
Appeal Decisions

Site visit made on 18 December 2017

by Peter Rose BA MRTPI DMS MCMi

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

Decision date: 8th January 2018

Appeal A Ref: APP/J1915/Y/17/3179142

Little Thatch, Mill Lane, Anstey, SG9 0BL

- 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 Catherine Lewis/Dr G Goymour against the decision of East Herts Council.
 - The application Ref: 3/17/0470/LBC, dated 20 February 2017, was refused by notice dated 19 April 2017.
 - The works proposed are to construct a single storey oak-framed extension with fully hipped roof to flank wall of west facing gable, offset from front elevation of host building and partially abutted to the N/W rear extension.
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Appeal B Ref: APP/J1915/W/17/3179148

Little Thatch, Mill Lane, Anstey, SG9 0BL

- 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 Catherine Lewis/Dr G Goymour against the decision of East Herts Council.
 - The application Ref: 3/17/0469/HH, dated 20 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is to construct a single storey oak-framed extension with fully hipped roof to flank wall of west facing gable, offset from front elevation of host building and partially abutted to the N/W rear extension.
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Decisions

1. **Appeal A** and **Appeal B** are each dismissed.

Main issues

2. The main issues are:

(a) the effect of the proposed works upon the special architectural or historic interest of Little Thatch, a Grade II listed building and, in particular, whether the works would preserve the building or its setting or any features of special architectural or historic interest which it possesses, and;

(b) the effect of the proposed works upon the character or appearance of the Anstey Conservation Area (the Conservation Area) and, in particular, whether the scheme would preserve or enhance its character or appearance.

Reasons

Listed building

3. The appeal site comprises an extended and detached thatched cottage set within an expanded plot. The site occupies a relatively exposed and elevated position at the junction of two local roads. It forms part of a modest cluster of buildings of varying forms and lies adjacent to relatively open land to the north and south.
4. The List Entry Description, dating from 1984, refers, amongst other things, to a seventeenth century house or earlier of timber framed construction and to a half hipped thatched roof and two eyebrow dormers at eaves level. The building was substantially damaged by fire in 2003, however, with only some of the rear wall structure at ground level surviving, and has since been rebuilt to reflect its historic form¹.
5. Prior to the fire, the original scale of the dwelling had already been extended and altered as detailed in the appellant's *Design Statement*. These works included a number of additions and alterations to the rear, and expansion of the curtilage to make for a larger plot.
6. The significance of Little Thatch as a building of special architectural or historic interest relates to its heritage contribution as a traditional thatched roof rural cottage of originally more modest scale. Externally, this significance is expressed through its impressive vernacular, thatched form, and is particularly evident in views of its principal elevation from the south and in its western elevation to the side.
7. A single storey extension is proposed to the side, western elevation in order to provide a kitchen in-keeping with the needs of the existing enlarged dwelling and to improve associated access and circulation within this part of the house.
8. The proposal seeks to be consistent with the authentic replica cottage created following the fire, and would reflect vernacular architecture and traditional building techniques and materials.
9. The extension would be some 4.275 x 3.5 metres in plan, would be set back from the main front building line, and would display a hipped roof, hand-made clay tiles, English oak timber and feather-edged weather boarding. A new larger window would be created to the western elevation of the kitchen. Further boundary planting is also indicated².
10. A front facing central window would be disguised behind oak louvres to create a simple rural façade. The central extension's existing downpipes would disappear from view, and the scheme would partially conceal a modern study/cloakroom extension behind.
11. The works would be confined to the western side of the building, and I note that none of that elevation survived the fire intact³. There would be some removal of internal non-original studwork, but the scheme would involve no significant loss of historic fabric, and the plan form of the existing house would remain largely unaffected.
12. Previous extensions have taken place mainly to the rear of the building, and the building has expanded well beyond its original form as a relatively small

¹ Page 5 of Appellant's Design Statement and page 7 of Grounds of Appeal

² Page 11 of Design Statement

³ Page 7 of Grounds of Appeal

rural cottage to its current composition as a 4-bedroom house. The Council's calculation suggests that the cottage may already be twice the size of the original dwelling⁴, but I also note uncertainties raised by the appellant regarding the original form and earlier history of the house. Either way, I am satisfied the dwelling has been substantially extended over time.

13. The architecture of the existing extensions contrasts with the original form and design of the house but, due to the more secluded and enclosed positions of those elevations mainly to the rear, does not detract unduly from overall historic views of the house itself.
14. The principal frontage is largely unaffected by the architecture of the rear extensions and, along with various internal features, encapsulates the significance of the building's historic form and design. The western side elevation, whilst not original, has a relatively plain and neutral form which very much complements the front façade and the building's overall significance, and contributes positively to wider public views in its elevated setting from adjacent roads and beyond.
15. Notwithstanding its recessed position, relatively modest scale and vernacular style, the scheme would significantly increase the perceived width of the historically important front elevation. Further, even allowing for a degree of informality and spontaneity which may sometimes accompany incidental rural built form, the extension would appear as a relatively random addition to the building. The front timber louvres would also not relate well to the fenestration of the main elevations, and would be accompanied by extensive glazing within the rear elevation inconsistent with the original building.
16. Hence, I find the proposal would add a conspicuous visual presence to otherwise relatively simple and uncluttered elevations and which serve to reinforce the wider historic form and design of the house. By reason of its scale and position, the scheme would thereby appear as a relatively discordant and prominent addition. It would also create a building yet further removed from the more limited scale of its historic form.
17. Whilst I appreciate the appellant's suggestion that the importance of this house may, in part, relate to its ability to demonstrate how rural buildings develop historically, any such development must still have due regard to an asset's original architectural and historic significance. The reconstructed dwelling remains authentic in what it represents and displays architectural and historic characteristics consistent with its status.
18. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building and any features of special architectural or historic interest which it possesses. A similar duty relating to planning permission is set out at section 66. There is a clear presumption in these duties that preservation is desirable, and I find that the special interest of Little Thatch as a Grade II listed building would be harmed in that regard.
19. I therefore conclude that the proposed works would fail to preserve the special architectural and historic interest of Little Thatch as a Grade II listed building.

⁴ See third page of Council report in relation to Appeal B

Further, I find that the scheme would not accord with the development plan and, in particular, with Policy GBC3, Policy ENV1, and Policy ENV5 of the East Herts Local Plan Second Review April 2007 (the Local Plan). Amongst other things, these policies seek to limit extensions in the Rural Area Beyond the Green Belt so as not to disproportionately alter the size of the original dwelling or its character or appearance, and to reflect local distinctiveness. The Council's **Appeal B** decision notice also refers to Policy BH5 but this relates to unlisted buildings in Conservation Areas.

20. Policy ENV6 is also referred to in the Council's report of **Appeal B**, although not in its decision, but remains relevant. It states, amongst other things, that extensions should be to a design matching or complementary to the original building and its setting.
21. I consider these development plan policies to be broadly consistent with the *National Planning Policy Framework* (the Framework) which recognises that heritage assets, such as listed buildings and Conservation Areas, are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance⁵. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation⁶.

Conservation Area

22. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, listed building consent and planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
23. The appeal site lies at the northern end of the Conservation Area and, from my inspection of the site and its surroundings, the character and appearance of the local area would appear to reflect an open, largely undeveloped rural form but punctuated by a variety of historic buildings of local vernacular design. I also note that the appellant's *Heritage Impact Assessment* draws attention to the diversity of traditional buildings found in Anstey⁷, and that the Council's evidence refers to the adjacent roads as comprising locally historic routes⁸.
24. Whilst positioned away from the boundary and partly concealed by planting, the extension would still be visible in public views and would so have a limited impact upon the character and appearance of the wider Conservation Area. The visual harm to the listed building described would be reflected in such public views. This would have implications for the significance of the Conservation Area such that the scheme would fail to preserve or enhance its character or appearance in accordance with the duty under section 72.
25. I therefore find the existing contribution of the appeal site to the Conservation Area would be diminished, and that the scheme would not meet the expectations of the Act.

⁵ Paragraph 126

⁶ Paragraph 132

⁷ First paragraph

⁸ See email from Simon Wood dated 23 March 2017

26. As with my findings in relation to the listed building, the proposal would similarly not accord with the same expectations of the Framework. Government policy also places great importance upon good design and upon the significance of local distinctiveness⁹.
27. I therefore conclude that the proposed works would harm the character and appearance of the Anstey Conservation Area and would generally not accord with the policies of the development plan already referred to above.

Other matters

28. The appellant draws attention to various other listed buildings in the local area, in East Herts, and elsewhere, where extensions have been permitted¹⁰, and I am generally mindful of the importance of consistency in decision-making¹¹. Reference is also made to other, larger scale housing developments elsewhere¹². Whilst noting such references, each scheme would be fact and context sensitive and the particular reasons for the conclusions I have reached in this instance remain as described.
29. I also note reference made to a number of policies in the Council's emerging East Herts Draft Plan 2016 and which express not dissimilar aims to those set out in the development plan policies already described.
30. I note the background to the scheme and, in particular, the history of discussions with the Council, and various assessment of other options¹³.
31. Reference is made to the possible archaeological value of the site¹⁴, but no objection is raised by the Council in this regard, and I agree this matter could be dealt with by appropriate conditions should the scheme otherwise be found to be acceptable.
32. I have considered all other matters raised, but I find nothing of sufficient weight, individually or cumulatively, to dissuade me from the conclusions I have reached on the main issues.

Planning balance

33. I find that the special interest of the designated assets would be diminished such that the proposed scheme would fail to preserve the listed building and would fail to preserve or enhance the character or appearance of the Conservation Area.
34. The Framework makes a distinction between a proposal causing substantial harm to the significance of a designated heritage asset and a scheme that would lead to less than substantial harm¹⁵. The government's *Planning Practice Guidance* (the Guidance) notes that works that are moderate or minor in scale are likely to cause less than substantial harm or no harm, although even minor works have the potential to cause substantial harm¹⁶. In this case, I find that the works would cause less than substantial harm, and the Framework requires

⁹ Paragraphs 56 and 60

¹⁰ See Grounds of Appeal

¹¹ See, for example, *North Wiltshire DC v Secretary of State for the Environment* (1993)

¹² Page 10 of Grounds of Appeal

¹³ See Design Statement

¹⁴ See Simon Wood's email of 23 March 2017

¹⁵ Paragraph 134

¹⁶ Paragraph ID 18a-017-20140306

such a scale to be weighed against the possible public benefits of the scheme, including securing optimum viable use¹⁷.

35. There is no evidence that the existing dwelling could not continue as a viable family home in the absence of these particular works. The public benefits would principally involve creation for the local housing stock of a dwelling providing improved living conditions, and I acknowledge the enhanced quality of accommodation which would be created. Nonetheless, I find no overall public benefits sufficient to outweigh the greater harm which would arise from the scheme as a whole to the listed building and to the Conservation Area.
36. The duties arising under sections 16, 66 and 72 of the Act make strong presumptions against proposals incurring harm and thereby not preserving a designated asset. This is because the desirability of preservation is a consideration to which special attention must be paid as a statutory duty, and must be regarded as matters of considerable importance and weight in any planning balance. I find that the scheme would fall short of the expectations of these duties.
37. Further, I find the proposal would not accord with the development plan as a whole, and nor with the expectations for conserving and enhancing the historic environment, and of sustainable development¹⁸, set out in the Framework.

Conclusion

38. For the above reasons, **Appeal A** and **Appeal B** are each dismissed.

Peter Rose
INSPECTOR

¹⁷ Paragraph 134

¹⁸ Paragraph 6