

Appeal Decision

Site visit made on 15 January 2020

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 10th February 2020

Appeal Ref: APP/W1905/Y/19/3230618

Churchfield House, 1 Churchfield Path, Cheshunt, EN8 9EG

- 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 Gino Turone against Broxbourne Borough Council
 - The application Ref 07/18/1028/F, dated 18 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is described as the erection of one new dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue is the effect of the proposed development on the setting and therefore significance of the nearby listed building. The second main issue is whether the proposed development would provide satisfactory living accommodation for future occupiers.

Reasons

Setting of the listed building

3. The proposed development would see the demolition of the existing garage to Churchfield House and the erection of a new dwelling within part of that property's garden. Churchfield House is a Grade II listed building, and one of a pair of semi-detached houses dating from the early 19th Century, with modifications from the Edwardian era and a modern garage. The pair are of yellow stock brick with low-pitched slate roof, with good preservation of original features seen from the street and from within the garden of Churchfield House. The houses extend into their gardens, with the substantial form of their rear wing positively contributing to the sense of two substantial Victorian family houses standing in large gardens.
 4. The significance of Churchfield House as a designated heritage asset derives from this clear indication of typical Victorian family housing along with its neighbour and its garden setting, in a road where I saw there has evidently been much change over the years. The significance further derives from the architectural features and appearance of the house itself.
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5. Planning permission was granted in 2017 for the demolition of the garage to Churchfield House and the erection of a new dwelling (ref. 7/17/1166/F), and listed building consent granted in 2018 for the demolition of the garage (ref. 7/17/1167/LB). The current proposal seeks a new dwelling that is broadly similar in location but around 3m wider, 1.4m deeper and 1m higher, with the ground level reduced by around 0.5m.
6. The size of the proposed dwelling would create a footprint of building on the land which would dominate that of Churchfield House. The size and position of the development would lead to an appreciable encroachment of built form towards the listed building, reducing the degree of spaciousness on the site to a degree that harms the setting within which that house is seen. The new dwelling would be clearly visible from the road, and the scale and amount of built form due to the width, depth and height of the building would be unduly imposing; it would compete with Churchfield House, and detract from its appearance and setting.
7. The reduction of the ground levels around the proposed dwelling would, rather than minimise the impact of the building, instead serve to emphasise a degree of incongruity by creating artificial ground levels that detract from the established pattern of development in the area. I also concur with the Council that the design of the dwelling is bland and unsympathetic: the long walls that are largely unrelieved except for a series of small windows, and the large roof area, would mean the new building sits uncomfortably next to the pair of listed houses that are of fine architectural detail with good use of fenestration and materials.
8. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. For the reasons given I consider the proposed development would have a negative effect on the setting of Churchfield House. Harm would thereby be caused to the significance of the heritage asset, and I attach considerable importance and weight to this harm.
9. Paragraph 194 of the National Planning Policy Framework states that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification. The harm arising in this appeal is less than substantial, and in these circumstances paragraph 196 of the Framework says such harm should be weighed against the public benefits of the proposal. The appellant has referred to the provision of an additional dwelling, which would contribute towards housing supply in the Borough. However, the Council have granted permission for a smaller dwelling on the site in the past and so I place little weight on this argument. In any event, the clear harm arising to the heritage asset would not be outweighed by the provision of the single dwelling.
10. It is therefore concluded on the first main issue that the proposed development would harm the setting of the nearby listed building, and so would be contrary to Policy HD6 of the adopted Borough of Broxbourne Local Plan Second Review 2001-2011 and Policies HA1, HA4 and HA6 of the emerging Pre-Submission Broxbourne Local Plan 2018-2033, whose objectives include ensuring that applications for development do not harm the significance of heritage assets

and safeguard the setting of listed buildings. There would also be conflict with Section 16 of the Framework.

Living conditions

11. The layout and design of the proposed dwelling would see the living room having an outlook to the existing rear boundary wall of the site, around 2.6m away. This very short distance would cause an overbearing effect to users of the dwelling, with a poor outlook that is dominated by the close proximity of the wall. The standard of internal living accommodation would not be satisfactory.
12. The appellant suggests that planting along the boundary could mitigate the impact. However, planting would not improve the poor outlook caused by the proximity of the wall. The appellant has also referred to the possibility of a reconfiguration of the internal space so there is an open plan layout within the property, and I am informed that the 2017 permission showed this. However, that previous permission was for a smaller dwelling and hence smaller internal space, and so the two schemes are not necessarily comparable; furthermore, such a scheme is not before me in this appeal.
13. On the second main issue it is therefore concluded that the proposed development would be harmful to the living conditions of future occupiers. This is contrary to Policies H8 and HD16 of the adopted Local Plan and Policy DSC1 of the emerging Local Plan, which set out the requirement for a high standard of design in new development including ensuring a good standard of amenity.

Final conclusion

14. On the basis of the reasons given, I consider that the appeal should be dismissed.

C J Leigh

INSPECTOR