



Appeal Decision

Site visit made on 17 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/X1925/W/22/3299243

Land to the south of West Lane, Great Offley SG5 3BQ

- 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 Kevin Heaney against the decision of North Hertfordshire District Council.
 - The application Ref 21/01399/FP, dated 29 April 2021, was refused by notice dated 23 November 2021.
 - The development proposed is described as "Erection of a single, highly sustainable dwelling including the creation of a new access, hard and soft landscaping and all ancillary works".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted on 08 November 2022. This plan replaces the saved policies of the North Hertfordshire District Local Plan Second Review with Alterations, and I have therefore dealt with the appeal on this basis. The parties have been afforded opportunity to comment on the adoption of the NHLP, and as a result would not be prejudiced.

Main Issues

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of Great Offley Conservation Area, and the setting of The Lawns, a Grade II listed building.

Reasons

4. The appeal site lies within, and at the western extent of Great Offley Conservation Area (GOCA). Great Offley is a settlement with an historic linear form with later expansion to the west, set within the countryside. The GOCA generally follows the historic linear settlement pattern, and its significance is derived from its historical and architectural interest as an example of a traditional rural village. The appeal site forms an open space at a position of interface between areas of different ages of development, including the setting of the Grade II listed The Lawns and modern housing development of a variety of ages, some of which lie outside of the GOCA. There are various open spaces within the GOCA, some large and formal, others smaller and less defined.
5. The evidence indicates that in the past, the appeal site formed part of the landholding of a residential property known as The Lawns, and at one point in

history functioned as an orchard in association with this dwelling. The Lawns is a Grade II listed house which evolved as a dower house associated with Offley Place, a larger residential property located on the opposite side of Kings Walden Road. The Lawns incorporates a Georgian façade, resulting from the remodelling of earlier buildings on the site. The significance of the listed building is derived from the historic interest of the way in which the property was remodelled in order to elevate modest origins, along with the role the property plays in understanding the development of the area as part of the wider GOCA.

6. The appeal site lies to the rear of The Lawns, beyond a walled garden and a further, more informal garden still associated with the listed building. It was evident on my site visit that despite an historic association, the current visual and physical relationship of the appeal site to the listed building and its immediate setting is limited by distance and intervening development, including the less formal garden of The Lawns, and the garden structures that lie within this area, along with defined boundary treatments. Whilst I acknowledge that there is an historic functional link between the appeal site and the listed building, visually, the appeal site now largely appears as a separate entity and does not directly contribute to the significance of The Lawns.
7. Instead, the appeal site exhibits value in terms of the wider setting of the listed building and character of the GOCA by the absence of development in a part of the village that is characterised by a mix of development, including modern buildings. The original extent of the open surroundings of The Lawns has previously been eroded by new development to the south known as Manor Gardens. The appeal site forms part of the remaining open space and the fact that it is the humbler rear of the listed building, and walled garden visible in views across the site, as opposed to the grander Georgian facade, does not diminish its value. Rather, the value of the site in terms of setting and the character of the wider GOCA is to allow The Lawns and its garden space to breathe in a situation that is otherwise characterised by the close juxtaposition of historical and modern.
8. Consequently, whilst the principal significance of The Lawns lies in its architectural form and relationship with Offley Place, and its immediate setting is formed by the walled garden, the appeal site nevertheless contributes positively to the wider setting of the listed building and the wider GOCA, and provides a buffer to surrounding modern development.
9. Whilst the contemporary design of the building, would not, in itself lead to harm to heritage assets, the proposed development would be a significant structure, of linear form and situated in close proximity to the boundaries of the appeal site. Consequently, it would appear as an elongated visual barrier, and would significantly erode the open character that the site currently exhibits. This would be exacerbated by the proposed garage, car port and storage building, which, although of a smaller scale would introduce further built development into the space. This would lead to a partial loss of the sense of openness that currently exists, to the detriment of the setting of the listed building and the character and appearance of the wider GOCA.
10. I acknowledge that an extant approval exists for a substantial boundary wall around the appeal site. However, this would not be directly comparable with

the appeal proposal, which would include a building of significant scale and volume. Whilst only part of the buildings within the site would be visible over such a wall, as I have set out above, it is not views of the listed building *per se* which form the value of the appeal site, rather the relative absence of development within the site.

11. Having regard to the impact on the GOCA as a whole and the setting of the listed building, and being mindful of my findings above, the harm I have found to the significance of the heritage assets would be less than substantial. Policy HE1 of the NHLP and Paragraph 202 of the National Planning Policy Framework (the Framework) state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The provision of a single dwelling would make a positive, albeit very modest contribution towards boosting housing supply, where there is an existing significant shortfall, and would comprise a self-build scheme. I afford this moderate weight. This would, in turn, provide employment during construction, although this would be time limited. There would also be other social and economic benefits to Great Offley and the wider area, in terms of economic activity and supporting local services. These would, however, also be limited by the scale of the proposed development. The use of low carbon construction methods would also be a minor benefit, as would be the reuse of previously developed land.
13. The proposal would have a negative effect on the significance of designated heritage assets and the Framework states that great weight should be given to the conservation of these assets. The public benefits identified would not outweigh this harm.
14. I am aware that planning permission has twice previously been granted for a single dwelling on the appeal site, albeit in both cases of a smaller scale, and that the later of these permissions has lawfully commenced. It therefore forms a fallback position which has a greater than theoretical prospect of implementation. However, there are material differences between the two schemes in terms of scale and form, and the appeal scheme would not, I consider, represent a preferable form of development in terms of preserving or enhancing the setting of the listed building, or the wider GOCA. I therefore consider that this fallback position does not weigh significantly in favour of the appeal scheme.
15. Although full details have not been provided to me, I have also taken account of the findings of the Inspector with regards to a previous appeal at this site. In doing so I have afforded significant weight to the previous Inspector's conclusions with regards to the character and significance of the appeal site in relation to the setting of the listed building and character and appearance of GOCA. I am also aware that the proposal subject to that appeal was of a smaller scale, and therefore would not be wholly comparable to the 5-bedroom property now proposed, which I have considered on its own merits.
16. Given the above, the proposed development would conflict with Policies HE1 and D1 of the NHLP and Paragraphs 130 and 197 of the Framework which together seek to ensure that new development take account of existing surroundings, including heritage assets.

Other Matters

17. I note the appellants evident frustration with the application process; however the proposed development must be considered on its own merits. Accordingly, I have not afforded any weight to the conduct of any of the parties in reaching my decision.

Conclusion

18. I have found that the proposed development would conflict with the development plan as a whole, and there are no material considerations that indicate that a decision should be taken other than in accordance therewith.
19. For the reasons given above, I conclude that the appeal is dismissed.

C Harding

INSPECTOR