



Appeal Decisions

Site Visit made on 16 November 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2021

Appeal A: APP/C1950/D/21/3270018

Green Lodge, Ponsbourne Park, Newgate Street, Hertford SG13 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Pryke against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2020/3133/HOUSE, dated 23 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is erection of single storey extension to link with converted garage.
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Appeal B: APP/C1950/Y/21/3270029

Green Lodge, Ponsbourne Park, Hertford SG13 8NH

- 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 & Mrs Pryke against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2020/3134/LB, dated 23 November 2020, was refused by notice dated 26 January 2021.
 - The works proposed is erection of single storey extension to link with converted garage.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to listed buildings, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also had due regard to the disability aspects of the case, in line with the Public Sector Equality Duty (PSED) as contained in section 149 of the Equality Act 2010.
4. The emerging new Welwyn Hatfield Local Plan is yet to be finalised and adopted. As such, insofar as relates to these decisions, the local development plan comprises the Welwyn Hatfield District Plan 2005 (DP).

5. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.

Main Issues

6. The main issues in this case are:

- Whether the proposal would be inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal would preserve the Grade II listed building, 'Green Lodge' (Ref: 1173646), or any features of special architectural or historic interest that it possesses;
- The effect of the proposed development on biodiversity, including bats; and
- If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. The appeal site comprises a single-storey detached lodge building, its grounds with driveway and two garage outbuildings. It is located within the Metropolitan Green Belt.
8. Paragraph 149 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. In echoing national Green Belt policy in relation to dwelling extensions, Policy RA3 of the DP is broadly consistent with the Framework.
9. The proposal would entail an extension housing a new sitting room with patio to the eastern side of the lodge, connected by a glazed link to the garage building to the north-east that would be converted into living accommodation including a third bedroom.
10. Even if I were to exclude the garage block further to the east from the calculation, the existing lodge, proposed sitting room and link extension, plus garage conversion would together result in a total building footprint approximately 80% larger than the footprint of the original building. As such, the enlarged building's total footprint would be at least around four fifths larger than that of the original lodge building. This would be a substantial increase.
11. Furthermore, in joining the lodge to the nearby garage that is proposed for conversion, the proposal would change the lodge building from an approximately square footprint to a substantially enlarged building mass with a more sprawling, approximately L-shaped footprint. The same ridge height of the proposed side extension as for the core building would further draw

attention to the side extension's lack of subservience, and to the significantly enlarged building mass.

12. I therefore conclude that the proposal would entail a disproportionate addition within the Green Belt. Thus, the proposal would not fall within exceptions in Policy RA3 of the DP and paragraph 149c) of the Framework. It would therefore be inappropriate development which would, by definition, harm the Green Belt.

Openness of the Green Belt

13. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. Openness has both spatial and visual dimensions.
14. The following factors would go some way to moderate the proposal's visual impact. The existing dwelling would largely screen the proposed side extension from public view. Also, vegetation around much of the site's perimeter would screen the proposal from middle and longer distance views.
15. Nonetheless, the proposed side extension with glazed link would be visible from various viewpoints passing and entering the site's driveway off Newgate Street, within the appeal site and neighbouring land. Furthermore, in joining the lodge to the garage conversion, the proposal would fill the gap between these buildings, which would disrupt views to the open lawned garden area and woodland beyond. As established earlier, the proposal would also result in a substantially enlarged joined building mass, with a more sprawling, approximately L-shaped footprint.
16. Intensified domestic occupation and paraphernalia at the appeal property are likely to arise from the additional bedroom and sitting room. Together with the discordance of the proposed addition to the historic listed lodge building, as described below, this would draw further attention to the enlarged dwelling.
17. The above combination of factors would result in some harm to the openness of the Green Belt. This harm must be regarded as additional to the harm by reason of inappropriateness.

Listed Building

18. Section 66(1) of the Act sets out that in considering whether to grant planning permission, the decision maker shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
19. The listed building is a single-storey stuccoed building with slate hipped roof that dates from around the late eighteenth century. Its historic role as a lodge for the Ponsbourne House estate is reflected in its position at the head of a driveway off Newgate Street and its historic architectural characteristics, which include the following. The building's front elevation includes a recessed centre bay with Doric columns on either side of the door. This pattern of columns, fenestration and chimneys contribute to the distinctive symmetrical appearance of the lodge's front elevation and its architectural primacy. This, together with its relatively compact detached form, approximately square footprint, and the architectural 'breathing space' around it contribute to the historic lodge's

- identity. Characteristics of other elevations further reinforce the symmetrical aspect of the historic lodge's identity.
20. Consequently, the listed building embodies evidential, historical and aesthetic values. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the legibility of its historic lodge architecture and identity.
 21. The proposed side extension would disrupt the eastern facade and roofscape of the listed building. Also, the proposal would result in an expanded, approximately L-shaped sprawl of connected building mass. This would detract from the lodge building's distinctive symmetrical character, compactness, modesty of scale and historic primacy. It would also disrupt the historic openness of the lodge's grounds. The side extension's ridge height would further draw attention to the proposal's lack of subservience to the lodge. Also, the modernity of the proposed glazed link would depart from the lodge's historic architectural style and materials palette.
 22. The above together would dilute and distract from the legibility of the lodge's historic architecture and identity. Consequently, the proposal would appear as an incongruent and intrusive distraction from the listed building.
 23. The above impacts would be noticeable from various viewpoints passing and entering the site's driveway off Newgate Street, within the appeal site and neighbouring land.
 24. The appellants suggest that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building are available.
 25. Use of stucco, roofing slates and window frames to match the lodge's existing materials would not outweigh the harm caused by the proposal's identified diminution of the listed building's historic architectural identity.
 26. Taking the above together, the combination of incongruent massing, design and material would distract from the historic form of the listed building. Consequently, the over-dominant addition that is being proposed would erode the historic legibility of the listed building.
 27. Therefore, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
 28. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the listed building to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
 29. The proposal would provide an additional living room that would result in more personal living space for various family members. It would also provide a third bedroom with sleeping accommodation, intended for use by an external carer.

Together this would contribute to a more semi-independent and comfortable home environment for those requiring care, and some respite for those with caring responsibilities. Having due regard to the requirements of the PSED, I find that through providing a home environment that would better meet the evolving personal needs of those requiring and providing care in the household, this would have a positive equality impact. Also, the proposed additional living accommodation would provide socio-economic benefit to the area during and after construction, albeit on a limited scale.

30. That said, it is not demonstrated that there is a significantly limited supply of alternative residential accommodation in the area, capable of providing three bedrooms and two lounges, of the scale envisaged to help meet the occupants' evolving personal needs. This limits the case for the envisaged scale of accommodation to be located solely at the appeal site, with its listed building and Green Belt sensitivities. Furthermore, the continued viable use of the property as a dwelling is not demonstrably dependent on the proposed works, as the building has an ongoing residential use that would not cease in its absence. Also, the quality of life improvements for occupants resulting from the proposed additional living space at the appeal dwelling would be of a personal nature.
31. Accordingly, I find that there are insufficient public benefits to outweigh the identified harm to the heritage asset.
32. Given the above, I conclude that, on balance, the proposal would fail to preserve the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 202 of the Framework. It would also conflict with Policies D1 and D2 of the DP which, among other things, require development to complement local character and context, taking account of the area's history.

Biodiversity

33. Albeit it was undertaken outside of the active season, the Bat Survey submitted with the appeal indicates an absence of bat presence in the surveyed lodge and garage outbuilding. It also includes suggestions for biodiversity enhancements.
34. In the light of this, I find that the proposal would not harm bats. Thus, subject to biodiversity enhancement being secured by planning condition, the proposal would be acceptable in biodiversity terms. As such, it would accord with Policy R11 of the DP, which seeks to ensure that development contributes positively to biodiversity.

Other considerations

35. The benefits of the proposal, as identified earlier carry moderate weight.

Whether very special circumstances

36. As per paragraph 148 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have found that the proposal would be inappropriate

development in the Green Belt, which would, by definition, be harmful. The appeal scheme would also result in harm to the openness of the Green Belt and would conflict with one of the purposes of including land within it. The totality of identified harm to the Green Belt and other harm in this case carries substantial weight. On the other hand, the other considerations I have identified are of moderate weight in favour of the proposal.

38. Therefore, the totality of harm to the Green Belt and other harm is not clearly outweighed by the other considerations identified. Thus, the very special circumstances necessary to justify the proposal do not exist. As such, the proposal is contrary to the Framework.

Conclusion

39. For the reasons given above I conclude that these appeals should be dismissed.

William Cooper

INSPECTOR