



Appeal Decision

Site visit made on 16 November 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/A1910/W/21/3278634

Rosemary Cottage, 126 High Street, Northchurch, Berkhamsted HP4 3QS

- 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 Ed Whetham (Laxton Properties Ltd) against the decision of Dacorum Borough Council.
 - The application Ref 20/02360/FUL, dated 17 August 2020, was refused by notice dated 1 March 2021.
 - The development proposed is two pairs of semi-detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken any made into account. I have had regard to the 2021 version of the Framework in my decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the settings of a Grade II listed building (Rosemary Cottage) and the Northchurch Conservation Area;
 - the character and appearance of the area, with particular reference to the proposed parking layout;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook; and
 - highway safety.

Reasons

Setting of Rosemary Cottage

4. The appeal site comprises the rear curtilage of Rosemary Cottage, a Grade II listed building which is a notable part of the High Street frontage, located near the historic centre of Northchurch. Accordingly, the site is within the setting of Rosemary Cottage, i.e. the surroundings in which the heritage asset is experienced. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special

regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5. The significance of Rosemary Cottage derives in part from its historic interest in being part of the late medieval development of the village, and from its aesthetic interest arising from its timber frame construction with red brick and an old tiled roof.
6. The site, as part of the setting of Rosemary Cottage, contributes to the significance of Rosemary Cottage due to it being part of an uncharacteristically long garden which, in conjunction with Rosemary Cottage being set-back from the street frontage, reflects the historic pattern of development which existed prior to the industrialisation of the area.
7. I acknowledge that this contribution has been diluted somewhat by the rear extension to Rosemary Cottage, the enclosure of the site by housing development, and the previous use of the site as part of the garden to Rosemary Cottage, but the presence of the mostly open space at the site is discernible from Chapel Crofts. It provides a distinct contrast to the largely built-up nature of the larger estate which the site adjoins. In this way, the site better reveals the significance of Rosemary Cottage by alluding to the context of its historic former use as a farmhouse.
8. The proposal, for 2 pairs of semi-detached houses with associated garden areas, would largely erode the mostly undeveloped nature of the site. In this respect, the contribution that the setting makes to the significance of Rosemary Cottage would be compromised by the proposal. Whilst the harm to the setting of Rosemary Cottage would be less than substantial, this harm is of considerable importance and weight. This harm must be weighed against the public benefits of the proposal, which are considered below.

Setting of Northchurch Conservation Area

9. The site is immediately adjacent to the Northchurch Conservation Area (conservation area). The conservation area's significance as a designated heritage asset, as a whole, includes its numerous historic buildings which illuminate the rich history of Northchurch which has been continuously occupied since the Roman era.
10. The setting of the conservation area includes those areas in close proximity to it, including the appeal site, which are part of the surroundings in which the heritage asset is experienced. The setting, including the appeal site, contributes to the significance of the conservation area by providing a reminder of its historic past as a small agricultural community.
11. In this respect, although the site is surrounded by a housing estate, the proposal to build 4 houses on the site would considerably erode these historic associations, which would undermine the contribution that the setting makes to the historic interest of the conservation area. Consequently, the significance of the conservation area would be materially harmed by the proposed development within its setting. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal.

Public Benefits

12. The proposal would provide 4 residential units of accommodation in an accessible urban location, on land that is presently underused. It would also provide economic benefits in terms of work for construction professionals and through the future occupiers of the proposal spending on local services and facilities, albeit all those benefits would be limited due to the quantum of units involved.
13. I recognise the considerable importance of Rosemary Cottage and the conservation area as designated heritage assets, and in accordance with the Framework, in considering the impact of the proposal on the significance of the designated heritage assets, I have given great weight to their preservation. Collectively, I give moderate weight to all the public benefits of the proposal. Thus, those benefits do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of Rosemary Cottage and the significance of the conservation area.
14. Reference has been made to a Draft Conservation Area Appraisal. However, it is common ground between the main parties that the Draft Appraisal should be given limited weight and as I have not been provided with a copy it has not influenced my findings.
15. I therefore find that the proposal would harm the setting of the conservation area and would harm, and therefore fail to preserve, the setting of Rosemary Cottage. As such, the proposal would conflict with Policy CS27 of the Core Strategy 2006-2031 (adopted 2013) (Core Strategy) which provides that, amongst other things, the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. It would also conflict with the Framework which seeks to, amongst other things, conserve and enhance the historic environment.

Character and Appearance

16. The proposed parking area would face Chapel Crofts, which is a residential street. I observed the parking arrangements on Kite Field and Chapel Crofts. I accept that car parking to the frontages of properties is common nearby, and that the proposal would incorporate carefully-chosen surfacing materials.
17. Nevertheless, the proposal would create 8 parking spaces in a row which would entail a markedly wide expanse of parking provision in this location. Moreover, the proposal would result in car parking on both sides of Chapel Crofts which would give Chapel Crofts the appearance of being unduly dominated by car parking areas. All this would cause harm to the character and appearance of the area.
18. I note that the proposed car parking area would be recessed somewhat from wider views by its landscaped area and the boundary fencing of 20 Kite Field (No 20), but it would still be clearly visible to pedestrians on Chapel Crofts. Hence, this matter does not change my findings.
19. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the area, with particular reference to the proposed parking layout. The proposal would conflict with Appendix 5 of the Dacorum Borough Local Plan 1991 – 2011 (adopted 2004) (Local Plan) and Policy CS11 of the Core Strategy which collectively provide that, amongst other things, within settlements and neighbourhoods, development should avoid

large areas dominated by car parking. The proposal would also conflict with paragraph 130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Living Conditions

20. The site lies immediately adjacent to No 20. The proposed dwelling for Plot 4 would be located closest to No 20. I note that the scale of the dwelling, including its ridge height, would not be excessive. It would only extend across approximately half of the rear boundary of No 20, leaving an open outlook for the remainder, including towards Chapel Crofts. Supplementary planting could also be required by condition, which would soften views towards Plot 4 somewhat.
21. Nevertheless, due to the very limited separation distance between No 20 and the dwelling proposed for Plot 4, the proposed dwelling would appear conspicuously dominant in views from both the conservatory and the ground floor rear windows at No 20. In this way, the proposal would make the conservatory and the affected living areas within No 20 much less pleasant to use.
22. I observed the relationship between 22 Kite Field (No 22) and 1 Chapel Crofts (No 1). In that case, whilst garages exist on the boundary with No 22, the main elevation of No 1 is set-back some distance from No 22, thereby limiting its effect with respect to outlook. Similarly, whilst garages are close to the rear boundary of 2 Kite Field (No 2), the main elevation of 4 Kite Field is set behind these, resulting in what appears to be a satisfactory relationship with respect to outlook from No 2. I observed that there is a large separation distance between the rear elevation of 5 Kite Field and the side elevation of 7 / 9 Kite Field. Accordingly, none of these examples changes my findings.
23. Therefore, I find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 20, with particular regard to outlook. The proposal would conflict with Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy which collectively provide that, amongst other things, on each site development should avoid visual intrusion to the surrounding properties. The proposal would also conflict with paragraph 130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Highway Safety

24. The location of the proposed parking area would provide good visibility for both drivers using the area, and for pedestrians approaching it. The proposed parking spaces would be adequately separated from the footway and the road. It is also the case that vehicles using the proposed parking area would likely be moving at low speeds, with a likely low number of vehicles using Chapel Crofts at any one time, particularly considering that Chapel Crofts is a cul-de-sac.
25. Nevertheless, the proposal would result in a very wide expanse of dropped kerb. This would hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from the site. The resulting situation would be particularly hazardous for pedestrians with mobility problems, the

elderly and children. Consequently, the proposal would be unacceptable in highway safety terms, particularly for pedestrian users.

26. I therefore find that the proposal would have an unacceptable and harmful effect on highway safety. It would conflict with Policies CS8 and CS12 of the Core Strategy which collectively provide that, amongst other things, on each site development should provide a safe and satisfactory means of access for all users. It would also conflict with the Roads in Hertfordshire: Highway Design Guide (3rd Edition, Version 1, January 2011) which provides that, amongst other things, unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians, and with Hertfordshire's Local Transport Plan 2018 – 2031 (2018) which provides that, amongst other things, the County Council will work with development promoters and the District and Borough Councils to ensure access arrangements are safe and suitable for all people.

Other Matters

27. No concerns have been raised by the Council with respect to matters relating to ecology, trees, flood risk, sustainable construction, and energy efficiency. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.

Planning Balance

28. The proposal would provide 4 dwellings in an accessible urban location, making use of underutilised land in the process. In this regard, the proposal would contribute to the Government's objective of significantly boosting the supply of homes. The proposal would contribute to the economy through the creation of work for construction professionals and the future occupiers of the proposal supporting local services and facilities over the long-term. However, considering the quantum of units involved, collectively these matters have been given moderate weight in favour of the proposal.
29. The proposal would harm the setting of the conservation area and would harm, and therefore fail to preserve, the setting of Rosemary Cottage, and there would also be unacceptable and harmful effects on the character and appearance of the area, the living conditions of the occupiers of No 20, and on highway safety, in the terms I have described. I ascribe substantial weight to these harms, as a group. From this, it is clear that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the totality of the harms identified, nor the conflict with the development plan cited under each main issue, above.
30. The lack of a 5 year housing supply means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11 d) of the Framework. However, part i. of paragraph 11 d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the development. As I have explained, the proposal would lead to less than substantial harm to the significance of both Rosemary Cottage and the conservation area, and these harms would not be outweighed by public benefits. This provides a clear reason for refusing the proposed development.

Therefore, the proposal would not benefit from the presumption in favour of sustainable development in this instance.

Conclusion

31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR