
Appeal Decisions

Hearing Held on 12 June 2018

Site visit made on 12 June 2018

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

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

Decision date: 15th June 2018

Appeal A Ref: APP/J1915/Y/17/3181799

1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX

- 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 Mrs Corrigan against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1105/LBC, dated 10 May 2017, was refused by notice dated 4 July 2017.
 - The works proposed are first floor rear extension.
-

Appeal B Ref: APP/J1915/D/17/3181797

1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX

- 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 Mrs Corrigan against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1104/HH, dated 10 May 2017, was refused by notice dated 4 July 2017.
 - The development proposed is first floor rear extension.
-

Decisions

1. Appeal A is allowed and listed building consent is granted for a first floor rear extension at 1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX in accordance with the terms of the application Ref 3/17/1105/LBC dated 10 May 2017 subject to the conditions set out in Appendix A.
2. Appeal B is allowed and planning permission is granted for first a floor rear extension at 1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX in accordance with the terms of the application, Ref 3/17/1104/HH, dated 10 May 2017, subject to the conditions set out in Appendix B.

Procedural Matters

3. The Council chose not to submit a Hearing Statement. Its evidence did not extend to any detailed analysis of the significance of the heritage asset, whether or why the proposal resulted in harm to any such identified significance, the degree of any harm arising, or indeed any indication that it had discharged its duties under Sections 16(2) and 66(1) of the *Planning (Listed buildings and conservation areas) Act 1990*, as amended (PLBCA).

4. It is not for me to speculate what the outcome would have been had any applications for costs been made. The Council's withdrawal of the harm to setting of the listed building issue at the Hearing, and various other re-evaluations of its position in light of heritage reports available since August 2017, border on the unreasonable. This is especially so given that the Council could have addressed this some time before the Hearing.
5. I have chosen not to exercise the power to initiate an award of costs in this instance. But it would be beneficial to all parties if, in future similar situations, the Council kept a running review of any appeals so that if elements are to be conceded this can be done earlier rather than later. This assists in the administration of an efficient appeals process. I have nonetheless considered the proposals on their planning merits.

Background and Main Issue

6. Both appeals relate to the same proposal; albeit Appeal A relates to listed building consent, whereas Appeal B relates to planning permission. These are associated statutory regimes and given the similarities in the issues between the parties I deal with both appeals in this single decision letter.
7. The main issue is whether the proposed development would preserve the special architectural or historical features of the Grade II listed building.

Reasons

8. The appeal building is a semi-detached, Grade II listed building located within a rural area of Hertfordshire. The main parties broadly agree that the building has been much altered with a 1970s two storey side extension located on its southern side and a (probably) 20th Century lean-to single storey rear extension. The historic heart of the building revolves primarily around the area identified as 'snug' on the submitted drawings and the nearby fireplaces.
9. The Council point to the likely original single-room depth of the building. However, it is clear that the ground floor has benefited from a two-room depth for some time; with historic tithe and OS Maps (within the Appellant's Heritage Statement) suggesting some built form in this location. It is primarily the architectural features and retained internal historic fabric centred on the snug area of the building that the significance of the listed building derives.
10. The proposal seeks the erection of a first floor rear extension, located above the single storey lean-to element of the building. It also seeks the insertion of French doors into the existing southern elevation, within the 1970s extension. Neither of these would detract from the features of architectural or historical interest the listed building possesses. Indeed, the snug area of the building would remain unaltered.
11. In terms of the proposed fenestrations, the Council was concerned with the height of the proposed windows serving the existing kitchen area. Currently, smaller windows sit under the lean-to eaves height. The Council would prefer that their size were retained; even if relocated. However, the windows proposed are not atypical for a residential property or the room they would serve. Similarly, in terms of the French doors, these would be located within a modern 1970s two storey extension and would be of a style sensitive to the overall form of the building. As such, I consider the proposed kitchen and utility room windows and the French doors to be acceptable.

12. With regard to the single room depth of the building being lost at first floor level, the proposed extension would have both eaves and ridge heights set below those of the primary roof. Added to this, the rear elevation would have three hipped roof elements, which would aid in reducing the visual prominence of this extension. As such, the first floor extension would appear as a subservient addition to the listed building. Accordingly, there would be no harm to the significance of the listed building, or its general character or appearance.
13. I therefore conclude that the proposal would accord with the statutory duties set out in Sections 16(2) and 66(1) of the PLBCA by preserving its features of historical and historical interest. It would also accord with Policies ENV1, ENV5 and ENV6 of the *East Herts Local Plan Second Review 2007*, which, amongst other aims, seek to ensure that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout and to reflect local distinctiveness.
14. The Council have directed me to emerging Policy GBR2 of the consultation draft *East Herts District Plan 2016*. This deals with the rural area beyond the Green Belt. It indicates that the size and form of extensions should be appropriate to the character and appearance of the existing building. Given my findings above, I conclude that the proposal would also accord with this emerging policy.
15. It would also accord with the Policies of the *National Planning Policy Framework* (the Framework), which include that planning should always conserve heritage assets in a manner appropriate to their significance.

Conditions

16. Various conditions have been suggested by the Council. I have had regard to these in light of Paragraph 206 of the Framework and the national Planning Practice Guidance and the use of planning conditions. In terms of both appeals, conditions relating to time limits and the proposal being completed in accordance with the submitted drawings are necessary for the avoidance of doubt and to provide certainty. A condition requiring external material samples being submitted and approved is necessary in order to protect the external appearance of the listed building.
17. With specific regard to the listed building appeal; conditions requiring the details of the doors and window, that the timber frame structure is not altered, that black cast iron rain water goods are used, and that any 'making good' work is agreed with the Council and within six months, are necessary and reasonable in order to preserve the special architectural and historic features of the listed building.

Conclusion

18. For the reasons given above, I conclude that both appeals should be allowed without delay.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Cavill	Planning Consultant
Valerie Scott	Historic Buildings Consultant
Vivien Corrigan	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Antoine Commenville	Planning Officer
Ciaran MacCullagh	Conservation Officer
Mike Slimmon	Planning Support Officer

DOCUMENT HANDED AT HEARING

Extract of draft policy GBR2 of the emerging District Local Plan

APPENDIX A – ,LISTED BUILDING CONSENT CONDITIONS

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 12789-S001 and 12789-P001-F.
- 3) Prior to any building works being commenced samples of the external materials of construction for the works hereby permitted shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved materials.
- 4) Notwithstanding the consent hereby granted, none of the timbers forming the structural frame of the building shall be cut, removed or otherwise altered.
- 5) Prior to any works being first commenced, detailed drawings of the new and/or replacement windows; including a section of the glazing bars and frame moulding (if applicable), which it is proposed to install, showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill detail shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 6) Prior to any building works being first commenced, detailed drawings including sections, showing the new and/or replacement doors proposed, together with a detailed description or specification, shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 7) Prior to any building works being first commenced, detailed drawings and specification of the new weatherboarding and render - showing the dimensions and profile and a description of the stain or paint finish to the weatherboarding - shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 8) All new or replacement rain water goods shall be in black painted cast iron.
- 9) 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.

APPENDIX B – PLANNING CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 12789-S001 and 12789-P001-F.
3. Prior to any building works being commenced, samples of the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the local planning authority and the works shall thereafter be implemented in accordance with the approved materials.