



Appeal Decision

Site visit made on 28 September 2020

by A Denby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/J1915/W/20/3254717

Land adjacent to Hermitage Cottage, Scholars Hill, Wareside, SG12 7RQ

- 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 Bill & Sally Tillbrook against the decision of East Herts Council.
 - The application Ref 3/20/0250/FUL, dated 6 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is demolition of an existing double garage in Wareside Conservation area to construct 2 bed dwelling on a portion of land to the rear of Hermitage Cottage, Wareside.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Bill Tillbrook against East Herts Council. This application is the subject of a separate decision.

Procedural Matter

3. The appellant submitted a Flood Risk Assessment (FRA) with this appeal. The Council have had the opportunity to comment on it. I am satisfied that neither the Council nor interested parties have been prejudiced in this regard and I have taken the FRA into account in determining this appeal.

Main Issues

4. The main issues are a) the effect of the proposed development on the character and appearance of the area with specific regard to the Wareside Conservation Area; b) the effect of the proposed development on the setting of listed buildings; and c) whether the proposed development would be at an unacceptable risk of flooding.

Reasons

The Wareside Conservation Area (WCA)

5. Much of the significance of the WCA is derived from the tightly knit village core of traditional cottages, many of which are listed, clustered in the valley bottom of the Nimney Bourne Brook. The trees and hedgerows within the village are also an important visual component of the character of the WCA, particularly those on the narrow lanes. They screen and provide relief from the built

development and a transition from the compact centre to the wider rural surrounds.

6. The appeal site comprises an area of garden associated with Hermitage Cottage. It is currently occupied by a detached garage and areas of hardstanding. There is also some landscaping within the site and a mature hedge to the road frontage. The site therefore has a verdant, open and spacious character which provides some visual relief from the concentrated development within the village core. It contributes positively to the character of the WCA.
7. The proposed dwelling would be a substantial building, with large box dormers and a bulky shape. It would be in very close proximity to the road frontage and positioned at an angle towards the boundary, resulting in the end gable, and roof, with its large eaves overhang, being particularly dominant features, especially in views from Scholars Hill and its junction with the main road. The built development would extend almost the full length of the site boundary with the road and visually it would fill the plot, eroding its open and spacious character and consequently appearing cramped.
8. The design of the proposed dwelling would be at odds with the established character of other development in the WCA. Although dormer windows are not an alien feature, those proposed would be of a more contemporary design. I appreciate that this can sometimes interestingly contrast with more historic forms. However, the roof and dormers would be the main visible feature of the dwelling and due to their size, design and materials they would appear obtrusive and incongruous amongst the more traditional architecture within the WCA.
9. Whilst the existing garage at the appeal site is a more modern structure it is low level, set back from the road frontage and well screened by the existing landscaping. It is not a prominent feature and has a limited impact on the character and appearance of the WCA. Its removal would be a positive aspect of the appeal scheme but would not accordingly justify the impact of the design, scale and siting of the proposal for the above reasons.
10. The appellant considers the provision of additional planting would mitigate the visual impact of the proposed development and a condition could address this concern. However, a substantial amount of the existing landscaping would be removed or reduced as part of the proposals. It would take some considerable time for any new landscaping to establish and considering the proximity of the dwelling to the boundary and large eaves overhang, the effectiveness of any landscaping in screening the development would be limited. It has been suggested that the existing hedging does not support wildlife though there is no detail to substantiate this.
11. The bulky roof and substantial dormer windows would remain the dominant features of the appeal scheme. The proposals would not only remove a positive gap in the street scene but introduce a development which would be incongruent for the reasons I have given.
12. Therefore, the development would have a harmful impact on the character and appearance of the WCA and conflict with Policies DES4, HOU2, HOU11, HA4 and VILL2 of the East Herts District Plan, 2018 (DP), which, amongst other things, seek to ensure that all development achieves a high standard of design

and layout promoting local distinctiveness, preserves or enhances the special interest of conservation areas and relates well to the village.

Setting of Listed Buildings

13. Hermitage Cottage is a detached grade II listed building which is currently in use as a single dwelling. It is a traditional and attractive cottage located in the historic core of the village. The evidence suggests it was previously separated into 3 workers cottages associated with the Gosslin estate, each cottage with its own small garden area which would have allowed space for the occupiers to grow their own fruit and vegetables and be self-sufficient. The building is in close proximity to the main road and adjacent to its road junction with Scholars Hill, which also adjoins the garden boundary to two sides. The Nimney Bourne Brook adjoins the other boundary passing closely to the cottage. The significance of the building lies in its traditional architectural form and features together with its connection to the local area, position within the village, historic use and connections to the Gosslin estate.
14. As a result of the building's conversion to a single dwelling, the smaller individual gardens have been amalgamated and consequently the cottage has a substantial garden area. Be this as it may, there remains a clear historic functional link between the appeal site and Hermitage Cottage. This provides an insight into the rural nature of the village, reinforced by the single-track narrow lanes. The space created by the appeal site remains an integral and valuable part of the curtilage of the building. The development of it for a new dwelling would greatly reduce the size, quality and contribution of the space, erasing an important historic feature of the building's curtilage.
15. As I have explained above, the proposed dwelling would be a dominant feature, visible from public vantage points at the front of Hermitage Cottage, where the Nimney Bourne Brook crosses under the main road and the junction with Scholars Hill. The proposed dwelling would obscure views of Hermitage Cottage on approach to the appeal site from Scholars Hill, reducing the quality of its contribution to the street scene.
16. The proposal would therefore be harmful to the setting of Hermitage Cottage, and thereby the significance of it as a designated heritage asset. It would therefore conflict with DP Policy HA7 which seeks to permit development only where the setting of the listed building would be preserved.

Flood Risk

17. The Nimney Bourne Brook runs along the boundary of the site and there are flood defences in place. There is some dispute between the main parties as to which Flood Zone the appeal site is located within. The Council contend that part of the site falls within Flood Zone 2 and is at high risk of surface water flooding, requiring a Flood Risk Assessment (FRA) to be submitted. The FRA submitted to the appeal includes an Environment Agency (EA) Map which indicates flood zones. On the basis of this they consider the site falls wholly within Flood Zone 1. Whilst the EA Flood Maps provide an indication of the flood zones, they alone are not sufficiently precise or clear. This is evident with this site as on the basis of this map it does appear that the majority of the site falls within Zone 1. There are however areas within Flood Zone 2 and 3 which follow the Nimney Bourne Brook, and these appear to be in close proximity to, if not extend into the appeal site, particularly at its north-east corner.

18. No further detailed site-specific information has been submitted to the appeal on this matter and therefore, on the basis of the EA map alone, I cannot be certain that the site falls wholly within Flood Zone 1.
19. The National Planning Policy Framework (the Framework) explains that, through the application of the Sequential Test, development should be steered towards those areas at the lowest risk of flooding. With the above ambiguity in mind, I cannot be sufficiently sure that this would be the case. Moreover, the FRA identifies that the site is at high risk from surface water flooding. The information submitted indicates that mitigation measures could be provided to ensure that the new dwelling would be protected from surface water flooding on the site. However, there is little detail about the offsite impacts of such measures. I cannot therefore be sure that the proposal would not increase flood risk elsewhere as per part of the intention of the Exception Test, also set out by the Framework.
20. Flood risk matters could not therefore be dealt with by condition and in that regard, the development would conflict with LP Policy WAT1 and the advice in the Framework. These policies seek to ensure that development is directed towards areas at the lowest risk of flooding, development is made safe from the impacts of flooding, and that risk is not increased elsewhere.

Other Matters

21. The appellant has drawn my attention to a previous scheme for the creation of a new vehicular access to provide two parking spaces to the rear of Hermitage Cottage. From what I have seen, this scheme introduced some hardstanding to the centre of the existing curtilage. There appears to have been no further development proposed within the garden. The site would therefore have retained its open and spacious character and remained linked to and associated with the cottage. This would not be the case with the appeal before me. The two schemes are not therefore sufficiently comparable to the point that my conclusions on this appeal would change.
22. I see that pre-application discussions took place and the appellant amended their proposal in an attempt to address the Council's concerns. Be this as it may, any such advice is given without prejudice to the final outcome of a planning application and in any case, would not absolve me as the decision maker from assessing the scheme's individual merits and coming to a view thereon.
23. The Environment Agency were consulted on the planning application and raised no objections in relation to the impact on the adjacent flood defences, subject to offering an informative. However, the EA would not necessarily review surface water data as part of a planning submission, and this does not therefore lead me to a different conclusion.

Planning Balance and Conclusion

24. The site is within the village where some local services and facilities would be available. LP Policies and the Framework would support development in such locations. However, they are also clear that developments should function well and add to the overall quality of the area, being sympathetic to and responding positively to the local character, protecting or preserving heritage assets. As detailed above, the appeal scheme would not achieve this, resulting in

unacceptable harm to the character and appearance of the site, conservation area and setting of a listed building.

25. I note that LP Policies and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.
26. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the WCA, and to the desirability of preserving the listed building, including its setting, and the result of the proposal would be less than substantial harm when considered in the context of the Framework. Whilst the proposals would provide an additional dwelling, in an accessible location, I do not consider these public benefits would be sufficient to outweigh the harms I have identified, and to which I have attached considerable importance and weight.
27. It is for these reasons that the appeal is dismissed.

A Denby

INSPECTOR