



Appeal Decisions

Site visit made on 15 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2022

Appeal A Ref: APP/J1915/W/21/3277449

Mylnefield, Hillside Lane, Great Amwell SG12 9SE

- 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 D Townsend against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0971/HH, dated 22 May 2020, was refused by notice dated 8 April 2021.
 - The development proposed is canopy removal, new orangery and revised sitting room external door.
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Appeal B Ref: APP/J1915/Y/21/3277447

Mylnefield, Hillside Lane, Great Amwell SG12 9SE

- 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 D Townsend against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0972/LBC, dated 22 May 2020, was refused by notice dated 8 April 2021.
 - The works proposed are canopy removal, new orangery and revised sitting room external door.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates at Mylnefield, Hillside Lane, Great Amwell SG12 9SE, in accordance with the terms of the application, Ref 3/20/0971/HH, dated 22 May 2020, subject to the attached schedule of conditions.

Appeal B

2. The appeal is allowed and listed building consent is granted for removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates at Mylnefield, Hillside Lane, Great Amwell, SG12 9SE in accordance with the terms of the application Ref 3/20/0972/LBC dated 22 May 2020 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

3. The description contained in the banner headings above, which is taken from the Application Form does not include reference to the proposed wall, piers and

gates shown on the application drawings. There is also no reference to it on the Decision Notices or Appeal Forms. I therefore wrote to the main parties and suggested an alternative description: 'removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates'. This more accurately reflects the scheme that the Council consulted on, so I am satisfied that no interested party would be prejudiced by its use in the appeals.

4. The two appeals concern the same scheme under different, complementary legislation, so I have dealt with both appeals together in my reasoning.
5. 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 of its revised content and I have had regard to any responses received in my decision.
6. The appeal site is situated within the Green Belt. The Council has not raised concerns in its refusal reasons to the inappropriateness of the development or any effect on openness. I have therefore determined the appeal on this basis and dealt solely with the matters that are in contention in the main issue.

Main Issue

7. The Decision Notices do not identify the Council's specific areas of concern with the proposal, but the Officer Reports are clear that this is directed at the lantern on the roof of the proposed orangery. The main issue is therefore whether the proposed orangery would preserve the Grade II listed building, known as Mylnefield, and any features of special historic interest that it possesses.

Reasons

Special Interest

8. The appeals concern a fine two-storey detached house, which is Grade II listed. It is constructed of grey brick and its hipped slate roof is articulated with prominent overhanging eaves incorporating wide plastered soffits. The windows of the front façade are finely detailed sashes within canted bays either side of an elegant central stucco porch at ground floor, and which rise to the eaves at first floor. The windows to the southwest elevation are similarly detailed.
9. The listing description points to the origins of the house being the early 19th Century but the evidence prepared by the appellants suggests it is more likely to date from the 1860s-70s. In particular, the historic map of 1859 appears to show a much smaller house within the site, which is likely to have been enlarged in size some time thereafter. The extent of involvement of the prominent engineer, Robert Mylne, in its construction is also uncertain given that he died in 1811 and the ownership of land did not change to the Mylne family until the second half of the century.
10. While the early mapping presented may not be as accurate as shown in other later maps before me, the Council has produced no substantive evidence of its own to challenge the appellants' evidence, which demonstrates that the current house may have been constructed in the second half of the 19th Century, and therefore within the Victorian era.

11. It is clear that the current house has been altered over time, the most notable alterations being the addition of a further bay to the north end of the house, most likely in the 1970s; and through changes to the canopy to the southern end, dating from after 2010. The latter is of a simple and pleasant form, but of limited significance as its flank wall is poorly tied into the house.
12. Despite modern alterations, as far as it is relevant to the appeal before me, the significance of the listed building lies in its architectural and historic interest as a fine example of a 19th Century house. In particular, elaborate timber detailing is found in its fenestration.

Effect of the Proposed Orangery

13. The proposed orangery would be constructed on a brick base with painted timber framing, panelling, cornices, windows, and doors. The cornice would extend into a parapet with an aluminium capping above a solid roof and the raised glass lantern to its centre. This would project slightly above the parapet.
14. The size and scale of the proposed orangery, including the extent of its projection from the southwest façade would respect the proportions of the listed building and not detract from it. Moreover, the nature and extent of detailing employed in its construction would follow the principles of joinery found in the fenestration of the house. The removal of the flank wall of the canopy and its step inward of the corner of the house would also enable the existing brickwork from the canopy to be toothed out and the external house wall to be repaired. As I alluded to in establishing the main issue, the Council also did not raise any concerns in respect of any of these matters.
15. The intended use of the proposed orangery would not be in its purest form, to house orange or citrus trees or grow other exotic plants, but it is certainly designed as one, which is not disputed by the Council. The presence of a roof lantern would therefore not be out of context with the proposal or the existing house. The appellant has also provided convincing evidence of larger panes of glass and supporting glazing bars being used in earlier 19th Century buildings. Given the evidence before of the origins of the current house, the inclusion of the lantern and its larger panels of glass, associated with Victorian architecture, would not be harmful to the special interest of the listed building.
16. In light of the above, I conclude that the proposed orangery would preserve the Grade II listed building, and the features of special historic interest that it possesses. This would satisfy the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and would not conflict with the design and heritage aims of Policies DES4, HA1, HA7 and HOU11 of the East Herts District Plan 2018 (DP) and Section 16 of the Framework.

Other Matters

17. The appeal proposal also includes two further aspects, namely replacement of existing windows on the southwest façade, which serve the sitting room, with a central door and side windows; and one-metre-high wall, piers, and gates.
18. The proposed door and windows would replace a tripartite arrangement of windows beneath an existing fanlight, which would be retained. The appellants' Heritage Statement demonstrates that this was an earlier replacement of a canted bay window similar to those at the front. The lowering of the opening to

accommodate the windows and door would restore a previous opening so there would not be a loss of historic fabric, and their form and appearance would respect the proportions and detailing of existing fenestration.

19. The wall, piers, and gates would join to the southeast corner of the house and extend outwards in the same direction, like the existing wall to the southwest corner. They would all be relatively modest in scale and positioned clear of the front façade of the listed building, so it would not be disturbed. Views from and into the garden would also continue to be available over them.
20. Both aspects of the proposal would therefore preserve the special interest of the listed building and accord with the design and heritage aims of the aforementioned design and heritage policies and the requirements of the Act. I note that the Council did not object to either aspect of the proposal.
21. The appeal property is also situated within the Great Amwell Conservation Area (CA), so I have had regard to Section 72(1) of the Act. This requires special attention be given to the desirability of preserving or enhancing the character or appearance of the CA. The listed building is a relatively high-status building and makes an important contribution to the significance of the CA. However, given that the proposal relates to works to the southern side of the property and there would be limited visibility of them from public areas. Hence, they would preserve the character and appearance of the CA and its significance, as required by the Act and heritage policies of the Framework and DP.

Conditions

22. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans. Furthermore, in the interests of preserving the special interest of the listed building, conditions for the specifications and samples of materials are necessary, including for the proposed doors, fenestration and making good of the existing house. I have therefore merged the requirements of the conditions suggested by the Council to one overarching condition for materials, except that which relates to the use of cast iron for rainwater goods.
23. The appellant has undertaken a Preliminary Roost Assessment in order to assess the potential for bats within the house. This found potential roosting features and access points to have low potential for roosting bats. The Officer Report suggested a condition would be required to secure a follow-up dusk emergence / dawn re-entry survey. However, the proposal does not affect the loft or roof of the house and there is no indication it would affect bats, so a condition of this nature would not be reasonable or necessary.

Conclusion

24. For the reasons given above, I conclude that both of the appeals should be allowed.

Paul Thompson

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/J1915/W/21/3277449

- 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 plans: EX02 B, OS-2, PL10 D and PL11 E.
- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted, including 1:20 scaled drawings of the fenestration and doors, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.
- 4) All new or replacement rainwater goods shall be in black painted cast iron.

Appeal B Ref: APP/J1915/Y/21/3277447

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Specifications and samples of the materials to be used in the construction of the external surfaces of the works hereby granted, including 1:20 scaled drawings of the fenestration and doors and materials for making good of the existing house, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.
- 3) All new or replacement rainwater goods shall be in black painted cast iron.

End of Schedules



Appeal Decision

Site visit made on 12 April 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2022

Appeal Ref: APP/J1915/W/21/3283368

The Farmers Boy Public House, 1 Brickendon Lane, Brickendon SG13 8NU

- 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 Brummitt against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2112/FUL, dated 22 October 2020, was refused by notice dated 22 March 2021.
 - The development proposed is described as retention of rear covered seating area.
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Decision

1. The appeal is dismissed.

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 Matter

3. The rear covered seating area has already been constructed and appears to accord with the plans before me, therefore I have considered the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt and the Brickendon Conservation Area (CA), and so the main issues are:
 - whether the development is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the existing building and street scene;
 - whether the development preserves or enhances the character or appearance of the CA; and
 - if the development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed
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by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building, provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
6. Policy GBR1 of the East Hertfordshire District Plan (October 2018) (EHDP) states that planning applications in the Green Belt should be considered in line with national policy. Neither this policy nor the Framework define 'disproportionate'.
7. The appeal property is a detached two-storey public house that has previously had planning permission for several side and rear extensions. On site I saw that there were single storey additions to the rear of the two-storey main building as well as various outbuildings. While neither main party has quantified these additions, the evidence before me is that the original building had already been substantially extended prior to the erection of the development subject of this appeal.
8. The covered seating area to the rear is another single-storey extension and has substantially increased the floorspace and footprint of the property. The Council has calculated the increase to be approximately 114 square metres, and the appellant has not disputed this figure.
9. Size is more than a function of floorspace and volume and can include bulk, mass and height. The covered seating area on its own, although it is partly screened by the existing boundary treatment, has nevertheless considerably increased the bulk, mass and volume of built development to the rear of the original building and appears as a further significant addition to it. Consequently, both individually and together with the previous extensions, it amounts to a disproportionate addition over and above the size of the original building. The development is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
11. The proposed extension has increased the bulk and massing of the building and has therefore resulted in a reduction in the openness of the Green Belt in spatial terms. However, given the backdrop of the surrounding residential buildings and existing fencing and hedging to the boundaries of the site, the resulting visual impact on openness is limited, as is the overall harm in this

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

respect. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Character and Appearance

12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. The public house is an historic building located in a prominent position at the junction of Brickendon Lane and Fanshaws Lane. The building is finished with brick at the ground floor level, render to the first floor and a slate roof, and includes traditional features such as sash windows and chimneys. The properties in the CA are of a range of ages and designs and are finished with a mix of brick and render to the walls, although a couple of properties also include white timber, and slate or tile roofs. Overall, the Farmers Boy complements the design and materials of the street scene and contributes positively to the character and appearance of the Conservation Area and wider village.
14. The covered seating area has been constructed with plain timber and corrugated metal walls and a roof made from plastic panels. Overall, this gives the appearance of a lightweight temporary structure. Although partially screened by the existing boundary treatment, this appearance jars with the design and materials of the existing building and those in the wider street scene and CA. The development is not therefore sympathetic to its surroundings and fails to respect local distinctiveness. Consequently, the covered seating area detracts from the character and appearance of the existing building and street scene and fails to preserve or enhance the character or appearance of the CA.
15. The harm would be localised and therefore, in the context of the approach in the Framework, the harm to the significance of the CA as a whole would be less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.
16. The public house has been designated as an Asset of Community Value. The development provides more covered space for customers and was originally constructed to help keep the public house open and viable during the period of temporary restrictions, particularly social distancing, that were in force for the Covid-19 pandemic. However, while at the time of submitting the appeal in September 2021 the appellant advises that many customers were still distancing, it has not been demonstrated that this has continued now that all legal restrictions have been lifted. Also, the proposal is for the permanent retention of the covered area and therefore would outlast any temporary restrictions. If new restrictions were imposed in future other options exist for public houses to create covered areas through other types of structure.
17. While I appreciate the appellant's efforts to keep the pub operating, and staff employed, during the pandemic, it appears that the business has been operating for some time since the temporary restrictions have been removed. There is however no detailed viability information or other substantive evidence before me to demonstrate that the business would be unsustainable without

the covered area, or that the community facility and related employment would be at risk if the appeal were dismissed.

18. For these reasons, I attach limited weight to these matters as public benefits of the proposal, and they do not outweigh the harm identified to the CA, to which I afford considerable weight.
19. Accordingly, the development conflicts with EHDP policy DES4, which requires development to be of a high design standard that promotes local distinctiveness. While EHDP Policies VILL2 and CFLR7 are both permissive of community facilities in principle, the design issues and Green Belt harm set out above mean that there is also conflict with these policies.

Other Considerations

20. The appellant states that the provision of covered outdoors areas is reasonably expected as a result of the restrictions imposed for the Covid-19 pandemic. I am mindful of the difficulties the pandemic has brought for the hospitality sector. However, the legal restrictions have now been removed and since the time of the application the situation has changed markedly. Consequently, the circumstances created by the pandemic do not outweigh the harm that has been identified. There is no evidence of any attempt to consider alternatives, provide a more sympathetic solution or to discuss any requirements with the Council before work was completed or since.
21. I acknowledge the public and Parish Council support for the business, however for the reasons set out above the situation has materially changed, and in the absence of substantive evidence that the valued community facility would be at risk, this does not alter my conclusion on the weight to be given to that matter, or the harm that would be caused.

Whether very special circumstances exist

22. The proposed extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
23. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

24. Accordingly, the proposal would conflict with EHDP policy GBR1 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR