



Appeal Decision

Site visit made on 23 November 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/J1915/W/22/3293115

Land to the Rear of 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 Tillbrook against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1744/FUL, dated 30 June 2021, was refused by notice dated 24 December 2021.
 - The development proposed is demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Bill Tillbrook against East Hertfordshire District Council. That application is the subject of a separate decision.

Background and Main Issue

3. The current proposal follows an earlier scheme of a different design, which was dismissed at appeal (APP/J1915/W/20/3254717).
4. The main issues are the effect of the proposed development on: (i) the setting of the Grade II listed building Hermitage Cottage; and (ii) the character and appearance of the area, with particular regard to the Wareside Conservation Area (WCA).

Reasons

The setting of the Listed Building

5. The appeal site is the rear portion of the garden of the Grade II listed building Hermitage Cottage.
6. I am required, by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of the listed building. Paragraph 189 of the National Planning Policy Framework (the Framework) also sets out how heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. Paragraph 200 requires clear and convincing justification for harm to the significance of a heritage asset.

7. Hermitage Cottage is a one and a half storey building with gabled dormers, dating from the 17th Century or earlier, with a plastered timber frame and old red tiled roof. It was originally built as three cottages, each with their own rear gardens, and its conversion into a single dwelling resulted in the amalgamation of the smaller individual gardens into the garden existing today. For the purposes of this appeal, I consider the significance of Hermitage Cottage lies in its vernacular architectural form and features, together with its connection to the local area, position within the village, historic use, and connections to the Gosslin estate.
8. Access to Hermitage Cottage is through a pedestrian side gate into its rear garden, or via the appeal site at the end of the garden. The garden is therefore an important part of the setting of the listed building. The appeal site is screened from the rest of the garden by a mixed deciduous/coniferous hedge. Therefore, although it has a clear historical association with Hermitage Cottage, it is visually separated from it. Planning permission has also been granted for a new vehicular access in the vicinity of the existing side gate to allow access and parking within the garden¹. That access will introduce built development into the garden between the listed building and the appeal site.
9. The proposal before me relates to a smaller appeal site than that considered by the previous Inspector, and the southern site boundary is the existing hedge between the garage/hardstanding and the central part of the garden. The existing hedge would be retained at its current height, and this could be secured by planning condition. On that basis, the proposed single storey dwelling, with its shallow pitched roof, would stand only marginally higher than the hedge and the existing garage, and would be barely perceptible from Hermitage Cottage and its garden.
10. Given its low ridge height and the boundary hedgerows, Hermitage Cottage is not readily visible from the north on Scholars Hill. With the separation distance between Hermitage Cottage and the proposed building, and the hedgerow between the appeal site and the remainder of the garden, neither would the proposed building be seen in the same vista as Hermitage Cottage.
11. Therefore, although there would be some limited harm to the setting of Hermitage Cottage arising from the loss of the rear part of its curtilage, it would be a low degree of less than substantial harm.
12. In conclusion, the proposed building would give rise to less than substantial harm to the setting of Hermitage Cottage, and would therefore conflict with East Herts District Plan (2018) (EHDP) Policy HA7, which only permits development in the setting of a listed building where that setting is preserved.
13. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Character and appearance

14. The appeal site, and much of the village, is within the WCA, and I am required, by Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the WCA.

¹ 3/19/0712/HH

15. The Wareside Conservation Area Appraisal and Management Plan (2014) (WCAAMP) states that, "The principal range of historic properties is grouped in a tightly knit concentration in the valley bottom either side of the main road. There are a number of locally important steeply sloping access lanes and footpaths, often characterised by high banks, trees and or hedgerows on both sides of the respective lane or footpath. These are important to the character of the Conservation Area and are interpreted as being of historical interest. Trees and hedgerows are an important visual component of the character of the village as is the varied topography." I note that assessment, and for the purposes of this appeal, I consider the significance of the WCA to be its development as an historic rural settlement and its associated natural and built character.
16. The appeal site is located at a junction of Scholars Hill, accessed from the northernmost point of Hermitage Cottage's garden. It currently contains a garage building and hardstanding with access for parking. Its boundary hedgerow, which follows the curve of the road, plays a significant role in the rural character of the area.
17. Within its immediate vicinity, Laburnham Cottages and The Red Lion are prominent features located beyond the Nimney Bourne watercourse. These red multi brick and rendered buildings with tiled roofs are identified in the WCAAMP as unlisted buildings to be protected from demolition. Opposite is a detached garden and blocks of garages and, along the hill, houses set back from the road edge behind tall hedgerows give way to a single-track rural lane with banks and hedgerows. The approach from the south has a similarly rural character, in large part due to the hedgerows on both sides.
18. The proposed development is significantly different to that considered by the previous Inspector. The proposed dwelling would sit behind the hedgerows, which are proposed to be maintained at a height of 3m. The eaves height of the western elevation would be similar to the height of the boundary hedge, rising slightly above it to the rear. From this aspect, the predominant view would therefore be of the shallow green² roof.
19. Although the building would be a similar height to the existing garage, it would be larger and more prominent from its access, and from the bridge over Nimney Bourne. From there, the dark-stained double garage building set in a leafy setting would be replaced by a significantly broader structure, closer to the road, with distinctly contemporary features in white and grey facing brick. The white and grey brick and large format contemporary fenestration would contrast with the traditional materials found in the surrounding area. Its shallow roof would also conflict with the pitched roofs and gables of the prevailing character. The eastern elevation, facing the active frontage of Laburnham Cottages, would be less visible from public spaces, and would not be closer than the existing garage building. Nevertheless, it would conflict with the traditional character of the area, where the shallow green roof and large rooflights above white and grey brick will be visible from Laburnham Cottages entrances, gardens, and ground and first floors.
20. In terms of its size, scale, mass and siting the proposed building therefore seeks to take a subservient position in relation to Hermitage Cottage and in the street scene, and is a contemporary bespoke design. However, for the reasons

² i.e. planted roof

above, I consider the proposed building would not preserve the historic rural character of the WCA.

21. I have also considered the appearance and condition of the existing garage building, and that of the hardstanding on the appeal site. Although some greening of the boarding has occurred, and there are cracks in the concrete hardstanding, the garage is set well back into the site with significant boundary vegetation, and the cracked surfacing is only a small part of the site in its context. The garage is a dark stained timber building with a traditional tiled pitched roof, which is not out of character with its environs. The timber cladding is in good repair, and the decayed timber fascia on its eastern side and the guttering attached to it is not particularly notable from beyond the site boundaries. I therefore consider the appeal site in its current form is not a significant detractor in the WCA, and is not sufficient justification for the proposed development.
22. In conclusion, the proposed building would give rise to less than substantial harm to the WCA. It would conflict with EHDP Policies VILL2, DES4, HOU2, HA1, HA4 and HA11, which, amongst other things, seek to ensure that all development achieves a high standard of design and layout promoting local distinctiveness, preserving or enhancing the special interest of conservation areas, relating well to the village, and using materials traditional to the area.
23. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Other Matters

24. The appeal site lies within the wider setting of other listed buildings in the historic core of the village, along the unnamed B1004 road, including Bourne Cottage, Overhill House, Old Forge Cottage, White Horse Cottage, White Horse Public House, Post Office & Chequers Public House. However, the settings of these Listed Buildings would be preserved as a result of the separation distance between them and the appeal site, along with intervening vegetation, other buildings between them and the appeal site, and the low profile of the proposed building.
25. The proposal would contribute one additional dwelling in a Group 2 village³, and the appellant advises there is an additional need for 2 bedroom dwellings in the village.
26. I note that the Council did not determine the planning application within 8 weeks of submission, and that no extension of time was agreed with the appellant. I also note the appellants' concern that the Council did not enter into discussion to seek to resolve the Council's planning objections. In addition, I note that the Council did not consult their conservation officers in relation to this proposal before determining the application. Nevertheless, I am required to consider the appeal proposal on its planning merits.
27. There is support from interested parties in relation to the provision of parking for two cars for the proposed development. The existing parking area also provides ample parking for the existing dwelling, and the development would therefore not address an existing parking concern.

³ As defined by Policy VILL2

Planning Balance and Conclusion

28. Considering the Act's statutory duties, and paragraph 199 of the Framework, which requires great weight to be given to the conservation of heritage assets, I attach significant weight to the less than substantial harm to the WCA, and limited weight to the limited harm to the setting of the Grade II listed building.
29. In considering the public benefits of the proposal, I attribute limited weight in favour of the development to the additional 2 bed dwelling in the village. The absence of harm in relation to parking weighs neutrally in the planning balance. The identified harm to designated heritage assets is therefore not outweighed by the public benefits of the proposal.
30. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR