
Appeal Decisions

Site visit made on 20 August 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal A: APP/J1915/W/19/3228803

Wayside Cottage, Baldock Road, Cottered SG9 9QW

- 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 Duncan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0401/HH, dated 19 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is single storey side and single storey rear extension with glazed links.
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Appeal B: APP/J1915/Y/19/3228808

Wayside Cottage, Baldock Road, Cottered SG9 9QW

- 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 & Mrs Duncan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0402/LBC, dated 19 February 2019, was refused by notice dated 25 April 2019.
 - The works proposed are single storey side and single storey rear extension with glazed links.
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Decisions

1. I dismiss both appeals.

Main Issue

2. The property is listed Grade II and is within the Cottered Conservation Area. The main issue in both appeals is the effect of the proposals on designated heritage assets.

Reasons

3. The District Plan was adopted in October 2018 and Policy GBR2 states that the extension or alteration of a building will be permitted, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas, and Policy VILL2 sets out requirements for development within Group 2 villages such as Cottered. Extensions to existing buildings are to be of a high standard of design with further requirements detailed in Policy DES4, while Policy HOU11 is specific to extensions to dwellings with criteria on size, scale, mass, form, design and materials among other matters. Designated heritage assets

generally, and conservation areas and listed buildings in particular, are the subjects of Policies HA1, HA4 and HA7.

4. The latter policies are in-line with the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 193 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 conservation.
6. Both of the proposed extensions would be joined to the dwelling by way of the full width rear 'outshot' which the Council refer to as an '*extension previously added to the property*' and which the appellant's Historic Building Recording and Analysis describes as '*a post 1975 extension across the rear of the building which has MC20th style windows*'. Whilst there is no firm proof of the date, with the planning history showing only the detached garage, this appraisal appears correct but is at odds with the appellant's view in paragraph 4.7 of the Appeal Statement that the rear lean-to extension was constructed prior to 1 July 1948 and should be considered as the 'original building'. Whatever the provenance of the existing rear addition, its form is similar to an historic out-shot and it sits well with the shallow, truly historic, building.
7. That Recording and Analysis also exposes various alterations to the house over time, such that the architectural significance of the building has been eroded, but it still forms a positive feature of the conservation area, and the garage is sufficiently divorced visually as to not disrupt that appreciation. The listing description draws attention to its prominence at the start of the village green and makes clear that the adjoining Flint Cottage is also listed. Consideration of the historic significance should be tempered by the numerous alterations that have taken place.
8. The proposal constitutes 2 separate extensions, and whilst there would be some different changes to the internal arrangement of the lean-to if one or the other were to be constructed alone, they may be considered separately as to their effect on the listed building and the conservation area. In addition, and as referred to by the Council, there would be a cumulative effect if both were to be constructed. The appellant's reference to a 50% threshold, derived from pre-application advice, is not a safe rule for listed building works, and notice should be taken of the actual effects.

Rear Kitchen and Dining Room Extension

9. This would project from the rear of the dwelling to a point almost at the rear red-line boundary, formed by a fence, and would have a hip-ended pitched roof further from the dwelling and a vertical gable end nearer, with a flat roofed linking corridor with glazed sides, that to the east being a door. The need to

arrange headroom across the width of the linking piece results in the flat roof reaching the lean-to part-way up the sloping roof.

10. The use of the vertical gable and the linking piece would place the bulk of the pitched roof some way distant from the historic building, but its height and extent would be a prominent feature of the works and would vie for attention, tending to overwhelm the rear of the dwelling and erode the architectural significance of the listed building. The building has been kept away from the projecting flank wall of Flint Cottage, but the resulting varied gap, accessed from a new rear door, would be an unresolved space, further detracting from the setting of the building.
11. Due to the position of the garage, the high boundary wall and the main house, there would be limited, if any, public views and the effect on the conservation area would be neutral. However, the preservation of listed buildings does not rely on a public view, and the shortcomings identified above are not excused or justified by that lack.
12. It is concluded that the rear extension would cause harm to the significance of the listed building if constructed alone. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. The photographs in the appellant's Recording and Analysis show aspects of the dwelling that are considered to be poorly laid-out, poorly equipped or possibly only dated, and certainly from the plans there is wasted space with a large bathroom but small kitchen, and no dedicated dining room or area. However, as a small cottage the premises do not appear to be at risk of falling out of the optimum use as a dwelling, and although there are public benefits in the willingness of a private owner to invest in improving a property for its continued use, in this case those benefits do not outweigh the harm identified.

East-side Bedroom Extension

14. This extension would have a pyramid roof and the glazed link would be arranged as a continuation of the rear lean-to slope, kept suitably low and providing 2m headroom only over the central part of the walkway. There is a question over the use of slate, as the lean-to is tiled, but slate would be the more acceptable, and conditions could address any need to re-roof the lean-to to suit. The pyramid roof form and the near-square plan would present a 'pavilion' feature to one side of the listed building, attached only to the less significant rear addition, and sufficient room would remain between it and the garage.
15. However, the short length of the linking piece in this case would place the building too close to the significant end wall of the original cottage and would extend across that wall, the combination of the extent of overlap but more particularly the proximity lead to a visual erosion of the architectural significance of the cottage as a whole and the short length of the linking piece would not be readily appreciated, leading to an ambiguity over the role of the 'pavilion' as to whether it is an addition or a garden building.

16. The result is harm to the significance of the listed building and in this case to the character and appearance of the conservation area due to its visibility from the road and the bus stop opposite where people would likely linger. Again, the harm would be 'less than substantial', and less harmful on that long scale than the rear addition.
17. The benefits are different also, as the apparent single bedroom available in the house is at odds with the floor area of other accommodation, notwithstanding the inefficient use of space. The low headroom on the first floor and the space used by the landing limit the amenity and the provision of another bedroom of useful size and standard headroom would fit the building more surely for the future. However, in this case whilst the benefits are tangible, there are options available to the appellant, it not being the purpose of a planning appeal to suggest them.

Conclusions

18. To conclude on both appeals, the proposed extensions would cause harm to designated heritage assets, and there are no benefits of sufficient weight to overcome that harm or otherwise justify the works, so that the proposals fail to accord with the Development Plan and national policies on good design and the treatment of heritage assets in particular, and would not accord with the statutory tests in the 1990 Act. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR