



Appeal Decisions

Site visit made on 7 March 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal A: APP/X1925/W/21/3284061

Lakewood, Rushden Road, Sandon, Buntingford, Hertfordshire SG9 0QR

- 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 B Byrne (Stallan Sandon Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 20/01946/FP, dated 28 August 2020, was refused by notice dated 24 May 2021.
 - The development proposed is extensions and alterations to existing building and change of use to residential to form 3no. 3 bed dwellings; erection of 1no. detached 4 bed dwelling with detached garage; and associated residential curtilages and parking provision.
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Appeal B: APP/X1925/Y/21/3284062

Lakewood, Rushden Road, Sandon, Buntingford, Hertfordshire SG9 0QR

- 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 S Allan (Stallan Sandon Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 20/02206/LBC, dated 30 September 2020, was refused by notice dated 24 May 2021.
 - The works proposed are extensions and alterations to existing building, including some demolition and change of use to residential to form 3no. 3 bed dwellings.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. I have taken the site address from the Decision Notices and Appeal Forms, as this more accurately reflects its location.
3. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeals were lodged by one of the original applicants but in conjunction with a different company name. As an appeal cannot technically be transferred to another person, it must continue in the original names of the applicants, so I have considered the appeals on this basis.
4. The two appeals concern similar schemes. I have therefore dealt with both appeals together in my reasoning.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am

satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.

6. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination and the North Hertfordshire Local Plan 2011-2031 (LP) was adopted on Tuesday 8 November 2022. The Council has suggested LP Policy HE1, which replaces the emerging version referred to on the Decision Notices, is the policy relevant to the determination of the appeals. The appellants are aware of the policy and have had the opportunity to comment upon its relevance to the appeals.

Main Issues

7. The main issue is whether the proposal would preserve the special interest of the Grade II listed building, known as 'Lakewood', including its setting, and its effect on the character and appearance of the site and its surroundings.

Reasons

Special Interest, Setting and Surroundings

8. The appeal site concerns Lakewood, its gardens and other associated land and buildings. It is a Grade II listed single-storey, timber-framed, building arranged to a lobby-entry plan in three bays, with rooms to its attic served by gabled dormer windows positioned symmetrically on both roof slopes. The timber frame is exposed throughout, including in attic rooms.
9. Lakewood is likely of 17th Century or earlier origin, but has been subject to alterations and extensions. Moreover, the appeals are supported by a Heritage Statement (HS), which includes a chronology dating the extension to its north to the 19th Century. An 18th Century former barn, the Saddlery, is arranged perpendicular to it and this too has been significantly extended and altered to all sides, mostly in the 20th Century. It is linked to Lakewood via extensions to both buildings. The Saddlery forms part of the listed building by virtue of its origin and relationship with it, as outlined in Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
10. The proportions and appearance of the 20th extensions north, east, and south of the Saddlery are largely insensitive, crude, and jar with the exterior of both buildings. They also conceal some of the front façade of Lakewood and the roof form of the Saddlery, with extensions up to its eaves on the north side and on both roof slopes. While these have a negative effect on the special interest and setting of the listed building, they do not affect appreciation of symmetry of the roof of Lakewood, its historic lobby entry and 3-bay floor plan, or interaction with gardens to its south, east, and west. The gables to either end of the listed building and its eaves, verge and roof form are apparent, and their undulations add to its charm and character.
11. Up until 2015, both buildings were used by the Sandon Saddlery Company but have been vacant since. Since 2012, Lakewood has also been included on the Council's Buildings at Risk Register, as a Category 3 'At Risk' building.
12. The appeals also include a Structural Inspection report, which identifies Lakewood as being in generally poor condition, with most parts of the building affected in one form or another. These include structural issues and damp affecting the walls and their coverings internally and externally and its fabric

throughout. The presence of vegetation, the absence of foundations and the soil composition of the ground beneath the building are all reasons identified for movement of the building.

13. Despite alterations to it and its current condition, as far as it is relevant to the appeals before me, the special interest of Lakewood lies in its architectural and historic interest, as a 17th Century former domestic property of a modest scale, with rooms arranged in three bays on a lobby-entry plan, and with a timber frame. In particular, the plan form helps to demonstrate how the building has been used, including any changes in the size or occupation of the rooms within the building to reflect the needs of society at that time. Lakewood also draws interest from its connection with the Saddlery.
14. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced. The garden south and east of Lakewood provides an intimate area enclosed by planting, undeveloped qualities of which provide a verdant backdrop to the building and a transition to the agricultural fields beyond. While there was a building sited in front of Lakewood up until the mid-19th Century, the garden south and west has been in situ since and makes a similar contribution, providing a planted foreground separating the property from the road. These features ensure Lakewood maintains a prominent position within Sandon and contribute positively to its setting, which in turn contributes to its understanding and special interest.
15. The arrangement of streets in Sandon is very conspicuous, as the principal routes in the village are arranged in a triangle, with houses arranged in a linear manner with predominantly landscape frontages to the streets. The spacious and contained backdrop of the site and its open and undeveloped qualities make a positive contribution to the character and appearance of the site and its surroundings, not least to the transition from built development to the open agricultural fields that envelope the village, including to its south.

Effect of the Proposal

Works and Development to Lakewood

16. The effect of the removal of walls, which are of special interest, is before me, as they form part of the proposal shown on the application drawings. These show the removal of the entirety of the east and west walls within the central bay, and part of the wall between the north bay and 19th Century extension. The west wall would be repositioned to widen the hallway at ground floor, which would reduce the depth of the existing room in the central bay.
17. There would be limited traces of the positions of existing walls within the building to evidence alterations to the proportions and configuration of rooms. Instead, an open plan form would be introduced that would be inconsistent with the humble origins of Lakewood. The expansion of the hallway at ground floor would also lead to the fireplace and hearth being positioned illogically in the corner, rather than at the centre, of what would remain of the central bay.
18. The retention of walls in their current and/or historic positions may be an inconvenience to the appellants regarding the layout and subdivision of internal spaces of the building. However, the proposal would disturb the historic floor plan of the building, particularly the proportions of rooms and the alignment of

walls within the lobby entry and three-bay layout. This would be harmful to the legibility and understanding of the listed building.

19. The HS states that only features that cannot be understood to make a contribution toward overall significance or special interest are to be removed, but there is no assessment of the contribution made to special interest by those elements of the timber frame within the northern and central bays that would be removed. Moreover, a vertical timber post and scroll forming part of the wall between the north bay and 19th Century extension appear to constitute elements of the historic timber frame. The significant extent of historic fabric that would need to be removed through enlargement of existing rooms is therefore not sufficiently justified and would be harmful to the special interest of the listed building.
20. Extent of works to be undertaken to the building is also unclear due to the amount of detail within the submissions, including how existing floor joists and beams within each bay would be supported in the scheme, given the removal of walls, and how the walls and roof of building, amongst other things, would be made good.
21. The simple external detailing of the proposed extension would be clearly distinguishable from the existing fabric of Lakewood, and it would be set below its ridge and only occupy a small extent of its garden. Nevertheless, it would be of considerable scale and length to the east of the listed building and protrude above the remaining dormers. This would disrupt the pleasant form, scale, and symmetry of the roof of the property, that is implicitly a strong defining characteristic of its appearance. Similarly, the proportions of the proposed fenestration would fail to have regard to the form and dimensions of existing openings. The extension would therefore stand out as a poorly conceived addition that would noticeably increase the modest scale of the listed building.
22. I am mindful the Act only requires preservation of a listed building, enhancing existing windows is not a necessity, but could amount to a heritage benefit were it to be offered, which does not appear to be the case.

Works and Development to the Saddlery

23. The proposed two-storey and single-storey extensions to the north of the Saddlery would replace an existing single storey and box dormer extensions. They would remain set back slightly behind the gabled structure to the western end of the building. The north eaves of the two-storey range perpendicular to Lakewood would also be uncovered. However, the two-storey addition would amount to a considerable break of the eaves line of the building and its scale would compete with and detract from the existing L-plan arrangement of the two-storey parts of this building. The appearance and form of flat roofs of the single-storey extensions to the north would also be poorly conceived and fail to reflect the characteristics of roof forms found on Lakewood and the Saddlery. Furthermore, having regard to the internal layout of the proposed extensions, the fenestration would be poorly balanced with the composition of the north façade, as the eastern flank wall of the proposed gable would float above a set of double doors beneath.
24. Although the existing single-storey projection south of the Saddlery would be replaced with lower porch, it would be poorly animated, with a more solid appearance in contrast to the lightweight construction of the existing partly

glazed structure. It would therefore have a similar effect in detracting from the foreground setting of Lakewood.

25. Conversely, the removal of the other existing extensions and outbuildings to the south and east of the Saddlery and its external fire escape and staircase would help to better reveal the historic fabric and layout of Lakewood and the Saddlery. These alterations would therefore amount to heritage benefits as improvements to the listed building and its setting.

Proposed New-Build Dwelling

26. The new-build dwelling to the east of the listed building is likely to be conspicuous through planting at the boundaries of the site when viewed from adjoining land, the public footpaths south and east, and from the garden designated to Lakewood. It would therefore erode its undeveloped qualities, and the space it provides around the property and to the transition to the countryside beyond.
27. This proposed dwelling would incorporate dormer windows like Lakewood and be constructed using a complementary palette of materials, including red brick and clay tiles. It would also incorporate a full-height glazed feature to its front façade, described by the Council as a 'midstrey'. While this would face Lakewood and not be characteristic of its appearance, the dwellings in Sandon close to the listed building are of varying design and appearance. Despite these factors and the proposed dwelling being set away behind the listed building and designed to reduce its scale, it would be taller and its span considerably greater than Lakewood and the Saddlery. Accordingly, it would appear of such scale that it would compete with and enclose the listed building to a harmful extent.
28. I appreciate that planting could be added around the property to reduce its prominence, and this could be secured by planning condition, but this would be unlikely to have matured enough in its initial years of development to soften the visual effect of the physical presence of the proposal in its sensitive location. In any event, I am also mindful that planting is ephemeral, subject to seasonal change, and it would take some time for any tree coverage to reflect the verdant backdrop provided by existing planting. Similarly, historic mapping in the HS shows there was some form of division from Lakewood's south gable to land south of it, which included the pond in situ. The proposal is to subdivide the garden in a similar manner, but this would amount to a minor contributing factor to the presence of built development behind the listed building.
29. The reduction of space around Lakewood and the presence of the proposal to its rear would therefore be harmful to its setting and the character and appearance of the site and its surroundings.

Vehicle Parking and Refuse Storage

30. The white lines demarcating spaces to the south of the Saddlery, at its frontage with Rushden Road, indicate there would have been vehicles parked forward of Lakewood. However, as evidenced on the historic maps in the HS, the area immediately in front of the listed building has remained open and undeveloped for a considerable period. While it includes some hard surfacing, it is generally grassed and features plants, trees, and hedgerows.
31. The proposal would include six parking spaces, and access thereto, in the foreground of the listed building. This would amount to a large area of hard

surfacing within the important open and undeveloped frontage of Lakewood. This impact would be exacerbated when vehicles are stationed in the parking spaces, as they would be significantly prominent and detracting elements within the generally soft landscaped setting of the building. The proposal includes a scheme of landscaping, including tree planting in the foreground of the parking. Although this would soften the appearance of the parking from views beyond the site, it would still be a prominent and harmful feature visible within the grounds of Lakewood.

32. The rear garden for the proposed dwelling within Plot 2 would not have direct access to the existing or proposed access arrangements for the site, but it would be possible to design and arrange a small, enclosed bin storage area or structure within the site that would have a limited effect on the setting of the listed building. Access would be possible to the rear gardens of the other properties, including the listed building, so areas that would be likely for the storage of other bins could also be agreed by condition to ensure that they would not be prominent within the setting of the listed building. Adequate controls could also be put in place to ensure bins are stored correctly.
33. Despite my findings in relation to the refuse storage, the arrangements for vehicle parking would have a significantly detrimental effect on the setting of the listed building.

Public Benefits and Conclusions on the Main Issue

34. The statutory duties in Sections 16(2) and 66(1) of the Act are matters of considerable importance and weight, as are the content of Paragraphs 197, 199 and 200 of the Framework.
35. As outlined above, all aspects of the proposal, except for storage of refuse bins, would be harmful to the special interest and/or the setting of the Grade II listed building. This would have a negative effect on its significance as a designated heritage asset which, in my view, would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework and LP Policy HE1 both identify this harm should be weighed against public benefits of proposals.

Heritage Benefits

36. The Structural Inspection report recommends Lakewood should be demolished and rebuilt, but the appellants' proposal is to retain the listed building and remedy ongoing problems to remove it from the Council's Buildings at Risk Register. However, other than what is shown on the application drawings, which amount to harm to the building, there is scant detail before me as to the majority of any other works that would be required to safeguard the long-term future of the listed building. Accordingly, I am only able to afford these benefits negligible weight, as their extent is unknown and not convincing justified.
37. It is only to be expected that owners of listed buildings should maintain the built fabric of their properties to reasonable standards, so I find the appellants' assertion that the building has been subject to unavoidable degradation somewhat troubling. With this duty of care in mind, I afford negligible weight to arguments that further degradation is inevitable without the proposal.

38. I have outlined above that demolition of existing extensions to the Saddlery and removal of its fire escape and staircase would all amount to heritage benefits, which I afford moderate weight.

Other Benefits

39. The adoption of the Council's new Local Plan means that it is now able to demonstrate five-years supply of deliverable housing land, but I acknowledge the important contribution that would be made to the supply of housing by this small windfall site, particularly as it could be built-out relatively quickly. The proposed new dwelling would also be constructed to high environmental standards and in accordance with Lifetime Homes, so would add to the choice of homes available within the district. The proposal would be situated in a location from which local services and facilities can be accessed by future occupiers, so they would help to support the vitality and viability of the local economy. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles. Nevertheless, given the scale of the proposal, these social, environmental and economic benefits would each only be afforded limited weight.
40. The site forms a crucial part of the setting of the listed building, so it could not be said to be significantly under-used. Furthermore, I note that the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places. I therefore afford limited weight to the potentially more effective use of the site.
41. There would be short-term benefits to the local and wider economy from employment associated with construction works and the procurement of materials but, given the magnitude of the proposed schemes, they would be afforded limited weight.
42. I appreciate that the proposal could remedy the overgrown appearance of the site, but this could be achieved in its absence or other built development, so I afford this benefit negligible weight.
43. The proposal would not result in harm to living conditions of existing and future occupants of the site, or those living nearby, and it would not be at risk of flooding. The appellants have also demonstrated that there would not be harm to protected species. These matters therefore constitute absences of harm and neither weigh in favour nor against the appeal scheme.
44. The appellants suggest the extension is necessary, but there is no substantive evidence before me to demonstrate the appeal scheme is the only way to secure retention of the heritage asset or its optimum viable use in order to safeguard its long-term conservation, without harming its special interest.
45. Taking the above together, while collectively there would be several benefits of moderate and limited weight associated with the proposal, the harm that would be caused to the special interest of Lakewood, including its setting, by allowing it would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the stated benefits do not outweigh the great weight given to the less than substantial harm I have identified.

46. In light of the above, I conclude that the proposal would fail to preserve the special interest, including setting, of the Grade II listed building and the character and appearance of the site and its surroundings. Hence, the appeal scheme would fail to satisfy the requirements of the Act, paragraphs 197, 199, and 200 of the Framework and conflict with the heritage aims of LP Policy HE1.

Other Matters

47. The appellant has referred to the conduct of the Council in the determination of the applications, including its justification of the harm associated with the proposal and understanding of legislation. These are primarily not matters for me to contemplate and I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Conclusion

48. The proposal would not comply with development plan policy in respect of its effect on the special interest of the listed building, including its setting, and the character and appearance of the site and its surroundings. This leads me to an overall conclusion that the appeal scheme would not accord with the LP, when considered as a whole, and I find the adverse impacts of the proposal are matters of great weight against its approval, that outweigh the stated benefits. Furthermore, there are no other considerations, including provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that both appeals should be dismissed.

Paul Thompson

INSPECTOR