

Appeal Decision

Site visit made on 8 September 2016

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/C1950/D/16/3154553

Dimsdale House, Essendon Place, Essendon, Hatfield, AL9 6GZ

- 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 Evans against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2015/2098/HOUSE, dated 6 October 2015, was refused by notice dated 28 April 2016.
 - The development proposed is raising the roof on the existing garage and building up to provide a gymnasium over the garage with an external access stair.
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Procedural Matter

1. Interested persons say that the site is within a conservation area. I have no evidence that it is, and in their questionnaire the Council specifically indicate that the site is not within a conservation area. I have determined the appeal on that basis.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposal on the setting of a listed building.

Reasons

4. Dimsdale House is part of a larger Grade II listed building, which I read was originally built in the 18th Century but was remodelled in 1830 and then extended and refurbished in the 1920s. It was further altered in the 1950s when it was converted to a training and conference centre for the Eastern Electricity Board. Permission was granted to turn it into 3 dwellings in 2001. Despite the post 1830 changes the building, which has 2 stories plus attics, a cream stucco finish and a slate roof, retains its elegant late Regency character. As it is approached from the north, either along the B158 or along Essendon Place itself, the northern flank elevation, which forms the main entrance to Dimsdale House, is a prominent feature dominating the garage it is proposed to extend. When viewed from the east or west the garage is low enough to maintain a substantial gap between Dimsdale House and the modern Mulberry House to the north.
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5. The proposed extension would begin to close the gap between Mulberry House and the listed building. There would be no reduction at ground level but there would be a reduction at the level of the extension. I have no reason to question the accuracy of the elevation drawing produced as part of the appellants' statement but I differ from their conclusion that the increase in height would not adversely affect the listed building's setting. In my view the increase would harm the setting both by undermining the dominance of the building's northern flank and by intruding on views of that flank when seen from the north.
6. The appellants refer to structures which compromised the setting of the listed building in the past but have now been removed. These are described as a large glazed extension, an external fire escape and a large 2-storey building. The fact that the setting might have been compromised in the past does not justify harming the setting as it now exists. Similarly, no matter how the existence of a block of garages at the far end of the listed building affects its setting, it does not mitigate the effect of the appeal proposal.
7. I note the appellants' comments on the screening effect of existing boundary fencing and vegetation, the way this will increase as recently planted laurel bushes mature and the safeguarding effect of tree protection orders (TPOs). The garage and listed building are nevertheless visible from the B158 at present and the recent planting will take some time to mature. In future even a TPO cannot ensure the permanent retention of trees that become damaged or diseased or of other boundary planting. Importantly, listed buildings and their settings have an intrinsic merit that is independent of whether they can be seen from public viewpoints. While public views are an important consideration they can never be the sole determining factor. Furthermore, no matter how well the buildings are screened from the B158, the character of the listed building and its setting can be appreciated by other neighbouring residents and their visitors.
8. I conclude that the proposal would detract from the setting of the listed building. In the context of paragraph 134 of the National Planning Policy Framework I consider that the harm would be less than substantial since the building itself would not be directly affected and the setting would be only partially devalued. Paragraph 134 then requires me to weigh the harm against any public benefits of the proposal. In this case, I consider that the public benefit from allowing the appellant to provide a private gymnasium is very small. It by no means outweighs the harm to the building's setting, especially since section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving that setting.
9. The officer's report on the application says that the architecture of the extended building would be to some extent improved even though the improvement would not outweigh the harm to the setting of the listed building. I find this assessment over-generous to the extended building. In my view the existing garage is an unobtrusive low key building with a simple symmetrical form. In addition to the extended garage being more intrusive by virtue of its height I consider that the addition of steps and a porch screen at one side would give it less balanced appearance. If anything I consider that the design

changes would add to the harm to the listed building's setting rather than act as a compensatory factor.

10. I conclude that the harm to the setting of the listed building is not mitigated by any significant public benefits and therefore that the appeal should be dismissed.

Other Matters

11. The site is in the Green Belt as defined in the Council's Local Plan. However, the officer's report on the application concludes that the proposal would not be inappropriate development because it would not be a disproportionate addition to an existing building and that any loss to openness would not extend beyond that inevitably entailed in allowing such an extension. I do not disagree with this analysis.
12. Neighbours object to the proposal on several grounds other than the effect on the setting of the listed building and the Green Belt. These include visual intrusion, loss of privacy and noise disturbance. The neighbours' concerns are not endorsed by the Council and I am not convinced that any of the identified effects would be sufficiently adverse to justify a refusal of permission. Nevertheless, if I had not found that the proposal would unacceptably harm the setting of the listed building, I would have sought the further comments of the parties on the effect of the proposal on the outlook from Mulberry House.

George Arrowsmith

INSPECTOR