



Appeal Decisions

Site visit made on 20 July 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal A: APP/J1915/W/20/3258553

Oak Cottage, Chipping, Buntingford, Herts SG9 0PG

- 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 Mrs Virginia Redford against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2402/FUL, dated 25 November 2019, was refused by notice dated 25 March 2020.
 - The development proposed is Erection of a detached house.
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Appeal B: APP/J1915/W/20/3258554

Oak Cottage, Chipping, Buntingford, Herts SG9 0PG

- 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 Mrs Virginia Redford against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0609/HH, dated 20 March 2020, was refused by notice dated 16 June 2020.
 - The development proposed is Demolition of existing single storey section of house to side and rear. Demolition of detached garage. New rear two storey extension.
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Appeal C: APP/J1915/Y/20/3258556

Oak Cottage, Chipping, Buntingford, Herts SG9 0PG

- 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 Mrs Virginia Redford against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0630/LBC, dated 20 March 2020, was refused by notice dated 16 June 2020.
 - The works proposed are Demolition of existing single storey section of house to side and rear. Demolition of detached garage. New rear two storey extension.
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Decision

1. Appeals A, B and C are dismissed

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

3. As set out above there are three appeals on this site, concerning two schemes under different, complementary legislation. The schemes differ as they respectively relate to a dwelling within the garden of the property and an extension to it. I have considered each proposal on its individual merits but, to avoid duplication, I have dealt with the two schemes together.

Main Issues

4. The main issues are: -
- the effect of the proposal on the character and appearance of the site and its surroundings, including the setting of the Grade II listed building, known as 'Oak Cottage' (Appeal A only);
 - whether the proposal would preserve a Grade II listed building, known as 'Oak Cottage', and any features of special historic interest that it possesses, including its setting and the effect on the character and appearance of the site and its surroundings (Appeals B and C only);
 - whether safe access and escape routes can be provided to the proposed development in the event of flooding (Appeal A only); and
 - the effect of the proposal on the living conditions of neighbouring occupiers, in respect of noise and disturbance (Appeal A only).

Reasons

Significance, setting, and site characteristics

5. The appeal site concerns Oak Cottage and its rear garden. This is a Grade II listed timber-framed building of late 16th Century origin, sited perpendicular to the A10. The appeals are supported by separate heritage assessments and the Historic Building Appraisal (HBA) for Appeals B and C suggests that the cottage probably originated as a dwelling for a worker on the manorial farmlands associated with either Buckland Manor or Pope's Hall. The HBA also outlines that it was originally arranged to a lobby-entry plan and the timber-framing has a higher status due to the close consistency of its studding, which would have added greater expense to the construction. The framing is evident throughout the building but particularly at first floor, where it is exposed. The HBA includes photographs of the roof structure, which illustrate the absence of a ridge timber and a clasped purlin and collar truss construction.
6. Ordnance Survey and Tithe Maps demonstrate evidence of previous extensions to the cottage and it has been altered in the 17th, 19th, and 20th Centuries. The most noteworthy of these relates to the 20th Century flat roofed extension, which wraps around the north and east façades of the cottage, concealing the historic layout of the cottage and the majority of its historic fabric to just below the eaves. Moreover, its proportions and appearance are crude and at odds with the remainder of the cottage exterior.
7. While the extension generally has a harmful effect on the significance of the listed building, this does not extend to the appreciation of the symmetry of the southern façade or its interaction with the enclosed south garden. The scale and form of the original cottage therefore still dominate in this context. The gables to either end of the cottage and its eaves, verge and roof form are also still apparent, above the extension.

8. The cottage is also currently served by a large detached post war concrete garage, to its northeast, which is aligned with the driveway. Like the earlier extension, the garage is also an unsympathetic addition within the curtilage of the listed building.
9. Despite alterations to it, as far as it is relevant to the appeal schemes before me, the significance of Oak Cottage lies in its architectural and historic interest, as an early example of vernacular domestic architecture to a modest scale, on a lobby-entry plan, and with an intricate timber frame and roof structure.
10. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced. The garden south of the cottage provides an intimate area enclosed by planting to its frontage. The undeveloped qualities of the land to the rear of the cottage, provided by its extensive garden, which slowly rises to the east, and the established planting of its eastern boundary also provide a verdant backdrop to the cottage and a transition to the agricultural field beyond. Together with its close proximity to the roadside, these features ensure that the cottage is prominent within the street and make a positive contribution to its setting, which in turn contributes to its understanding and significance.
11. The arrangement of streets is very conspicuous, as the principal routes through the village feature a predominantly spacious arrangement of houses set within large plots. While some houses are set behind those to the frontage of the A10, these are predominantly arranged to a street frontage in cul-de-sacs and lanes. The aforementioned features of the site, particularly its spacious and contained backdrop and its open and undeveloped qualities, therefore make a positive contribution to the character and appearance of the site and its surroundings.

Effect of the proposal on the character and appearance of the site and its surroundings, including the setting of the listed building (Appeal A only)

12. The proposed house would be situated in an elevated position, visible above the south garden of the cottage, and conspicuous to the east of the cottage, between it and its neighbour to the north. It would therefore be highly prominent within the rear garden, and erode its undeveloped qualities, the space it provides around the cottage and to the transition to the countryside beyond. Furthermore, it would stand out behind the street frontage and, thereby, appear as a discordant insertion that would jar with the established coherent pattern of frontage development.
13. I appreciate that planting would be added to the boundary between the proposed house and Oak Cottage would eventually reduce its prominence, and this could be secured by planning condition. Nevertheless, this would be unlikely to have matured enough in its initial years of development to soften the visual effect of the physical presence of the proposal in its sensitive location. It would also take a significant amount of time for the tree coverage to reflect the existing verdant backdrop of the planting to the east.
14. I accept that the design of the proposed house reflects characteristics of other houses in the village, including its use of materials and roof pitch. However, due to the lack of fenestration and other detailing to its western elevation, it would present a largely blank façade to the listed cottage. The resultant scale of the house would also be emphasised by the elevated position and its

proximity to the cottage, to the extent that it would compete with the cottage and enclose it to a harmful extent.

15. Notwithstanding the above, the demolition of the existing garage, the concrete walls and metal roof of which are not in-keeping with the listed building, would open up the space immediately surrounding the cottage. This would amount to a heritage benefit.
16. I have had regard to the position of other houses in the locality, namely their distance from Oak Cottage and note that the proposal would be a similar distance away. However, the other houses nearby are not directly behind the listed building so the relationship would not be comparable with the appeal scheme before me.
17. The reduction of space around the cottage and the presence of built development to its rear would therefore be harmful to its setting and the character and appearance of the site and its surroundings.

Public benefits and conclusions on the first main issue

18. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
19. The proposal would be harmful to the setting of the Grade II listed building, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to its significance. I note that the appellant arrived at a similar conclusion. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
20. I have outlined above that the demolition of the existing garage would amount to a heritage benefit, but it is doubtful whether this requires the proposed development to go ahead to take place, particularly as no replacement is proposed. Nevertheless, I afford this benefit moderate weight.
21. I acknowledge the important contribution that would be made to the supply of housing by this small windfall site, particularly as it could be built-out relatively quickly. The proposal would also be situated in a location from which local services and facilities can be accessed by future occupiers, so they would help to support the vitality and viability of the local economy, including that of Chipping and Buntingford. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles, including by regular bus services. However, given the scale of the proposal, these benefits would only be afforded limited weight.
22. Given that the site forms a crucial part of the setting of the listed cottage, it could not be said to be significantly under-used. Furthermore, I note that the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the

importance of securing well-designed, attractive and healthy places. I therefore afford limited weight to the greater use of the site.

23. The appellant has also suggested that the proposal would represent the optimum use of the unused section of the curtilage of the listed building. However, there is no substantive evidence before me to support this argument, so I afford it very limited weight.
24. I accept that the proposal would not affect the south garden of the cottage or the internal fabric of the listed building that hold the most value in terms of its significance. However, this goes without saying, as the proposal is within another part of the garden and does not require alterations to the cottage. The absence of harm in these matters would weigh neither for nor against the scheme.
25. Taking the above together, the public benefits that I have outlined would not justify allowing development that would be harmful to the setting of the listed building. In accordance with paragraphs 199 and 202 of the Framework, considered together, I therefore conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
26. In light of the above, I conclude that the proposal would have a harmful effect on the setting of the Grade II listed building and the rural character of the site and its surroundings. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflicts with the design and heritage aims of Policies DES3 and HA7 of the Council's Local Plan¹.
27. Furthermore, I am mindful that the proposal could constitute infill development in light of the findings of the Inspector for the appeal decision to the north of the site², including Policy HD1 of the Neighbourhood Plan³. However, even if I were to reach the same conclusion, the harm that I have identified in respect of the setting of the listed building and the site and its surroundings renders it not a suitable site in conflict with the design aims of Policies GBR2 and VILL3 of the Council's Local Plan.

Effect on the special historic interest, setting and significance of the listed building and the character and appearance of the site and its surroundings (Appeals B and C only)

28. The proposed extension would be situated further from the road and only slightly larger in floor area than the existing extension, but it would be of a similar height to the cottage and add considerably to its modest scale. This would change its character from a small four-room property to a larger house, a point accepted by the appellant. Moreover, despite the narrower proportions and lighter-weight construction of the glazed link, and the comparatively smaller proportions, lack of glazing, and matching materials in the south façade, the proposed extension would still be of considerable scale and length to the east of the cottage. This would disrupt the pleasant form, scale, and symmetry of the front of the cottage and the relationship it has with its south

¹ East Herts District Plan, Adopted October 2018.

² Appeal Ref: APP/J1915/W/19/3222257.

³ Buntingford Community Area Neighbourhood Plan (2014-2031).

garden. The proposed extension would also be prominent in views through the gap between the cottage and its neighbour to the north.

29. In terms of the existing historic fabric of the cottage, the proposed glazed link would be off the east gable of the cottage, which includes a first-floor window serving a bedroom. The window would therefore be internalised, which would alter the way in which the bedroom functions and harm the legibility of the historic floorplan of the cottage.
30. The removal of the existing extension, of itself, would help to better reveal the significance of the historic fabric and layout of the listed building. Similarly, the demolition of the existing garage, the concrete walls and metal roof of which are not in-keeping with the listed building, would also open up the space immediately surrounding the cottage. These alterations would therefore amount to heritage benefits.
31. I have also had regard to the extension built nearby at Malyons⁴, in Buckland, but it is much lower scale in comparison to the existing building and includes a single-storey link. It is not therefore comparable with the proposed extension.
32. The proposal would therefore have a harmful effect on the special interest of the listed building, its setting and the character and appearance of the site and its surroundings.

Public benefits and conclusions on the second main issue

33. The statutory duty in Sections 16(2) and 66(1) of the Act are matters of considerable importance and weight and, as outlined in the first main issue, paragraphs 197 and 199 of the Framework are also of paramount importance.
34. The proposal would be harmful to the special historic interest of the Grade II listed building and its setting, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to its significance. In such circumstances, this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
35. I have outlined above that the demolition of the existing extension and garage would amount to heritage benefits. In terms of the garage, it is doubtful whether this requires the proposal to take place, particularly as no replacement is proposed. I therefore afford considerable and moderate weight to these benefits, respectively.
36. The proposed extension would complement existing accommodation within the house and improve the living environment. While this would better meet the needs of the appellant and her family, this would amount to a private benefit. Moreover, there is no substantive evidence before me to suggest how the proposal is required to sustain the heritage asset. The continued viable use of the appeal property as a residential dwelling is therefore not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.
37. I note that there would not be a harmful impact to the living conditions of neighbouring occupiers and the proposed accommodation would exceed the

⁴ Planning References: (3/99/1186/FP and 3/99/1187/LB

national space standard dimensions. However, the absence of harm in these matters would weigh neither for nor against the scheme.

38. Taking the above together, the public benefits that I have outlined would not justify allowing works and development that would be harmful to the special historic interest and setting of the listed building. In accordance with paragraphs 199 and 202 of the Framework, considered together, I therefore conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
39. In light of the above, I conclude that the appeal proposal would fail to preserve the special historic interest of the Grade II listed cottage, including its setting, and the character and appearance of the site and its surroundings. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflicts with the design and heritage aims of Policies DES4, HA1, HA7 and HOU11 of the Council's Local Plan.

Flooding (Appeal A only)

40. The entrance and lower part of the access to the proposed house are situated within Flood Zone 3. The appeal is accompanied by a Flood Risk Assessment which correctly identifies this risk. However, it does not contain any further discussion on this point, particularly the mitigation measures that would be required to enable safe access and escape routes. Nonetheless, I am satisfied that a strategy of either safe evacuation and/or safely remaining in the proposed house could be agreed by planning condition. In light of this, I conclude that safe access and escape routes can be provided to the proposed development in the event of flooding. Hence, the proposal would accord with Policy WAT1 of the Council's Local Plan.

Living conditions (Appeal A only)

41. The access for the proposed house would be taken between Oak Cottage and Ashford Cottage, along the driveway that will continue to serve Oak Cottage and continue to the eastern extent of the site. The driveway is adjacent to that of Ashford Cottage.
42. The proposal would be for a 3-bedroom house, but the extent of vehicle and pedestrian movements would be unlikely to be significant on its own or in combination with those associated with Oak Cottage to be harmful to the living conditions of the occupiers of Ashford Cottage. Similarly, for the same reasons, there would not be harmful impacts upon the living conditions of the occupiers of Oak Cottage. Furthermore, the proposal would be unlikely to create additional noise and disturbance associated with the general comings and goings of occupants of the proposed house that would be unusual or to a harmful level for a residential area, particularly to the occupants of the dwellings to the north and south.
43. The Council also raised concerns with regard to the effect of the proposal on houses to the east, but there are no properties situated in that direction, as the site borders open countryside.
44. For these reasons, I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring occupiers, in respect of noise and disturbance. Hence, the proposal would accord with aims in respect of living conditions expressed in Policy DES4 of the Local Plan.

Other Matters

45. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. The appellant submitted the proposal in Appeals B and C following pre-application advice in 2014. I am mindful that this is not binding and, in any event, I have considered the individual merits of the proposal afresh. Any positive feedback given in respect of any matters does not warrant allowing those appeals.

Planning Balance

46. I have already identified the benefits of the appeal schemes as part of the assessments of public benefits in undertaking the necessary balancing exercises in relation to the heritage asset. In terms of harms, the proposed development in Appeal A would not comply with development plan policy in respect of the harm to the setting of the Grade II listed building and the character and appearance of the site and its surroundings. The proposal in Appeals B and C would also not comply with the development plan policies in respect of its harm to the special historic interest and setting of the listed building and the character and appearance of the site and its surroundings. This leads me to separate conclusions that the appeal schemes would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposals are matters of significant weight against the grant of planning permission for either scheme that comfortably outweigh the claimed benefits.

Conclusion

47. The proposals would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should not succeed.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 24 August 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J1915/W/21/3269740

Ingleton Cottage, Westfield Farm Lane, Westland Green, Little Hadham SG11 2AL

- 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 Leonard Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1849/FUL, dated 24 September 2020, was refused by notice dated 27 January 2021.
 - The development proposed is described as 'planning application for building which was constructed as an office but has now been repurposed for use as self contained residential unit'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.
3. At my site visit I observed that while some work has been undertaken to the appeal building it is not occupied. Therefore, I have removed the word retrospective from the description in the banner heading. While I acknowledge that the appellant's statement of case refers to changes in the description the appeal form indicates that no change to the description has been agreed. Consequently, I have used the description from the application form and determined the appeal accordingly.
4. The evidence includes some discussion about the lawfulness of the appeal building. However, a determination of such is beyond the scope of a Section 78 appeal. It is open for the appellant to apply to have this matter determined under Section 191 of the Town and Country Planning Act 1990. There is no dispute that planning permission is required for the proposed development.

Main Issues

5. The main issues are (i) whether the appeal site is an appropriate location for the development having regard to national and local planning policies, access to services and facilities and the character and appearance of the area; and (ii)

whether the proposal would provide satisfactory living conditions for its future occupiers.

Reasons

6. Ingleton Cottage is located in Westland Green, a dispersed settlement which includes a range of dwelling types and styles set in a mature landscape and accessed via narrow country lanes.
7. Westland Green is designated as a rural area beyond the Green Belt in the East Herts District Plan (adopted October 2018) (District Plan). In such areas, Policy GBR2 permits the replacement, extension, or alteration of a building and limited infill or the partial or complete redevelopment of previously developed land in sustainable locations where these forms of development are appropriate to the character, appearance and setting of the site and/or surrounding areas and more generally the development is compatible with the character and appearance of the rural area.
8. Under Policy VILL3 of the District Plan, Westland Green is classed as a Group 3 Village. Group 3 Villages are identified in Policy VILL3 as the least sustainable locations for development in the district. However, under the policy, limited infill development in a Group 3 Village which is identified in an adopted Neighbourhood Plan (NP) may be permitted, subject to meeting prescribed criteria. I have not been directed to any adopted NP and therefore the proposal does not gain support from Policy VILL3.
9. These policies are largely consistent with the Framework where it promotes sustainable development in rural areas. Housing should be located where it will enhance or maintain the vitality of rural communities identifying opportunities for villages to grow and thrive especially where it supports local services.
10. Both parties refer to the relevance of Paragraph 80 of the Framework which seeks to avoid isolated homes in the countryside unless one of a number of circumstances apply. Although the appeal site is in a small hamlet and properties are dispersed, there are dwellings adjacent to Ingleton Cottage and I do not consider the appeal building to be isolated. Therefore paragraph 80 does not need to be explored further.
11. Westfield Farm Lane is a narrow rural lane with grass verges to either side. The lane has no street lighting or footpaths for much of its length and has a limited number of passing places. The appellant states that Hadham Ford is 2.1 km by road from the appeal site with a shorter route available via a public footpath. Hadham Ford has a public house, a village hall and bus stops providing a limited service to larger towns and villages. There are also other villages providing facilities at similar distances from the site.
12. Albeit that Westfield Farm Lane and the other rural lanes on the approach to adjacent villages may be suitable for use for recreational purposes during daylight hours, the lanes are not particularly conducive to walking or cycling for access to services and facilities or to access public transport on foot or by bicycle. Given the distances involved and the limited accessibility to services and facilities it is unlikely that future occupiers of the dwelling would have any other means than the private car to access their daily needs.
13. In terms of the character and appearance of the area, the proposal is to use the existing building as a dwelling without extension or major external

alterations, no new access would be created and sufficient parking and turning facilities exist adjacent to the building. Even so, as a detached dwelling generating its own comings and goings for deliveries and visitors and inevitably occupying the space around the building for refuse and external amenity area, the proposed dwelling set back from the lane frontage behind the existing garage to Ingleton Cottage would not be compatible with the character of the Lane which is largely defined by dwellings in spacious plots adjacent to a road frontage. I note the suggested condition to restrict subdivision between the plots but occupied independently the dwelling would appear separate visually and functionally.

14. Therefore overall, the appeal site would not be an appropriate location for the development having regard to national and local planning policies, access to services and facilities and the character and appearance of the area. The proposal would conflict with Policies INT1, DPS2, GBR2, VILL3, DES2, DES4 and TRA1 of the District Plan as set out above and where these policies seek development that reflects and promotes local distinctiveness and is primarily located in places which enable sustainable journeys to be made to key services and facilities. It would also conflict with the Framework where it seeks to ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and where it will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living conditions

15. The Council has not directed me to any detailed housing standards within its development plan, instead it has relied on the Government's Technical Housing Standards (2015) (housing standards) to consider the acceptability of the internal floor space. The Planning Practice Guidance (PPG) states that 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard'. Based on the evidence before me it appears that the housing standards are not incorporated within the District Plan. Accordingly, those standards cannot be afforded full weight in this case. Nonetheless, they do provide a useful guide as to the standard of accommodation that would reasonably be expected for day-to-day living.
16. The Council refers to the property providing 24 square metres of floor space, but the appellant confirms the building provides 35 square metres of internal floor space. The housing standards require that a 1 bedroomed, 1 person dwelling should have 37 square metres of floor space where the property has a shower room.
17. The appeal building is located in an area where there is potential for good quality outside space and car parking. Although the floor area would be marginally below the housing standards, in its context, I am satisfied that the property could provide adequate living conditions for its future occupiers in terms of the overall living environment.
18. Policy HOU7 of the District Plan, Accessible and Adaptable Homes, sets out that all new residential development should meet Building Regulations Part M4(2) Category 2 – Accessible and Adaptable Dwellings, unless it is demonstrated that it is not practically achievable or financially viable to do so.

19. To an extent, being a bungalow, the proposed dwelling would naturally promote inclusive access arrangements. In addition, the appellant considers such measures could be achieved through an appropriately worded condition and given my observations during my site visit I see no reason to disagree.
20. Overall, I conclude that the dwelling would provide acceptable living conditions for its future occupiers in accordance with Policies HOU7 and DES4 of the District Plan where these policies require Accessible and Adaptable Homes and where appropriate size and dimension for rooms in dwellings are sought.

Other Matters

21. Evidence has been submitted in respect of the personal circumstances of the appellant's family. Section 149 of the Equality Act 2010 sets out that particular medical conditions are a protected characteristic for the purposes of the Act. In reaching my decision, it is necessary for me to have regard to the Public Sector Equality Duty contained in the Act. This includes having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
22. I have been provided with a medical letter which confirms that additional help with personal care is likely to be needed for the appellant's wife. Ingleton Cottage is a sizable property with a seemingly large amount of floor space. This is corroborated by the appellant who acknowledges that although space could be made for a carer to live in the main house, the outbuilding is already there and would give the carer a degree of independence when not working.
23. The appellant acknowledges that the proposed dwelling would be self-contained because it would provide a bedroom, bathroom, kitchen and living room but considers that the fact that the occupier would not have to share these facilities with the main house does not disqualify it from being an annex. I have had regard to the appeal decision drawn to my attention by the appellant. The decision refers to relevant case law where it was decided that even if accommodation provided facilities for independent day to day living it would not necessarily become a separate planning unit from the main dwelling, instead it would be a matter of fact and degree.
24. In this case, the distance of the appeal building from the main house and its occupation by a care worker who would live independently and likely have separate comings and goings including visitors, deliveries, and different arrangements for accessing services and facilities away from the site, would result in the property having the character of a separate dwelling. Therefore, I am not satisfied that there would be a clear functional link between the main house and the proposed dwelling, nor do I consider that a condition that would restrict independent living would be enforceable where clearly there would be a degree of independence associated with its proposed occupation.
25. While I sympathise with the appellant's situation, there is insufficient specific evidence for me to draw a clear conclusion that the provision of a detached dwelling is the only reasonable option available to meet the families care needs. As such, taking all relevant matters into account, I can only give limited weight to the personal circumstances identified by the appellant.

Planning Balance and Conclusion

26. Whilst I acknowledge that the Council has a 5-year housing land supply there would be a small benefit associated with the contribution of the proposal to the supply of housing. There would also be some limited economic and social benefits arising from an additional dwelling, particularly when having regard to the appellants' personal circumstances.
27. Against these limited benefits, the proposal would result in moderate harm to the character and appearance of the area and the dwelling would not be sustainably located. As such, it would be contrary to the aims of the development plan and the Framework.
28. The absence of harm in relation to living conditions is neutral in the planning balance as is the proposal to increase biodiversity and native planting within the garden of Ingleton Cottage as such improvements are a requirement of the development plan.
29. Overall, for the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR



Appeal Decision

Site visit made on 27 April 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/J1915/W/21/3267689

Barn at Meesden Bury Farm, Meesden, Buntingford, SG9 0AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Wilfred Dimsdale against the decision of East Herts Council.
 - The application Ref 3/20/2083/ARPN, dated 22 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is a change of use of agricultural building to C3 (residential), to create three dwelling houses.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a change of use from agricultural use to C3 (residential), to create three dwelling houses at Barn at Meesden Bury Farm, Meesden, Buntingford, SG9 0AY, in accordance with the application Ref 3/20/2083/ARPN, dated 22 October 2020, and the plans submitted with it. Development permitted under Class Q must be completed within a period of three years from the approval date above, as specified by Paragraph Q.2(3) of the GPDO, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: MH1085-01, 2.00/0920DIM, and 2.01/0920DIM.
 - 2) The development hereby permitted shall not begin until a scheme to deal with contamination of land has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing, and shall be implemented prior to occupation of the dwellings:
 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I note that there is some variation in the identification of the appellant between the planning application forms and appeal form. However, I am satisfied that the identification of Mr & Mrs Wilfred Dimsdale is acceptable in the context of the previous identification of the applicant as Cathy Dimsdale.
4. The Council has also simplified the description of development from that included within the application forms, which I note has been subsequently adopted by the appellants in the appeal form.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. I have had regard to any comments which have been received in my consideration of the appeal.

Background and Main Issues

6. The National Planning Practice Guidance advises the starting premise for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) is that the permitted development right grants planning permission, subject to the prior approval requirements.

7. The provisions of the GPDO require the local planning authorities to assess the proposed development in respect of transport, highways, and noise impacts of the development, and also the flooding and contamination risks on the site, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). It is also necessary to assess whether prior approval would be required regarding the design or external appearance of the building.
8. In respect of whether the agricultural building is capable of conversion to three dwellings, this must be assessed in accordance with the extent of works set out as permissible as defined in paragraph Q.1 of the GPDO. The Council has contended that insufficient information has been provided in order to establish the size of the agricultural unit, with the building the subject of this appeal having previously undergone alterations under the criteria of Class A(a) or Class B(a) of Part 6 (agricultural buildings and operations) of Schedule 2 of the GPDO. On this basis, the Council contends that the development would conflict with paragraph Q.1(g)(i) of Schedule 2, Part 3 of the GPDO.
9. As a consequence, the main issues are whether the agricultural building is capable of conversion to three dwellings in accordance with the extent of works set out as permissible as defined in paragraph Q.1 of the GPDO; and if permitted development, whether prior approval is required in relation to the conditions set out in paragraph Q.2 of the GPDO.

Reasons

10. The appeal relates to an existing barn set just to the west of a complex of working agricultural buildings. The building itself is set in the context of existing hardstanding immediately to the south with existing planting screening the structure from the road, and main farmyard. The building was observed as being used for the storage of agricultural equipment.
11. Paragraph Q.1 of the GPDO contains a list of exclusions as to when development would not be permitted under Class Q. In this respect, the Council has not identified conflict with any of the exclusions other than paragraph Q.1(g)(i). This paragraph sets out to establish whether development under Class A(a) or Class B(a) of Part 6 (agricultural buildings and operations) of Schedule 2 has been carried out on the established agricultural unit since 20th March 2013.
12. The Council contends that there is clear evidence of alterations to the building having taken place between 2015 and 2018, which given the claimed agricultural use of the building could only have been undertaken in accordance with the aforementioned Class(s) of Part 6 of the GPDO. In this regard, the appeal statement and submitted details of the extent of the agricultural unit quite clearly demonstrate that consideration would only be applicable under Class A of Part 6, given that the size of the unit exceeds 5 hectares.
13. I have carefully considered the Council's claims, but I note that the appellants have indicated that the recent works were to repair the building following a storm in 2017, with details of an insurance claim related to the event supplementing the appellants' evidence. This would appear to be consistent with my observations at the site visit and in the absence of any conclusive or compelling evidence submitted to support the Council's contention, I have no

reason to dispute the appellants' version of events. I am satisfied that the previous works of repair do not therefore constitute 'development' in terms of the accepted definition, with like for like repairs not altering the appearance of the building. Therefore, the works undertaken were not done so under Class A of Part 6 of the GPDO.

14. Turning to matters of prior approval as set out at paragraph Q.2, I note that the Council has not raised any objection to the provisions and conditions listed, and on the basis of the submitted evidence and my own observations I see no reason to disagree with that conclusion.

Conclusion and Conditions

15. For the reasons set out above, I conclude that the proposal satisfies the requirements of the GPDO for change of use from an agricultural building to 3 dwellings, as set out under Schedule 2, Part 3, Class Q, both with regard to being permitted development and also meeting the prior approval conditions. Therefore, the appeal should be allowed and prior approval is granted.
16. The GPDO requires at Part 3 paragraph W(12)(a) that the development shall be carried out in accordance with the details approved by the local planning authority. As paragraph Q.2(3) stipulates that development shall be completed within a period of three years, a condition is not required in this regard.
17. Paragraph W(13) of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have imposed a plans condition in the interests of certainty. I have also attached a condition related to the need for investigation over the potential for site contamination of the land, as a mean of minimising and preventing pollution.

Recommendation

18. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

M Seaton

INSPECTOR



Appeal Decision

Site visit made on 17 September 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J1915/D/21/3276112

4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0300/HH, dated 10 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is the erection of a single storey rear extension, double storey side extension, single storey front extension, single storey double garage in front garden with adjusted hard landscaping to suit access.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a 2-storey detached dwelling with a single storey attached garage and situated within a predominantly residential area. The proposed development includes the erection of a 2-storey side extension which would replace the garage and single storey extensions to the rear and front. As part of the appeal scheme a detached single storey garage would be erected within the front garden to replace the existing garage. The property forms part of a cul-de-sac of similarly designed dwellings some of which have been altered, including the construction of side extensions.
4. The Council has not specifically objected to the single storey extensions. However, when compared to the side wall of the garage, by reason of its siting and width the proposed side extension would be sited closer to the shared boundary with 3 The Orchard. As a consequence, the current gap between the property and No. 3 would be significantly reduced. There would not be a 1 metre gap between the proposed flank wall and the shared boundary as identified as a general rule by Policy HOU11 of the East Herts District Plan (DP).
5. Although the resulting gap would primarily be created within the curtilage of No. 3, because of the property being sited on a large plot at the end of a cul-

de-sac there would not visually be a terracing effect within the appearance of the streetscene. Further, the resulting dwelling would not appear a cramped form of development within this plot. Accordingly, although the gap would be below the general rule cited in DP Policy HOU11, the proposed side extension would safeguard the character and appearance of the streetscene and it would be of a high standard of design as required by DP Policy DES4. DP Policy VILL2 appears to be directed developments within villages of a scale greater than the appeal scheme.

6. The proposed garage would be sited within the front garden close to a tree which is the subject of a Tree Preservation Order (TPO). By reason of its location and size, this tree makes a positive contribution to the visual amenity of the streetscene when viewed along The Orchard. It is also a visually dominant feature when viewed from the adjoining playing field.
7. No details have been provided about how the proposed garage would be constructed, including its foundations. No tree survey or Arboricultural Assessment has been provided to demonstrate that the erection of the proposed garage, and any associated hard landscaping, would not cause damage to this protected tree, including its roots.
8. Accordingly, I cannot be certain that the proposed development could be erected as a whole without detriment to the protected tree. Such detriment would have the potential to diminish the positive contribution made by the tree to the visual amenity, character and appearance of the surrounding area, including the streetscene. Although the alterations to the property would not cause unacceptable harm, this matter is significantly and demonstrably outweighed by the likely unacceptable harm which would be caused to a tree subject of a TPO.
9. For the reasons given, it is concluded the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with DP Policies DES2 and DES3 which seek to conserve the character of the landscape and require development proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity value. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR

Appeal Decision

Site visit made on 30 July 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/J1915/D/21/3274162

Old Park Farm, Perry Green, Much Hadham, SG10 6EQ

- 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 Anthony Ashwell against the decision of East Herts Council.
 - The application Ref 3/21/0322/HH, dated 8 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is the construction of a residential annex.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a residential annex at Old Park Farm, Perry Green, Much Hadham, SG10 6EQ in accordance with the terms of the application Ref 3/21/0322/HH, dated 8 February 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The additional residential annex accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling known as Old Park Farm, Perry Green, Much Hadham, SG10 6EQ and shall at no time be used as an independent unit of residential accommodation.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 166 01A, 20 166 02A & 20 166 03B.

Main issue

2. The main issue is whether the proposal is consistent with planning policies relating to the provision of residential annexes in the area.

Reasons

3. Policy HOU13 of the East Herts District Plan 2018 allows for the provision of self-contained residential annexes through extensions to properties or as outbuildings as it is recognised they can help meet social needs, particularly for elderly relatives, and hence reduce pressure on other types of accommodation. The appellant's submissions state that the proposed annex is for an elderly relative who is currently in unsatisfactory accommodation elsewhere.
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4. Policy HOU13 sets out the criteria to be satisfied in all such applications. The proposals the subject of this appeal show an existing outbuilding extended to provide the annex, with a lower ridge and eaves height. This outbuilding – and the extended building – is located close to the main dwelling. The annex would not lead to a spread of development, with the building mass well-contained on the site. There would not be any over-dominance to the main dwelling as the outbuilding and annex building would remain clearly subordinate in scale and function to the larger dwelling, which is a substantial bungalow spread across the site.
5. Policy HOU13 allows annexes to be provided in a separate outbuilding, provided they are close to, well-related to, and have a clear functional link to the main dwelling. The annex would contain a bedroom, living room/kitchen, bathroom and utility room. The Council considers these elements point to there not being a functional link to the main dwelling, whereby there would be no reliance on that dwelling.
6. The supporting text to the Policy does not define what is meant by 'functional link', but does require applications to justify the level of accommodation proposed and demonstrate how it is compatible with the requirements of the annex. Whilst the inclusion of these elements would create an outbuilding with an ability of independence from the main dwelling, it is apparent that the need for the annex in this instance arises from housing an elderly relative. As noted, the supporting text to Policy HOU13 recognises that proposals for self-contained annexes can provide accommodation for elderly relatives and hence meet social needs, and thus it is further apparent to me that an ability to live with a degree of independence can be important to provide the desired annex accommodation: that is the purpose of the proposed development.
7. In this instance, the proposed annex would be an extension to the existing outbuilding, located close to the main dwelling, and clearly relate in its siting, layout and purpose to that dwelling. No separate garden area is proposed for the annex, and no car parking, access or additional servicing separate from the main dwelling is required. The annex would provide the accommodation needed by the appellant and the intended occupier, and the scale and layout of that accommodation would still retain the main dwelling as the dominant property on the site with any use of the smaller annex secondary in scale and location. These matters persuade me that the annex would have a clear functional link to the main dwelling. The Council have also suggested a planning condition be attached to any grant of permission requiring the annex to be occupied for purposes ancillary to the main dwelling, consistent with the supporting text to Policy HOU13, and I concur such a condition would be appropriate to further ensure, and retain, a functional link to the dwelling.
8. The design and scale of the proposed development is suited to the main house and wider area, with no adverse impact upon the character of the area. There is sufficient parking on site to meet the needs of the main house and the annex.
9. On the main issue it is therefore concluded that the proposed development satisfies the requirements of Policy HOU13 that allows for the provision of residential annexes. The proposal is also consistent with Policies GBR2 and DES4 of the Local Plan which, amongst other matters, seek to ensure new buildings in the Rural Area Beyond the Green Belt are compatible with the character and appearance of the area and of a high standard of design.

10. The appeal is therefore allowed. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached a condition relating to materials to ensure a satisfactory appearance to the development. A condition specifying the approved plans is attached in the interest of precision. I have also attached the condition requiring the annex to remain as ancillary accommodation to accord with the terms of the application and ensure it is not used as an independent dwelling.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 17 September 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J1915/D/21/3275980 191 Horns Mill Road, Hertford SG13 8HD

- 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 John Ellard against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0333/HH, dated 9 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is the erection of a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 193 Horns Mill Road.

Reasons

3. The appeal scheme includes the erection of a single storey extension to the rear of an end of terrace 2-storey dwelling. The scale of the proposed extension would be similar to an addition to the rear of 189 Horns Mill Road whose flank wall is sited on the shared boundary with the property. By reason of the existing addition, there would be no adverse impact caused by the appeal scheme to the living conditions of the occupiers of No. 189.
4. However, a flank wall of the proposed extension would be sited adjacent to the shared boundary with No. 193 which does not possess a rear addition. Within the rear elevation at ground floor level are a window and a glazed door which provide sunlight and daylight to, and outlook from, a combined kitchen and dining area.
5. There would be no reduction in the level of sunlight reaching the rear openings of No. 193 because it is sited to the south of the property. There may be some impact on the level of daylight reaching the rear openings of No. 193 but any change would not be significant and would not alone be a reason for this appeal to fail.
6. However, the scale, bulk and siting of the flank wall of the proposed extension would visually dominate the outlook from the rear openings of No. 193 in a similar manner to the effect of the rear addition at No. 189 on the outlook of the occupiers of the appeal property. In making this assessment the partial

lowering of the ground level of the sloping garden and the existing boundary fence have been taken into account but there would be a significant detrimental impact caused to the outlook of the occupiers of No. 193 by reason of the scale, bulk and siting of the appeal scheme.

7. Reference has been made by the appellant to personal circumstances to support the proposed development, including future proofing the property. However, the occupiers of the property and their personal circumstances could change at a future date but the unacceptable harm caused by the appeal scheme to the occupiers of No. 193 would remain. Limited weight has been given to these personal circumstances in the determination of this appeal.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 193 Horns Mill Road and, as such, there would be a conflict with Policy DES4 of East Herts District Plan which requires development, including extensions, to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 17 September 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing

Decision date: 12 October 2021

Appeal Ref: APP/J1915/D/21/3275283

Benington Old House, 105 Town Lane, Benington SG2 7BT

- 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 R Thacker against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0374/HH, dated 13 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is the erection of an outbuilding comprising garage, workshop and residential annex for an elderly relative.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal the appellant provided a revised ground floor layout drawing. This revision to the internal layout has been considered as part of this appeal but it does not alter the main issue which has been identified.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host dwelling.

Reasons

4. The proposed development includes the erection of an outbuilding within the extensive curtilage of Benington Old House which is a Listed Building. Within the curtilage there is an existing large garage which is sited away from the Listed Building and is constructed of a brick/timber clad walls and a tiled roof. This garage is of a simple form and design.
5. The proposed development includes the erection of an outbuilding which would include residential accommodation at first floor level. Reference has been made by the appellant to *Emin v Secretary of State for the Environment and Mid Sussex DC* [1989] but this was concerned with whether the use of a building erected within the curtilage of a dwelling under permitted development rights was incidental to the enjoyment of the dwelling house. In this case, the proposed outbuilding requires planning permission and, as such, the appeal scheme has to be determined in accordance with the relevant development plan policies unless there are other material considerations.

6. Reflecting Policy HOU13 of the East Herts District Plan (DP) the appeal scheme would be, in part, a separate residential annex which would be sited close to the host dwelling. There would be some functional links because the proposed residential accommodation would be occupied by a family member who would be dependent upon the main house for some facilities, including meals.
7. As a residential annex the appellant has not fully explained why the overall scale of the proposed outbuilding represents the minimum level of accommodation required to support the needs of the future occupant. The personal circumstance of the future occupier of the first floor residential accommodation have been provided but it is unclear why this occupant would require the proposed garages and workshop at ground floor level. Accordingly, the Council's concern that there is a conflict with the size requirements identified in DP Policy HOU13 for residential annexes is a legitimate concern.
8. However, when assessed as a residential outbuilding, because of the size of Benington Old House and its curtilage, the scale of the appeal scheme would not dominate the host dwelling, even when taken together with the existing garage. Accordingly, the proposed development would be subservient in size to the host dwelling and, as such, it would satisfy the size and scale requirements for outbuildings as identified in DP Policy HOU11.
9. There is a statutory requirement that special regard is had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest. This requirement is echoed in DP Policy HA1. The host dwelling is a 15th or 16th century timber framed house on a brick plinth with rendered walls and a pitched red tiled roof. The Listed Building is of a simple form and design and does not have dormer windows within the roof.
10. Although of a similar form to the host property, because of its design the proposed outbuilding would not fully respect nor reflect the simplicity of the character and appearance of the Listed Building. The proposed dormer windows at eaves level and the extensive use of timber boarding for the walls are not a characteristic of the host dwelling. By reason of its siting close to the host dwelling, the design and materials of the appeal scheme would not preserve the setting of the Listed Building but less than substantial harm would be caused to the significance of this designated heritage asset.
11. The National Planning Policy Framework refers to where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Although the appellant has identified that the outbuilding is being proposed to meet a specific personal circumstance associated with an elderly relative, no material public benefits have been identified which are sufficient to outweigh the less than substantial harm caused by the design and materials of the appeal scheme to the significance of this Listed Building. Further, because the outbuilding would be a new building it would not directly secure the optimum viable use of the designated heritage asset itself.
12. For the reasons given, there would be a conflict with the heritage requirements of DP Policy HA1, the high standard of design required by DP Policy DES4 and the specific requirements in DP Policy HOU11 for the design of residential outbuildings being appropriate to the character, appearance and setting of the host dwelling.

13. The unacceptable harm and conflict with the heritage and design policies which have been identified significantly and demonstrably outweighs the proposed development satisfying the scale and siting requirements for residential outbuildings. Accordingly, it is concluded that this appeal should be dismissed because the proposed development would cause unacceptable harm to the character and appearance of the host dwelling and, as such, it would conflict with DP Policies HA1, DES4 and HOU11.

D J Barnes

INSPECTOR