



---

## Appeal Decisions

Site visit made on 14 May 2012

by **Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC**

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

Decision date: 4 July 2012

---

### Appeal Ref: APP/J1915/E/11/2167439

#### 1 Beanfield Cottages, High Wych, Herts CM21 0LF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Tim Hill against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1581/LB, dated 8 September 2011, was refused by notice dated 3 November 2011.
  - The works proposed are the erection of a single storey rear extension and the erection of an extension above the existing garage to create a home office in the roof space.
- 

### Appeal Ref: APP/J1915/A/11/2167432

#### 1 Beanfield Cottages, High Wych, Herts CM21 0LF

- 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 & Mrs Tim Hill against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1507/FP, dated 26 August 2011, was refused by notice dated 3 November 2011.
  - The development proposed is the erection of a single storey rear extension and the erection of an extension above the existing garage to create a home office in the roof space.
- 

### Procedural matters

1. The National Planning Policy Framework (the Framework) was published in March 2012, after the appeal was made. Although the parties were given the opportunity to comment on any relevant implications of the Framework to their cases, no responses were received within the prescribed timetable.
2. In addition, I have been referred to Policy Guidance Note 2: *Green Belts* and Planning Policy Statement 5: *Planning for the Historic Environment* which have been replaced by the Framework. I have considered the appeal in the context of current national planning policy.
3. The appellant indicated that the appeal does not include the extension to the garage. However, that would materially change the nature of the proposal and I must deal with the appeals on the basis of the scheme as determined by the Council.

### Decision

4. I dismiss the appeals.

## **Main Issues**

5. The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy and the effect of the proposed works on the special architectural and historic interest of the listed building.

## **Reasons**

6. 1 Beanfield Cottages is a Grade II listed building located in the Green Belt where limited extensions and alterations to dwellings are permitted by saved Policies GBC1 and ENV5 of the adopted East Herts Local Plan 2<sup>nd</sup> Review (LP). The proposal would measure around 3.2 metres by 7.15 metres rising to 3.2 metres at the topmost part of the lean-to. This, in the Council's estimation, would represent a 25% increase in floor area over that of the original dwelling which it considers would not be a disproportionate increase. The Council further considers that the proposal would not harmfully reduce openness and would not intrude on the rural qualities of the surrounding area.
7. From my assessment, I can find no reason to disagree. In addition, the proposed extension to the garage would add a small amount of floorspace to the building which would not be a disproportionate increase over the garage as built. Against this background, I consider that the openness and the reasons for including land within the Green Belt would not be prejudiced by this proposal. I conclude that it does not represent inappropriate development in the Green Belt and would not conflict with saved Policies GBC1 and ENV5, and the provisions of the Framework. Consequently, there is no need for me to consider the question of very special circumstances.
8. With regard to the effect of the proposed works on the special architectural and historic interest of the listed building, no. 1 is a semi-detached cottage that is prominently located at a road junction. Its special interest is partly derived from its modest, understated appearance and scale, along with its vernacular detailing such as weatherboarding and tiled roof.
9. Although in matching materials, the scale of the proposal (spanning the full width of the rear of the dwelling) would make it a very dominant feature that would obscure and confuse the historic plan form of the listed building. Furthermore, the horizontal emphasis of the proposed windows would be at odds with the historic detailing of the building. This would cause substantial harm to the heritage asset that would not be outweighed by any public benefits arising from the proposal. Consequently, the proposed works would fail to preserve the building's special interest.
10. As for the garage roof extension, I note the Council considers that the size and form of the resulting building would be unduly prominent, causing harm to the character and appearance of the area, and the setting of the listed building. From my assessment I have no reason to disagree.
11. Accordingly, the proposed works would conflict with paragraphs 129, 131 and 133 of the Framework, as echoed in the policies of the development plan, as they would fail to take account of both the desirability of sustaining and enhancing the significance of the heritage asset and making a positive contribution to local character and distinctiveness. In addition, the proposed development would conflict with saved LP Policies ENV1 and ENV6 as it would

not be of a design that would reflect local distinctiveness nor would it complement the original building and its setting.

12. My attention was drawn to the adjoining cottage where it is claimed a number of extensions have been erected. While that cottage has a greater width than No 1 as a result of approved extensions, its rear extension nevertheless is considerably narrower (at around 4.4 metres) than the proposal before me. In any event, the works to the adjoining cottage do not persuade me to allow further works that I consider would cause substantial harm to the heritage asset. I also note that the extension is required to provide additional family living accommodation but this consideration does not outweigh the harm to the heritage asset.

### **Conclusion**

13. Although I have found that the proposal would not be inappropriate development and would not harmfully reduce openness or conflict with the purposes of including land in the Green Belt, this consideration would not outweigh the substantial harm I have identified to the heritage asset.
14. In coming to this view on the proposal, I find that in the absence of any substantive evidence to the contrary, the development plan policies mentioned above are consistent with the Framework. Therefore, in the light of the facts of this case, consideration of the policies of the Framework does not alter my overall conclusion, which for the reasons given, is that the appeals should be dismissed.

*Richard McCoy*

INSPECTOR



---

## Appeal Decisions

Site visit made on 15 May 2012

by **Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC**

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

Decision date: 5 July 2012

---

### **Appeal A Ref: APP/J1915/E/12/2168986**

**Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware,  
Hertfordshire SG12 9RD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr F Rawlins against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1707/LB, dated 15 July 2011, was refused by notice dated 21 November 2011.
  - The works proposed are the conversion of an existing outbuilding to create an ancillary 1 bedroom annex.
- 

### **Appeal B Ref: APP/J1915/A/12/2168983**

**Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware,  
Hertfordshire SG12 9RD**

- 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 F Rawlins against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1706/FP, dated 15 July 2011, was refused by notice dated 22 November 2011.
  - The development proposed is the conversion of an existing outbuilding to create an ancillary 1 bedroom annex.
- 

### **Procedural matters**

1. The National Planning Policy Framework (the Framework) was published in March 2012, after the appeal was made. Although the parties were given the opportunity to comment on any relevant implications of the Framework to their cases, no responses were received within the prescribed timetable.
2. In addition, I have been referred to Policy Guidance Note 2: *Green Belts* and Planning Policy Statement 5; *Planning for the Historic Environment* which have been replaced by the Framework. I have considered the appeal in the context of current national planning policy.

### **Decision**

3. I dismiss the appeals.

### **Main Issues**

4. The main issues are whether the development would be inappropriate development in the Green Belt for the purposes of the Framework and

development plan policy, the effect on the openness of the Green Belt, whether the proposal would form a functional link with the main dwelling for the purposes of development plan policy, the effect of the proposed works on the special architectural and historic interest of the listed building, and whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Green Belt*

5. The appeal site is a former stables/store situated within the curtilage of the Grade II listed Amwellbury Farmhouse. It is located within the Green Belt and is accessed via a private road. Proposed are works to make the building habitable which include foundation and structural frame replacement, wall replacement, new floors, roof and insulation.
6. The Framework makes clear that the re-use of buildings is not inappropriate development provided the building is of permanent and substantial construction. Given the extent of the works proposed to make the building habitable, I consider that the former stables would not comprise a substantial building for the purposes of the Framework. I conclude therefore that the proposal would be inappropriate development within the Green Belt.
7. The Framework makes clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances where potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework states that substantial weight should be given to any harm to the Green Belt when considering any appeal concerning such development.
8. As the building is existing and no extensions are proposed I consider that the proposal would have minimal effect on openness which the Framework cites as an essential characteristic of the Green Belt. Nevertheless, as inappropriate development in the Green Belt, the proposal would be contrary to the provisions of the Framework and saved LP Policy GBC1 of the adopted East Herts Local Plan 2<sup>nd</sup> Review (LP).

### *Functional link*

9. Saved LP Policy ENV 8 provides that permission for the conversion of an existing outbuilding to a residential annexe may be granted where the outbuilding is appropriately located in relation to the main dwelling. While the proposed 1 bedroom annex would stand around 80 metres from the main dwelling, beyond the main focus of domestic curtilage activity, the distance would not be so great that it would prevent a functional relationship between the 2.
10. In my judgement, the proposal would be capable of being ancillary and subservient to the main dwelling. This could be secured by way of a planning condition along the lines of that suggested by the appellant which could be attached to any grant of planning permission. Accordingly, in this regard the proposal would not conflict with saved LP Policy ENV8. Nevertheless, the

absence of conflict with this policy does not weigh in favour of the proposal. It merely provides no additional weight against it.

### *Listed Building*

11. The special architectural and historic interest of the listed building is derived from its vernacular timber frame construction along with its materials, plan form and layout. The former stables are in a poor state of repair and the proposal envisages extensive design intervention by way of works to make the building habitable as a residential annex.
12. The extent of the proposed rebuilding works, allied with the proposed loss of historic fabric, would be harmful to the building's special interest. In addition, the proposal would confuse and obscure the plan and layout which are evocative of the building's historic function. While I note the proposal would secure a future for this listed building which is currently in need of repair and can find no reason to disagree with the conclusion in the officer's report that the building would not be suitable for a leisure/tourism or business use due to its size and limited access, I nevertheless have insufficient evidence before me to demonstrate that the extent of the works proposed is necessary in order to achieve this outcome.
13. Moreover, it has not been adequately demonstrated that existing historic fabric is beyond repair and re-use or that were it is perished it cannot be replaced on a like-for-like basis in order to maintain the architectural integrity of the heritage asset. In this regard, I consider that the proposal would conflict with saved Policy GBC9 (II) which provides that the residential use of a listed building may be granted permission, where amongst other criteria, the historic value of the structure has been assessed in a historic building impact assessment and appropriate mitigation of any impact has been put in place.
14. Against this background, I consider that the proposed works would cause substantial harm to the designated heritage asset. Furthermore, insufficient evidence has been submitted to demonstrate that the substantial harm would be outweighed by substantial public benefits arising from the proposal. Accordingly, the proposed works would conflict with paragraphs 131 and 133 of the Framework, as echoed in the policies of the development plan as they would fail to take account of the desirability of sustaining and enhancing the significance of the heritage asset, causing it substantial harm.

### **Other considerations**

15. The appellant put forward personal circumstances in support of the proposal, to be weighed in the balancing exercise required by paragraph 88 of the Framework. He stated that the proposal would provide independent living accommodation suited to the needs of his elderly mother who has limited mobility due to health problems. While I sympathise with the appellant's desire to provide living quarters for his mother close to her family, I have insufficient evidence before me to demonstrate that such independent living could not be achieved within the main dwelling. In addition, I have borne in mind that the works would remain long after those circumstances have ceased to be material and I can therefore only afford this consideration minimal weight.
16. The appellant also referred to the retention and repair of a listed building as a consideration to be weighed in favour of the proposal. However, as stated

above, in my judgement the proposed works would cause substantial harm to the heritage asset which limits the weight I can give to this consideration.

### **Conclusion**

17. In summary, the proposal would be inappropriate development in the Green Belt which equates to a substantial degree of harm in Green Belt terms. Furthermore, the proposal would fail to preserve the special architectural and historic interest of the listed building. Thus, I conclude that there are no considerations that are sufficient to clearly outweigh the harm to the Green Belt and the harm to the listed building. In my judgement, the very special circumstances necessary to justify the development do not exist.
18. In coming to this view on the proposal, I find that in the absence of any substantive evidence to the contrary, the development plan policies mentioned above are consistent with the Framework. Therefore, in the light of the facts of this case, consideration of the policies of the Framework does not alter my overall conclusion, which for the reasons given, is that the appeals should be dismissed.

*Richard McCoy*

INSPECTOR



---

## Appeal Decision

Site visit made on 5 July 2012

by **David Fitzsimon MRTPI**

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

Decision date: 26 July 2012

---

### Appeal Ref: **APP/J1915/H/12/2170782**

### **Paradise Wildlife Park, White Stubbs Lane, Broxbourne, Herts EN10 7QA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Paradise Wildlife Park against the decision of East Herts Council.
  - The application Ref 3/11/1919/AD, dated 14 November 2011, was refused by notice dated 12 January 2012.
  - The advertisement proposed is 2 no. non-illuminated advertising boards to front entrance.
- 

### **Procedural Matter**

1. I have taken the description of the proposal from the Council's Decision Notice rather than the Application Form as it is more accurate.

### **Decision**

2. The appeal is dismissed.

### **Reasons**

3. The two advertisement boards are mounted on timber stakes and they are sited close to the highway, on an angle either side of the entrance to Paradise Wildlife Park. The entrance is located along a rural road which lies within the Green Belt, whose character is dominated by long stretches of mature landscaping along both of its sides. The advertisements are sizeable, rectangular structures and although seen against the splayed entrance to the Park, their predominant white finish is a stark contrast to the surrounding greenery. As a result, they appear unduly prominent and incongruous.
4. I appreciate that signage clearly identifying the entrance to the site is required close to the highway given its busy nature. Nevertheless, this could be achieved in a manner more appropriate to this rural location, with the style of the wooden signs which sits further into the entrance being a notable example.
5. In light of the above factors, I conclude that the two advertisement boards unacceptably harm the character and appearance of the local area, and therefore they are detrimental to amenity. In such terms, they conflict with policy ENV29 of the adopted East Herts Local Plan Second Review, which I have taken into account as a material consideration in reaching my decision.
6. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

*David Fitzsimon* INSPECTOR





---

## Appeal Decision

Site visit made on 12 July 2012

by **G Powys Jones MSc FRTPI**

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

Decision date: 16 July 2012

---

### Appeal Ref: APP/J1915/D/12/2176246

### 96 Burnham Green Road, Welwyn, Hertfordshire, AL6 0NQ

- 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 David Austin against the decision of East Hertfordshire District Council.
  - The application Ref 3/12/0102/FP, dated 19 January 2012, was refused by notice dated 7 March 2012.
  - The development proposed is a single storey side extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 96 Burnham Green Road, Welwyn, Hertfordshire, AL6 0NQ in accordance with the terms of the application Ref 3/12/0102/FP, dated 19 January 2012, subject to the following 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 the following approved drawings: AT380-01, 02, 03 & 04.
  - 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Preliminary matters

2. The Council relies on policies ENV1, ENV5 & ENV6 of the East Herts Local Plan Second Review (LP) in its sole reason for refusal. Reference is also made to LP policy GBC1. These policies are not inconsistent with the *National Planning Policy Framework's* (the Framework's) policy guidance on green belts and design, and they therefore attract full weight.

### Main issues

3. The main issues are:
  - Whether the proposed development is inappropriate development in the green belt (GB) in the terms of the Framework and local development plan policy;
  - The effect on the openness of the GB, and the character and appearance of the host building and surrounding area;

- If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Inappropriate or not inappropriate development*

4. Paragraph 85 of the Framework says that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of buildings is not inappropriate in Green Belts. UDP policy GBC1 contains a broadly similar provision.
5. The term 'disproportionate additions' is not empirically defined in the Framework, and nor does LP policy provide numerical guidance as to what is meant by 'limited extension' to existing dwellings in the terms of policy GBC1.
6. The appellant does not dispute the Council's calculations demonstrating that the original building has been subject to significant previous extension and alteration. The proposed extension is very modest in terms of the net floor area created, but the cumulative effect of the extension, in conjunction with the previous extensions and alterations, in my view, would result in a disproportionate addition to the original building.
7. I therefore conclude the proposal to be inappropriate development in the GB in the terms of the Framework and LP policy GBC1. Inappropriate development in the GB, by definition, is harmful, and this attracts substantial weight against the scheme.

### *Openness, character & appearance*

8. The appeal property is one of a pair of semi-detached dwellings that together form what was originally an attractive predominantly brick built building, with distinctive flint panelling. Whilst the Council acknowledges that the extensions carried out to both properties have resulted in a character somewhat evolved from the original cottages, to my mind, the character and symmetry of the original building have been materially compromised. The appeal property, whilst in a rural area, stands close to other dwellings and domestic buildings, in a village setting.
9. The small extension proposed, at the side of the appeal premises, would involve the substantial modification/rebuilding of a porch. The finished product would not be noticeable when approaching the site from the east, and when viewed from the west, a hedge would provide significant screening for all long to medium views. Where it would be seen from public vantage points, the extension would have but marginally more visual effect than the existing porch.
10. Such is the modest size and secluded position of the proposed extension that it would hardly be discernible, and the effect on the openness of the green belt would be so minimal as to be barely perceptible. I note that the Council takes a similar view.
11. The extension is designed to match the existing additions, and given the extent to which the appearance of the original property has changed, the development would not look out of place, either in terms of the effects on the host property, or on local character and appearance. I note the intention to insert new, and

to modify fenestration in the property's side elevation. I find this unobjectionable.

12. I conclude that the proposed extension would have but a minimal effect on the GB's openness, and would not harm the character and appearance of the host property or the street scene. Accordingly, I find no conflict with those provisions of LP policies ENV1, ENV5 & ENV6 directed to the design of house extensions, particularly in the GB.

*Very special circumstances*

13. I attach significant weight to all my findings, firstly, that the effect of the development on the openness of the GB would be minimal; secondly, that the extension, since it could barely be discernible and is of an acceptable design, would not harm the character and appearance of the host property and, lastly, for the same reasons, that the character and appearance of the surrounding area would remain largely unimpaired.
14. I also attribute substantial weight to my view that the development, if implemented, would not prejudice the continued achievement of any of the purposes of the GB or the fundamental aim of GB policy, as set out in paragraphs 79 & 80 of the Framework.
15. On balance, I conclude that the harm caused by reason of inappropriateness, particularly since there is no other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. I shall therefore allow the appeal.

**Conditions**

16. The Council has suggested a condition in respect of materials. I share the view that such a condition is necessary, in the interests of visual amenity.
17. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans.

**Other matters**

18. All other matters raised, including the views of the Parish Council, have been taken into account, but none outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR