
Appeal Decision

Site visit made on 27 February 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2020

Appeal Ref: APP/A1910/D/19/3244041

96B Little Farm, Highfield Lane, Hemel Hempstead HP2 5JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr R Biddulph against the decision of Dacorum Borough Council.
 - The application Ref 4/01824/19/FHA, dated 29 July 2019, was refused by notice dated 11 November 2019.
 - The development proposed is the construction of a coach house to the rear of the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposal on the living conditions of occupants of No 6 The Grazings with regard to outlook from the conservatory; and
 - The effect of the development on the setting of the Grade II Listed Little Farm farmhouse and barn.

Reasons

Living conditions

3. The appeal site includes an area of open land standing in the grounds of a farmhouse and barn in Hemel Hempstead. From the evidence submitted and from my site visit it appears that this area is often used for parking vehicles. It is partially surrounded by a solid wooden fence. To the rear of the appeal site beyond the fence is a modern detached dwelling (No 6 The Grazings) with a conservatory attached.
4. The proposed development comprises a coach house intended to accommodate 4 cars with a loft space above. It would be situated close to the wooden fence and, according to the appellant, would be 8m from the conservatory of No 6. The area of open land is slightly above the level of No 6 and its garden.
5. The catslip roof of the coach house would be steeply pitched. According to the appellant the eaves of the coach house would be 2.4 metres high and the ridge would be 6.1 metres high. It would be about 12-15 metres in length.

6. Concerns have been raised that the proposal would harmfully change the living conditions of the occupants of No 6 by overshadowing the rear of the dwelling and by appearing oppressive when seen from the conservatory.
7. The appellant has included the planting of 3 silver birch trees close to the boundary with No 6 to provide mitigation. I consider that these trees would in the years ahead provide some visual screening of the coach house from the conservatory in spring and summer but little or none in autumn and winter.
8. As regards sunlight and daylight, I find that, because of its position, the proposed coach house would not cause any diminution in levels except possibly in the evenings of high summer. I do not consider that a loss of sunlight for such a short period of the day during such a short period of the year constitutes an unacceptable degree of harm.
9. The development proposal would be outside of the 45-degree lateral taken from the conservatory. Nevertheless, because of its height, its length, the steepness of its roof and its proximity I find that the coach house would be clearly visible from the conservatory and would dominate the outlook. I consider that a building of such size so close to the conservatory would be oppressive to the extent that it would harm the living conditions of the occupants.
10. I am not convinced that any noise buffer effect caused by the coach house would have any material benefit for the occupants of No 6. Thus, I attach little weight to this submission.
11. Consequently, I find that in regard to the first main issue the development proposal, by virtue of its siting, height and elevation, would harm the living conditions of occupants of No 6. Thus, it would not accord with Policy CS4 and Policy CS12 of Dacorum's Local Planning Framework – Core Strategy 2006-31 2013 (CS) which, respectively, require that only appropriate development is permitted in residential areas and that the siting, scale, height, bulk and associated landscaping of new development respects neighbouring properties and does not intrude on the outlook of their occupants.

Setting of the Listed Building

12. The farmhouse and barn were designated as Grade II listed buildings in 1975. The farmhouse is described in the listing as being a 17th century timber frame and red brick 2 storey structure with an attic and tiled roof. It has 2 gable dormers with a wing added in the 20th century. The adjacent barn is also timber framed.
13. I consider that the courtyard to the front and the garden to the back of Little Farm farmhouse contribute to the setting of the farmhouse, whilst the courtyard and the driveway to either side contribute to the setting of the neighbouring barn. From these vantage points it is possible to appreciate the historical lineage of the two structures and their functional inter-relationship.
14. The proposed coach house would be about 20 metres from the farmhouse and adjacent barn. I consider that this level of physical separation combined with its location relative to the farmhouse and barn means that this part of the area of open ground does not contribute to the setting of the listed buildings.

15. I was referred to a decision letter on an appeal issued in March 2007 against the refusal of planning permission for construction of a dwelling closer to the middle of the area of open ground in question¹.
16. In dismissing that appeal, the Inspector concluded that the area of open ground had a spacious character that was part of the setting of the listed farmhouse and barn. He further considered that given the level of development that had taken place around the farmhouse the protection of the area of open ground became even more important.
17. The proposed coach house would be situated further away from the farmhouse and barn than the dwelling that was refused on appeal in 2007. It would leave most of the ground remaining as open and the setting of the farmhouse and barn unaffected. I consider that the effect of the proposed coach house on the farmhouse and barn would be neutral.
18. Consequently, having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would preserve the setting of Little Farm farmhouse and the neighbouring barn.
19. Therefore, in regard to the second main issue, I find that the proposal comports with Policy CS27 of the CS that requires the protection of heritage assets and with saved Policy 119 of the Dacorum Borough Local Plan 1991-2011 2004, which requires that every effort should be made to ensure that development does not affect the setting of a listed building. Furthermore, the proposal would accord with the advice set out in Paragraph 193 of the National Planning Policy Framework that new development should not affect the setting of a listed building.

Other Matters

20. I agree that the removal of the 2 car ports would enhance the setting of the listed farmhouse and barn. However, since these are relatively small structures, I do not consider this to be a significant benefit and I attach little weight to it.
21. I also note that the appellant has given an undertaking that local builders would be commissioned to undertake the construction work. Whilst I agree that there would be local economic benefits, I consider that these would be short term and I therefore attach little weight to them.
22. Finally, I note and agree that the development proposal would not diminish the living conditions of any other neighbours around the appeal site.

¹ APP/A1910/A/06/203287/WF

Planning Balance and Conclusion

23. I have found that the proposed development would not affect the setting of a listed building. However, I have found that it would fail to provide for the satisfactory living conditions of the occupants of No 6, The Grazings as regards outlook from the conservatory. I consider that overall the proposal conflicts with the development plan which is not outweighed by other considerations. For this reason, the appeal should be dismissed.

William Walton

INSPECTOR