
Appeal Decisions

Site visit made on 28 November 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/C1950/W/16/3151775

14 The Courtyard, Bedwell Park, Essendon, Hatfield AL9 6GH

- 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 Pat Riley against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2015/1762/HOUSE, dated 19 August 2015, was refused by notice dated 4 April 2016.
 - The development proposed is an extension to existing single storey Orangery.
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Appeal Ref: APP/C1950/Y/16/3146137

14 The Courtyard, Bedwell Park, Essendon, Hatfield AL9 6GH

- 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 Pat Riley against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2015/1937/LB, dated 15 September 2015, was refused by notice dated 30 November 2015.
 - The works proposed are an extension to existing single storey Orangery extension.
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Decisions

1. The appeals are dismissed.

Preliminary Matters and Main Issue

2. The appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. Such exceptions include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Both parties consider that the proposal falls within this exception, and based on all that I have seen and read I have no reason to disagree with this view. The proposal would therefore not be inappropriate development in the Green Belt and consequently nor would the proposal be harmful to the openness of the Green Belt, or to the purposes of including land in the Green Belt.
 3. However, such a finding does not automatically mean that the proposal would be acceptable in terms of other planning issues. The Council refused both applications on the basis of the effect of the proposal on the Grade II Listed Building. Therefore, the main issue in these cases is whether the proposal
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would preserve the special architectural and historical interest of the Grade II listed building.

Reasons

4. Bedwell Park is an extensive Grade II listed property, detailed in the listing to be dated from mainly 1860. The red brick façade of the main building is dominated by a 4 storey tower porch building complete with parapet and corbelled stone eaves. The remainder of the façade is partially mirrored on either side of the tower but other elements and extensions have eroded this symmetry. A range of lower outbuildings are located to the north, sited in a reverse 'L' shape. Sited around these outbuildings are various new buildings, constructed to create 'The Courtyard' following approval in 2007. No 14 The Courtyard lies at the northern end of the L shape and is Grade II curtilage listed.
5. No 14, in common with Bedwell Park, is constructed in red brick with darker brick detailing. The roof of the property is set at two different levels, with a higher 2 storey eaves and ridge line on the southern half of the house. The northern half of No 14, referred to as East Cottage by the Council, drops down to a 1½ storey height, with 2 pitched roof half dormers set in the roof line. To the rear the property has a large single storey flat roofed orangery, which is located on the higher part of the property. This is replicated on the rear elevation of the adjoining No 13 The Courtyard. On the rear of the 1½ storey element two flat roof dormers are sited, along with a pair of French doors and a smaller window at ground floor level. Whilst the former outbuildings in which No 14 lies are not specifically noted in the listing, they have a significance of their own in terms of their subordinate relationship to the main house and their evidence of the former working of the Park.
6. The proposal seeks to increase the size of the existing orangery, extending the structure across the rear of the 1½ storey part of the home, encompassing the French doors and stopping by an existing downpipe. At present the size and scale of the orangery is proportionate to the host dwelling, with the height of the structure reflecting well to the higher part of No 14 and the flat roof matching the dormer windows. However, the extension to the north would extend the same building design across the change in levels of the host building. The height of the extension would proportionally be much closer to the eaves of the building than existing, having the potential to appear cramped.
7. Whilst the proposal would replicate the design of the existing orangery to both No 13 and No 14, the continuation of the design of the extension would take no account of the change in the design and the overall scale of the host dwelling. The appellant notes that the proposal would only cover 44% of the existing rear elevation. However, the majority of the ground floor of the property would be covered by the proposal and I consider that the overall scale of the revised orangery would dominate the ground floor element of the rear elevation. I acknowledge that views of the proposal would be limited. However, I consider that harm would be caused by the scheme to the architectural interest of the listed building. The Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.

8. The Framework makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this curtilage listed building. However, and particularly as the proposal would not substantially affect the fabric of the cottage, which would remain intact, I am satisfied in this case that the degree of harm caused would be less than substantial.
9. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. The extension would enhance the appellants' enjoyment of the property and provide more room for their family. However, leaving aside whether the appellants' enjoyment of the property can be properly regarded as a public benefit, it appears to function as a dwelling already. It is superficially well maintained and seemingly in good repair, and it has not been shown that its continued occupation is in anyway dependent on the proposed development. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused.

Other Matters

10. The appellant considers that the presumption in favour of sustainable development contained within paragraph 14 of the Framework applies. However, bullet point 4 of paragraph 14 of the Framework states that where the development plan is silent then proposals should be approved unless specific policies in the Framework indicate that development should be restricted. Such policies include those relating to designated heritage assets, which I have considered the proposal would be contrary to.

Conclusion – Appeals A and B

11. To summarise I consider that the proposed extension would cause less than substantial harm to the significance of this Grade II listed building, and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and the proposal would conflict with the Framework. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should fail.

Jon Hockley

INSPECTOR