



Appeal Decisions

Site visit made on 20 March 2012

by David Vickery DipT&CP MRTPI

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

Decision date: 1 May 2012

Appeal A: APP/J1915/A/11/2164216

Land between 95 and 99 High Street, Watton-At-Stone, Hertfordshire SG14 3SZ

- 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 Classic Grange Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0350/FP, dated 1 March 2011, was refused by notice dated 25 May 2011.
 - The development proposed is a new dwelling with part formed of the conversion of an existing stable with an existing attached garage and parking.
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Appeal B: APP/J1915/E/11/2165435

Land between 95 and 99 High Street, Watton-At-Stone, Hertfordshire SG14 3SZ

- 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 Classic Grange Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0351/LB, dated 1 March 2011, was refused by notice dated 20 June 2011.
 - The works proposed are a new dwelling with part formed of the conversion of an existing stable with an existing attached garage and parking.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and listed building consent is granted for a new dwelling with part formed of the conversion of an existing stable with an existing attached garage and parking on land between 95 and 99 High Street, Watton-At-Stone, Hertfordshire SG14 3SZ in accordance with the terms of the application Ref 3/11/0351/LB, dated 1 March 2011, submitted with it subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and stables have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 3) No development shall take place until the following details of the works to the stables have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - i) Drawings showing the new and/or replacement timber frame with details of the timber and the method of jointing or connecting the timber.
 - ii) Drawings showing the new and/or replacement windows, including a section of the glazing bars and frame moulding (if applicable), showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill detail.
 - iii) A specification of the brick mortar mix, pointing profile and finish, jointing width and the bond of the brickwork.
 - iv) Drawings and specification of the new weatherboarding showing dimensions, profile, and a description of its stain or paint finish.
 - v) Details and specification of the rainwater goods.

Applications for costs

3. Applications for costs were made by the appellant against the Council. These applications are the subject of separate Decisions.

Main Issues

4. The main issues in appeal A are firstly the effect of the proposal on the character and/or appearance and the setting of the Watton Conservation Area, the nearby Listed Buildings, and the surrounding residential area; and, secondly, whether sufficient information has been provided to make a decision, including any consequential necessary consultation with interested parties. The main issue in appeal B is the effect of the proposal on the preservation of the stables and garage, their setting, and any features of special or architectural interest which they possess.

Amended plans

5. The appellant said that a land survey plan had been submitted to the Council as part of the applications, but the Council said it had not. Based on the new land survey plan, the appellant submitted with the appeal some amended plans (1008/E01 Rev A and 1008/P01 Rev C) which have been altered so that the site matches the land survey.
6. On the proposed site plan (1008/P01), the differences from that submitted to the Council are that Revision C shows a plot which is slightly less in width, although it becomes roughly the same width at its rear; and a plot roughly the same in depth, although slightly more at the end closest to No. 1 White House Close. The Inspectorate's Good Practice Advice Note 9 (available on the Planning Portal web site) says that "*even minor changes may be considered to materially alter the nature of an application and lead to possible prejudice*" and that decisions on accepting amended plans "*are dependant on the individual circumstances of each case.*"
7. On the amended site plan the proposed house is shown as being further away from Nos. 93 and 95 High Street, and closer to No. 1 White House Close. The occupants of No. 1 would therefore be more affected by the amended plans as

the proposed dwelling would be closer to their house and garden. I consider that the development is so changed that to allow the appeal would be to deprive those who should have been consulted on the changed development of that opportunity. I will not, therefore, accept the amended plans (1008/E01 Rev A and 1008/P01 Rev C) or take them into account. My assessment of the appeals is thus based on the plan versions originally submitted to the Council.

8. However, I will take into account the land survey plan 2310/1 as it is merely a factual record of the existing situation which does not prejudice any party.

Reasons

Appeal A - Planning

9. Planning permission was granted on 20 July 2005 (Ref 3/04/2105/FP) for a new dwelling house on this site using the existing stable and garage. The permission expired in July 2010. There is a dispute as to whether the permission was implemented but that matter is not before me for a decision, and so I have taken the situation to be as described by the Council – namely, that the permission was not implemented. The Council considered at the time of the 2005 permission that both the stables and garage were curtilage listed buildings, and so that would have been taken into account in its grant of planning permission.
10. It is established policy that planning permission should be granted for recently expired permissions unless there has been a material change in circumstances - see, for instance, paragraph B29 of Circular 03/2009. I have looked carefully at the policies, both local and national, that were in existence at the time of the last permission in 2005 and those now current, particularly those in the 1999 and 2007 Local Plans and previous Government policies compared to the National Policy Planning Framework. Whilst there have clearly been changes of wording, these have not been significant in this case - the thrust and intent of the policies that are relevant to this proposal have remained largely the same. I consider, therefore, that there have been no material changes of any significance in policy circumstances.
11. Although the site layout plan is not accurate (see above) the plans submitted to the Council are sufficient to enable me to come to a view on the proposal's design and its physical relationships to the stables, garage and most of the surrounding buildings with the exception of No. 1 White House Close. In doing this I have compared the differences between the submitted plans and the land survey drawing, and I have seen the site and the surrounding area.
12. The proposed house is not a straight forward copy of that previously granted permission in 2005, although it is similar. The changes in this appeal include a reduction in building mass; a reduction in roof height; a reduced sized link between the stables and proposed house; less living accommodation in the stables; altered design (primarily the jetting out of the first floor on the south-east elevation); and the retention of the stables' timber frame.
13. This would be a sizable house in terms of accommodation. But much of this would be successfully disguised by placing rooms in the high pitched roof, using the existing stables, and breaking up the floor area and mass of the proposed house by a T-shaped layout. The design would fit in with the surrounding buildings, particularly the listed building of No. 99 High Street, and would provide a transition between the older High Street buildings and the

- more modern ones of White House Close. There would be negligible impact on the listed High Street building due to the reasonable distances from it and the other High Street properties to the proposed house, and due to the intervening buildings, fences, vegetation, and the road of White House Close which would visually divorce the proposed house from those properties.
14. It would be very difficult to see the proposed house from the High Street, although there would be glimpses at an acute angle down White House Close, and a glimpse along the drive to No. 95. In these views the height and mass of the proposed house would not appear over-dominant or out of scale, and it would be diminished by distance. It would also fit in with the street scene along White House Close and the area generally because its design would be in sympathy with the local vernacular, and because its various set-backs, external materials, jettied out first floor, and linked buildings would give it visual interest. The proposal would respect local building traditions and character, and it would integrate with the physical context and the existing form of development in the Conservation Area.
 15. I note that the Council's officers said in the committee report that the *"present proposal while similar in most respects to the previous scheme does make significant material improvements"* ... which ... *"contribute positively to the character and appearance of the development, the Conservation Area and the general locality."* I agree with that assessment, and also with the appellant who said that the changes would reduce the scale and mass of the proposed house as compared to the previous 2005 approved scheme.
 16. There would be no first floor windows directly facing neighbouring residential properties, apart from two sets of bathroom windows and three roof lights which could be conditioned to be retained as obscure glazed. The proposed garden size would be small but it would be adequate for the purpose, even based on the land survey drawing, and of a reasonably useful shape.
 17. I have primarily judged this appeal A proposal on its own merits, so although I give substantial weight to the material consideration of the expired 2005 permission my conclusion is not dependant upon it. As stated above, I have not assessed the relationship of the proposal with No. 1 White House Close, nor any consequential car parking changes because I cannot accept the amended plans submitted with the appeal.
 18. On this first issue, insofar as I can assess the proposal, I conclude that it would not harm the character and/or appearance or the setting of the Watton Conservation Area, the Listed Buildings, or the surrounding residential area. It would therefore comply with the various design policies mentioned by the Council, particularly policies ENV1 and BH6 in the Local Plan, and with Government policy in the National Policy Planning Framework. I turn next to those elements of the proposal that I cannot assess.
 19. On the second issue, the site plan showing the location of the site's boundaries is not accurate and it does not match the site survey plan. As the boundary and proposed house would be closer to the occupiers of No. 1 than shown on the submitted plans, those occupiers must be consulted and that has not been done. There may also be other consequential effects, such as on the car parking arrangements. I conclude on the second issue that the necessary information on this proposal has not been provided to enable me to make a fully considered decision, particularly on the proposal's impact on the occupiers

of No. 1, and that the proper consultation with those interested parties has not been carried out and so their response is not available.

20. Despite my partial favourable conclusion on the first issue, my adverse conclusion on the second issue is the deciding factor in this appeal because the proposal's effect cannot properly be assessed. I do not have the full information about the how the measurements of the site impact on the proposal, and that cannot be done until, in the interests of fairness, the proper consultation procedures have been carried out. Only once this has been done can a proper judgement be made on the relationship of the proposal to No. 1 White House Close and on any other consequential changes to the plans. And without this information the appeal has to be dismissed.

Appeal B – Listed Building

21. The appellant claimed that the stables and garage were not listed buildings. The Council said they were listed because they had lain within the grounds of a listed building (No. 99 High Street). Whether the buildings are listed is a matter of fact and case law, but that is not before for a decision. The appellant has submitted an appeal against a refusal of listed building consent and my sole jurisdiction is to decide that appeal. The appellant is able to pursue the question of whether the buildings are listed through other avenues, should it be desired.
22. The Council is concerned that the proposed house would be of an inappropriate scale and massing compared to the stables – in other words, the concern is about harm being caused to the setting of the listed building. The Council was not concerned about the proposal's effect on the garage or the internal works to the stables, and I agree that the proposal would not harm the garage or the stables internally. I consider that the submitted plans, although inaccurate in its site boundaries, are sufficiently accurate in detailing the design and layout of the proposed house for me to consider the more limited issue in appeal B, particularly as I am able to use the land survey drawing and I saw the actual situation at my site visit.
23. I saw that the stables now consist of a very sparse and dilapidated unclad timber frame with a high, steeply pitched and partial clay tiled roof. It would be connected to the proposed house by a set back, flat roofed, mainly glazed link corridor building. This would be successfully subordinate in scale and size to the stables, and would detach the stables building from the proposed house so that the stables would not be dominated by it. The stables would still remain as a visually recognisable, separate building, and it is this element of its setting that is the most important consideration.
24. The proposed conversion works would retain the timber frame and roof, which are the key internal characteristics of the stables. No evidence was presented to me that the conversion works were unsuitable or harmful to this listed building or to any of its features of special architectural or historic interest. The proposal would provide a long term economic use for the stables which would ensure its future preservation.
25. On appeal B I conclude that the proposal would properly and suitably preserve the stables and garage, their setting, and the features of special or architectural interest which they possess. It would comply with Government advice in the National Policy Planning Framework.

26. The Council suggested a number of conditions for appeal B in addition to the standard time limit. Some deal with approval of the external materials and the details of the timber framing, proposed windows and weatherboarding, all of which I agree are necessary to ensure the appearance and preservation of the listed buildings. I do not agree with the suggested conditions requiring details of brickwork and that the rainwater goods should be cast iron. In the former case there is very little brickwork involved in the proposal, and that can be dealt with by the external materials condition and by requiring details of the mortar. On the last suggestion, I am not convinced that cast iron rainwater goods are necessary, and the matter can be dealt with more generally by a condition requiring their details and approval. As the stables building is to be almost entirely re-clad externally and the details of the timber framing will be required, I do not consider that a condition requiring the 'making good' of the listed buildings is necessary.
27. I have considered the policies in the National Planning Policy Framework, and have consulted the parties about it, but in light of the facts in this case the Framework does not alter my conclusions in either of these appeals. For the reasons given above I conclude that appeal A should be dismissed, and that appeal B should succeed.

David Vickery

INSPECTOR