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# Appeal Decision

Site visit made on 1 March 2021

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 March 2021**

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**Appeal Ref: APP/P1940/D/20/3261415**

**11 Gallows Hill, Abbots Langley WD4 8PG**

- 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 C Bartlett against the decision of Three Rivers District Council.
  - The application Ref 20/1163/FUL, dated 4 June 2020, was refused by notice dated 11 September 2020.
  - The development proposed is described as erection of Garden Room to rear garden.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues are
  - Whether the development would preserve the setting of the listed building 11 Gallows Hill; and,
  - The effect on the character and appearance of the area.

## Reasons

### *Setting of the listed building*

3. The host dwelling is a Grade II listed building dating from the 17<sup>th</sup> Century with later additions. It is a two-storey dwelling with front and rear gables to the roof, and red brick nogging to the upper floors over whitewashed brick to part of the ground floor. I find that its significance derives from its historic character and from its association with its setting, which includes its rear garden. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the setting of the listed building.
4. The proposed garden room would be a large structure. Although set much lower in the site than the house due to the sloping ground level the garden room would feature a large dormer window facing towards the house. Due to its overall size, height, and the large dormer window it would be a prominent and dominant feature in the rear garden.
5. There would be a significant separation distance between the house and the garden room. However, even with the change in levels the garden room would

- be clearly visible within the setting of the listed building, with an unobstructed view from the house to the foot of the garden where it would be sited. Due to its height and width it would obscure the backdrop of trees at the foot of the garden, diminishing the contribution these trees make to the setting.
6. The garden room has been designed so that its ridgeline would be lower than the ground floor level of the house. It would be timber clad, which is a typical finish for a garden outbuilding. The house has been enlarged with modern rear extensions that would be the closest elements to the garden room. Notwithstanding these considerations, however, the overall size and prominence of the garden room would be harmful to the setting of the listed building.
  7. That harm would be experienced principally in the immediate vicinity, although due to its size the garden room would also be visible in the wider area from neighbouring properties. As the proposal is for a single building in the rear garden of a house in a residential area and would not be prominently visible from the public highway, this would lead to less than substantial harm to the significance of the listed building.
  8. The National Planning Policy Framework 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 irrespective of whether any potential harm amounts to less than substantial harm to its significance.
  9. The development would provide additional accommodation for the appellant, reducing the need to commute to work or a gym as it would provide home working facilities and a place for exercise. Given the ongoing benefits of reduced carbon emissions these benefits are recognised and considering Government instructions under the current pandemic to reduce travel attract some additional weight. However, given that these benefits would principally be private ones, they do not outweigh the great weight to be given to the harm to the significance of the listed building that would result from the appeal proposal.
  10. The development would therefore fail to preserve the setting of the listed building. It would conflict with the requirements of the Act, and with Policies CP1 and CP12 of the Three Rivers Core Strategy 2011 (the CS) and Policy DM3 of the Three Rivers Development Management Policies Local Development Document 2013. Taken together these policies require that development affecting the setting of a listed building conserve its significance.

#### *Character and appearance*

11. The garden room would be a substantial addition to the rear garden of the house. The scale of the building would result in it being an incongruous feature in the landscape, out of keeping with its surroundings and not appearing as an ancillary structure compatible with its residential setting.
12. While the garden room would be set at a much lower level than the host dwelling the gardens of neighbouring properties are similarly sloped. While the boundary planting would provide some screening, it would nevertheless be a prominent and incongruous feature in the surrounding area due to its size.

13. The appeal proposal would therefore be harmful to the character and appearance of the area. It would conflict with Policies CP1 and CP12 of the CS, which taken together require development to respect local distinctiveness and conserve or enhance the character and quality of an area.

**Conclusion**

14. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR