that both must be considered.

17. So far as appearance is concerned, the evidence I heard at the Inquiry and my observations at the site visit convinced me that views eastwards from the Green towards the proposed development are critical to the latter's visual impact. From other perspectives to the north, east and south, not only is the screening of the site dense and effective, but I consider that there would be no significant public views into it as would materially harm the appearance of the Conservation Area. I include in this appraisal the limited views into the site that occur from the access in its north west corner. I also take this view even in winter or after normal maintenance of the existing vegetation.
18. Moreover, the key criterion when the proposed development is viewed from the direction of the Green seems to me to be the comparison of its impact on the appearance of the Conservation Area to that already produced by Applegarth.
19. In this context, I accept that the development before me has several elements that substantially improve on those recent, past proposals dismissed at appeal. In particular, the reduction in ridge height means that Units 1 and 2 would be no higher than Applegarth. Moreover, moving Unit 1 to the south results in a combined ridge width that is slightly less than that of Applegarth and which would be seen in a similar perspective. The overall mass, scale and bulk of the proposed dwellings have also been reduced. Nevertheless, the proposed layout still positions Unit 1 well forward of the obliquely oriented front elevation of Applegarth and that Unit is thereby significantly closer to the Green than the present buildings.
20. I accept that the site is also well screened when seen from the west, though perhaps not so comprehensively as from other directions. The screening from this direction comprises three elements. From west to east, these are a mature boundary hedge, separating the site from the Green, which is between 5 and 7m in height with many deciduous species; a slightly lower hedge of garden shrubs on the east side of the access road to Half Acre; and a series of orchard trees in Applegarth's front garden.
21. In late July, I saw from my site visit that the effect of this screening was that the roof ridge of Applegarth only came into view from the middle of the Green, in excess of 50m away. That perspective grew slightly more prominent as one moved west. Greatest visibility was when seen from Copthorne Road at around 150 to 200m from the western edge of the appeal site. However, even at this point, in mid-summer the eaves of Applegarth were only just visible. Moreover, this view was in the restricted context of the 'tunnel' produced by looking along the residential development and roadside vegetation that line Copthorne Road.
22. Views of the appeal site would obviously be greater in winter. Nevertheless, I consider that a substantial degree of screening would remain even at that time of year. The combined density of the vegetation is such that even when the deciduous species have lost their leaves, it would in my view still provide a substantial visual barrier.
23. All the current screening elements would remain in place if the proposed development went ahead. Its main consequence for the critical perspective would therefore be where Unit 1 is sited forward of the front elevation of Applegarth. However, I am not convinced that this effect would constitute

significant, additional material harm. In summer, views of the proposed development would remain confined to the roof and perhaps the eaves, especially of Unit 1. In winter, more of the proposed development would of course be seen, but not in my view to any greater detriment to the appearance of the Conservation Area than the current views of Applegarth. In this wider context, I have taken particular note of the views of other properties, many of them of limited historical or architectural interest, which nevertheless occur at other parts of the edge of the Green.

24. I also consider that the reduction in height of the proposed development and the bringing together of Units 1 and 2 overcomes the past criticism that the proposed development would present a regimented façade towards the Green when added to the impact of Half Acre. In summer, Half Acre is even better screened than Applegarth and the winter perspective, when the facing elevations of Units 1 and 2, and Half Acre would All be visible from the Green seems to me to be likely to be of no significantly greater impact than the present position.
25. Finally, I also accept that the design of the proposed dwellings would be more sensitive to local character than previous schemes and, whilst I do not subscribe to the appellants' view that this would enhance the appearance of the Conservation Area, nor, in my view, would it result in material harm.
26. It is therefore my overall conclusion that the proposed development would not result in significant material harm to the appearance of the Conservation Area, when considered in terms of public views and, especially, the key perspectives offered from the Green itself.
27. However, as I have commented above, character may well be a different issue from appearance. I consider that this is so here. The Conservation Area Appraisal specifically identifies the original curtilage of Applegarth, including the appeal site and what are now the separate curtilages of Pefka and Half Acre, together with Stones Orchard to the south, as an '*...Important Other Space Intrinsic to the Character of the Conservation Area.*' The Appraisal sees this land as distinguished from and separating the modern development of Parrotts Close to the north from the more open land to the south and west. It is also seen as enjoying a close relationship with the Green itself.
28. I recognise that there have been some changes since the Appraisal was written, the redevelopment of Pefka and particularly the construction of Half Acre being obvious examples. However, I have already commented that I consider the Appraisal must continue to be given weight. This was the view both my colleagues took in determining the two appeals in 2008 and I agree with them. It seems to me to be important to prevent the further encroachment of development of a suburban character, as represented by Parrotts Close, along the eastern side of the Green.
29. I accept that the current proposal has been significantly reduced in scale from the previous proposals, but it would still represent almost a doubling of the built footprint on the site compared to Applegarth. Moreover, there would be additional access roads, the associated, domestic paraphernalia of residential development and, even if internal boundaries were provided in a subtler form, the sub-division of the site into three plots.

30. The outcome in my view would be to tip the balance such that the site would more greatly resemble the suburban character, represented by Parrotts Close. As such, the site would be unable to fulfil the role that the Conservation Area Appraisal saw this land fulfilling. I take this view despite the construction of Half Acre. Half Acre moved the site towards a similar change in character as would result from the proposed development, but not sufficiently in my view either to destroy that character or to provide a precedent for further intensification. The proposed development clearly represents substantial further change that would, in my view, lead to an inexorable and irreversible alteration in the site's character.
31. In coming to this view, I consider that some redevelopment of the site would not necessarily be impossible without fatally impairing the character of the site or, more generally, that of the Conservation Area. However, I am convinced that the proposed development goes too far. The substantial increase in built form and all that would go with it would result in significant material harm.
32. I therefore conclude that, whilst the proposed development would not result in material harm to the appearance of the Conservation Area, it would significantly change the character of the site in a manner that would neither preserve nor enhance that aspect of the Conservation Area. The proposed development would thereby fail to meet the statutory duty and be contrary to the policies of the adopted Local Plan.
33. I also therefore conclude that, in the absence of an acceptable scheme for redevelopment of Applegarth, Conservation Area Consent should be withheld.

Other Matters

34. Local residents expressed concern about the risk to highway safety that might arise from additional vehicles accessing the site. The access is on a sharp corner with restricted visibility. However, Parrotts Close is a residential road with limited traffic and I note that the Highway Authority made no objection to the proposed development. I therefore consider that the small number of additional vehicle movements generated would not result in a significant increase in risk to highway users. I have thereby not given this matter additional weight in the reasons given above why the appeal should be dismissed.
35. I also received representations from a prospective owner of Pefka who is concerned about possible foul water drainage problems on the site. The Council advised me that they were aware of this matter but considered it a private issue between the owners of Pefka and Applegarth. The Council understood that a connection to main sewers was available and the proposed development would have to meet the appropriate Building Regulations. I agree and I have not taken account of this matter in coming to my decision.

Conclusions

36. For the reasons given above I conclude that both appeals should be dismissed.

Roger Pritchard

INSPECTOR