



Appeal Decision

Site visit made on 16 March 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/J1915/W/19/3243746

**Land adj Hornead Cottage, Great Hornead, Buntingford, Hertfordshire
SG9 0NR**

- 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 Sophie Purdy against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1342/FUL, dated 21 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is described as "new 4 bedroom dwelling and 3 bay cart shed with store at land adjacent to Hornead Cottage, Buntingford, SG9 0NR".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the address of the appeal site from the Council's decision notice as I consider that it is the most accurate description of the location of the site.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the Great Hornead Conservation Area, with specific regard to the protected trees.

Reasons

Character and Appearance

4. The appeal site is within the Great Hornead Conservation Area (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The Great Hornead Conservation Area Appraisal and Management Plan July 2018 highlights the village's tree and hedgerow cover as an important feature of the CA. The adopted management plan indicates that the depth of tree cover from the road frontage is an important feature of the appeal site that contributes to the overall character of the CA.

6. The development proposed would involve the removal of trees and shrubs from the site. Many of these trees are subject to a woodland Tree Preservation Order (TPO) that also includes adjoining land. The appellant contends that the trees to be removed are of low value when considered as part of the collective group within the appeal site, and the appeal proposal would not involve the removal of the largest trees on site. The appellant further states that the largest of the trees to be removed have been crown-reduced and are not prominent features in the street scene. The other trees to be removed are stated to be smaller trees of limited prominence in the wider area beyond the appeal site.
7. I consider that the quality of the trees in question is recognised by their collective designation as part of a protected group, rather than individual protection. I saw during my visit that the immediate area is characterised by well-established trees along the road, with houses and buildings interspersed between them. While the Arboricultural Statement of Appeal (the Statement) provided by the appellant suggests the trees proposed to be removed may not individually be of particular significance due to their species, age or size, I consider that they contribute to the character of the wider area by strengthening the group value of the trees on the site and the wider area covered by the TPO. This group value can be appreciated from the street and from neighbouring properties. The removal of the trees from the site would therefore be harmful to the collective value of the group and lessen its contribution to the overall character of the CA, as highlighted in the Conservation Area Appraisal and Management Plan.
8. The Statement further suggests that the TPO is outdated due to its age and that it classifies the protected trees as a woodland unit despite the area covered by the TPO including lawns, hard landscaping and buildings which are not consistent with the character of a woodland according to current Government guidance. It also suggests that in the absence of confirmation of the TPO it should be considered to have lapsed. Even if this were the case, however, the trees on the appeal site are part of the CA. Their contribution as part of the wider group to its character and appearance would not be diminished by the absence of a TPO.
9. The appellant suggests that replacement planting could be secured by condition that would mitigate the harm caused by the removal of trees from the site. However, I do not have in evidence before me any details of proposed replacement planting, and so I cannot make an informed assessment of its potential value to the character of the CA. I do not therefore consider that it would be reasonable to grant permission subject to a condition requiring replacement planting, given the significance of the existing trees as part of the wider group, and the sensitivity of their setting.
10. As material harm has been identified due to the loss of protected trees it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) the harm would be localised to the appeal site and its immediate surroundings. The harm to the character and appearance of the CA would therefore be less than substantial, when weighed against the significance of the CA as a whole.
11. The development would deliver an additional family dwelling that will make a modest ongoing contribution to supporting the village's services and facilities,

and I have afforded this some weight in my determination of this appeal. I am required to give great weight to the conservation of the significance of the CA, in accordance with paragraph 193 of the Framework, irrespective of the degree of harm that would result. In this instance, I find that the harm that would result from the loss of trees would outweigh the public benefits of the proposed development.

12. Having regard to the above considerations I therefore conclude that the development proposed would cause unacceptable harm to the character and appearance of the CA. It would therefore conflict with the requirements of Policies DES2, HA4 and NE3 of the East Herts District Plan 2018. These policies require, amongst other things, that development in a CA preserve or enhance its special interest, character and appearance.

Other Matters

13. The appellant states that the principle of the development is acceptable, and that the proposed dwelling, in itself, would not cause harm to the character and appearance of the CA. This has not been disputed by the Council and I see no reason to disagree with this conclusion. In addition, it has been drawn to my attention that there have been no objections from statutory consultees regarding the impact of the development on highways impact or flood risk. The application was accompanied by a preliminary ecological appraisal which concluded that there would be no adverse impacts to protected species from the development, subject to complying with the recommendations of the appraisal. I have had regard to these points, but the absence of identified harm can only be a neutral consideration in determining this appeal.

Conclusion

14. For the reasons set out above, I dismiss the appeal.

M Chalk

INSPECTOR