



## Appeal Decision

Site Visit made on 6 April 2021

**by L Fleming BSc(Hons) MRTPI**

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

**Decision date: 7<sup>th</sup> May 2021**

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### **Appeal Ref: APP/J1915/W/20/3261657**

#### **35B Bull Plain, Hertford, SG14 1DX**

- 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 M Dawe against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0626/HH, dated 17 March 2020, was refused by notice dated 23 September 2020.
  - The development proposed is proposed two storey extension and new bi-folding vehicle access gates.
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### **Appeal Ref: APP/J1915/Y/20/3261661**

#### **35B Bull Plain, Hertford, SG14 1DX**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr M Dawe against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0627/LBC, dated 17 March 2020, was refused by notice dated 23 September 2020.
  - The works proposed are proposed two storey extension and internal alterations to convert kitchen into lounge.
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### **Decision - Appeal A**

1. The appeal is dismissed.

### **Decision - Appeal B**

2. The appeal is dismissed.

### **Procedural Matters**

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning.
4. I have taken the description of development for both appeals from the Council's decision notices as these more accurately describe the proposals.
5. The appeal site visit was arranged as access required. However, the appellant did not attend. I was therefore unable to enter the appeal property and was unable to assess the effect of the proposed internal alterations. However, for the reasons that follow I was satisfied I was able to see everything I needed to determine the appeals and proceeded on an unaccompanied basis. Had I been

able to enter the appeal property this would not have altered the outcome of the appeals. I am satisfied that no party has been prejudiced by my approach.

## **Main Issue**

6. The main issue in both appeals is whether the proposed development/works would preserve the grade II listed 35B and 35C Bull Plain or its setting and any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the Hertford Conservation Area.

## **Reasons**

### *Significance*

7. The appeal property is one of a pair of semi-detached 18<sup>th</sup> century dwellings with 20<sup>th</sup> century alterations, known as the grade II listed 35B and 35C Bull Plain, which are within the Hertford Conservation Area (CA).
8. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. 35B and 35C Bull Plain is two storey, timber framed, weatherboarded with a concrete tiled roof. Its main front elevation has scattered timber casement windows, which afford views out onto small private gardens and the River Lea. The rear elevation of No 35B is stepped, creating a narrower section of the building with a lower ridge line. The space between this part of the building and Bull Plain is in use as parking and gardens.
10. The appeal site boundary with Bull Plain is marked by timber fencing and gates which extend along the footway up to Folly Bridge over the River Lea. Insofar as is relevant to the appeals, the significance of 35B and 35C Bull Plain derives from its modest scale, its positioning and orientation in relation to the River Lea and Folly Bridge, and its simple traditional architectural detailing.
11. The CA covers a large part of the town including its commercial centre and some of its residential suburbs. The appeal site is located within the Central Historic Core which the Council's Conservation Area Appraisal (CAA)<sup>1</sup> notes contains historic buildings dating from the 12th century. It also recognises the importance of the river features on the edge of the area and associated open spaces. Therefore, insofar as is relevant to both appeals, I find the significance of the CA derives from the architectural detailing and the layout of the traditional buildings within it including their relationship with the River Lea.

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<sup>1</sup> Hertford Conservation Area Appraisal and Management Plan, East Herts District Council 2017

*Effect on 35B and 35C Bull Plain and the Hertford Conservation Area*

12. The proposed fencing and gates would replace existing fencing and gates. The proposed car parking space and new cobbled area would blend into the context. These elements would not harm and would have a neutral effect on the historic fabric of the listed building and features of architectural or historic interest it possesses and its setting and would preserve the character and appearance of the CA.
13. However, the extension would extend at two storeys at roughly 45 degrees into the space between the listed building and Bull Plain. Although joined by a single storey zinc and glazed link, the remainder of the proposed extension would be tall, wide and deep. Even though set down into the plot through its scale it would dominate the appearance of the listed building, particularly when approaching the appeal site from the north.
14. Furthermore, the proposed angled extension partly in front of the main front elevation and into the space to the side of the listed building would complicate its otherwise simple appearance harming its setting. Therefore, through its scale and positioning the proposal would diminish the modesty and simplicity of the grade II listed building failing to preserve its historic architectural detailing and its setting, harming its significance.
15. Moreover, the proposed awkward and overly dominant extension, into the space between the listed building and Bull Plain would be prominently located next to Folly Bridge on a main route through the CA and would be widely visible from the riverside. Thus, irrespective of whether the CAA, identifies any important views in the vicinity of the site or notes the appeal property, the harm I have identified to the historic architectural detailing of a traditional building within the CA and its setting would also therefore fail to preserve or enhance the character or appearance and harm the significance of the CA as a whole.

*Planning and Heritage Balance*

16. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 196 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
17. The proposals would improve the living conditions for the occupiers in terms of additional internal living space. However, this is largely a private benefit and would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
18. In reaching these conclusions I have also noted the positive comments of Hertford Town Council. However, overall, I find the proposed development/works would fail to preserve the grade II listed 35B and 35C Bull Plain or its setting and any features of special architectural or historic interest that it possesses and would fail to preserve or enhance the character or appearance of the CA contrary to the respective sections of the Act and the Framework.
19. For the same reasons both appeal proposals would also conflict with the development plan, particularly Policies DES4, HOU11, HA1, HA4 and HA7 of the East Herts District Plan (2018) which amongst other matters seek to ensure

that proposals are of a high standard of design which preserves or enhances the CA and are of a scale, proportion, form, height, design and overall character that accords with and complements the parent building and the surrounding area.

**Conclusion**

20. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

*L Fleming*

INSPECTOR