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## Appeal Decisions

Site visit made on 18 July 2017

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 3<sup>rd</sup> August 2017**

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**Appeal A Ref: APP/N1920/W/17/3172751**  
**14 Sparrows Herne, Bushey, WD23 1FU**

- 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 Marsh against the decision of Hertsmere Borough Council.
  - The application Ref 16/2003/HSE, dated 12 October 2016, was refused by notice dated 5 January 2017.
  - The development proposed is single storey rear extension and associated internal alterations.
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**Appeal B Ref: APP/N1920/Y/17/3172780**  
**14 Sparrows Herne, Bushey, WD23 1FU**

- 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 John Marsh against the decision of Hertsmere Borough Council.
  - The application Ref 16/2004/LBC, dated 12 October 2016, was refused by notice dated 5 January 2017.
  - The works proposed are a single storey rear extension and associated internal alterations.
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### Decisions

#### *Appeal A*

1. The appeal is allowed and planning permission is granted for a single storey rear extension and associated internal alterations at 14 Sparrows Herne, Bushey, WD23 1FU in accordance with the terms of the application, Ref 16/2003/HSE, dated 12 October 2016, subject to the conditions set out in Appendix A.

#### *Appeal B*

2. The appeal is allowed and listed building consent is granted for a single storey rear extension and associated internal alterations at 14 Sparrows Herne, Bushey, WD23 1FU in accordance with the terms of the application Ref 16/2004/LBC dated 12 October 2016 subject to the conditions set out in Appendix B.

### Application for Costs

3. An application for costs has been made by the appellant against the Council. This application is the subject of a separate decision.

## **Main Issues**

4. The main issue for both appeals is whether the proposed development and works would preserve the special architectural and historical interest of the Grade II listed building.

## **Reasons**

5. The appeal building is a semi-detached house which is Grade II listed. Originally the building was probably occupied as one, when first built in the mid to late 17<sup>th</sup> Century. Since then, the building has not only been subdivided, but has been altered both at No 14 and No 16. For example, to the rear of the No 14 there is a two storey flat roof extension, and to the rear of No 16 there are a number of extensions. Nevertheless, it is possible to see the historic heart of the building as a whole as there are clear breaks in the style and detailing of the older part compared to the newer additions.
6. It is clear from both reading the listing description and looking at the building that it contains a number of features within its historic heart, such as tile hung gable, weather boarding and timber porches. It is from historic features such as these that the significance of the listed building derives.
7. The proposal seeks the erection of a partially flat but mainly gable ended single storey rear extension. This would provide a clear break from the historic heart of the building, but continue the tradition of later additions to the listed building. The Council is concerned that the proposal would result in the loss of the historic rear wall of the property. However, looking at the proposed ground floor plan submitted, it is clear to see that the wall to be removed relates to the 20<sup>th</sup> Century two storey flat roof extension. This does not lie at the heart of the importance of the listed building, and its loss would not detract from the older parts of the building. Its loss would not therefore be detrimental to the significance of the listed building.
8. In terms of the flat roof element and size of the window openings, it is not entirely clear as to why the Council considers these to be unacceptable. It is true that both would be very different in style from the oldest parts of the building. However, it would be clear to anyone looking at the building that the extension is a newer addition, seeking to meet the needs of today's occupiers whilst maintaining the integrity of the history of the building. Similarly, it is possible to see such a relationship to the rear of No 16 and the extension sought in this case, whilst of a different design, would also be another chapter in the use of the building. In this respect, I do not find that the design or openings proposed would be detrimental to the significance of the listed building.
9. The Council have also indicated in the reasons for refusal that the proposal would have an adverse impact on the setting of adjoining buildings. However, I have not found that the proposal would result in harm to the significance of the appeal building and for similar reasons it would not harm the settings of nearby or adjoining listed buildings. What is more, although the proposal would result in the loss of a small outbuilding, there is no indication that this is of any particular note; either architecturally or historically. Therefore its loss is acceptable in this case.

10. I therefore conclude that the proposed works would at the very worst have a neutral impact on the listed building and would not detract from its significance as a designated heritage asset. It would therefore preserve the special historical and architectural interest of the listed building, as sought by Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended.
11. Accordingly, the proposed development would not conflict with Policies CS14 and CS22 of the *Core Strategy 2013* and Policies SADM3, SADM29 and SADM30 of the *Site Allocations and Development Management Policies Plan 2016*, which amongst other aims seek to ensure that all developments must conserve or enhance the historic environment of the Borough. The proposals would also accord with the aims of the *National Planning Policy Framework* (the Framework), which include seeking to conserve heritage assets in a manner appropriate to their significance.

### **Other Matters**

12. I have considered the representations made by a neighbour in relation to a sewer pipe, access onto any adjoining properties that may be required and the use of structural engineers. These are matters between the relevant parties and not before me in considering the planning merits.
13. With regards of overlooking and privacy I agree with the Council's assessment that, in the main, the proposed windows would be screened by existing boundary treatments. I do not find that the proposal would result in material harm in this respect. In terms of the finish of the extension, the application form indicates that this would consist of timber cladding. However, a condition requiring confirmation of the colour and finish would provide certainty.

### **Conditions**

14. I have taken into account the national Planning Practice Guidance and Paragraph 206 of the Framework in terms of the use of planning conditions. Conditions requiring the proposal to be carried out in accordance with the submitted drawings are necessary to provide certainty.
15. Conditions requiring confirmation of the materials to be used, including the finish and colours are necessary and reasonable in order to protect the architectural interest of the listed building and the wider built environment. Lastly, in order to protect the listed building, a condition should be imposed on the listed building consent (appeal B) requiring the making good of any damage to the listed building arising from the proposed works.

### **Overall Conclusion**

16. For the reasons given above, and having taken all matters raised into account, I conclude that both appeals should succeed.

*Cullum J A Parker*

INSPECTOR

## **Appendices- List of conditions**

### **Appendix A - 3172751**

- 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: MAR-16-A-001; MAR-16-A-S-001; 002; 003; 004; 005; 006; MAR-16-A-P-001 ;MAR-16-A-D-001; 002; 003; 004; and MAR-16-A-D-101 A; 102 A; 103 A; 104 A.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including the colour and finishes to be used, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

### **Appendix B – 3172780**

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The works authorised by this consent shall be carried out in accordance with the following approved plans: MAR-16-A-001; MAR-16-A-S-001; 002; 003; 004; 005; 006; MAR-16-A-P-001 ;MAR-16-A-D-001; 002; 003; 004; and MAR-16-A-D-101 A; 102 A; 103 A; 104 A.
- 3) No works shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including the colour and finishes to be used, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within six months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

-----END OF CONDITIONS -----