

Appeal Decision

Site visit made on 21 March 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/J1915/D/23/3315333

12 Winters Lane, Walkern, Hertfordshire, SG2 7NZ

- 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 Steve Hart against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1646/HH, dated 2 August 2022, was refused by notice dated 1 November 2022.
 - The development proposed is erection of workshop, carport and timber entrance gate.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed workshop and carport on the character and appearance of the host dwelling, the streetscene of Winters Lane and the surrounding area including the Walkern Conservation Area.

Reasons

3. The appeal site lies within the Walkern Conservation Area (CA), a designated heritage asset, on a narrow lane at the edge of the settlement. There is undeveloped land opposite the site, with newer dwellings further to the west, and No 12 is the penultimate dwelling on the lane before it gives way to open countryside to the east. The appeal dwelling is one of a number of similar bungalows set on generous plots and well back from the highway on a similar building line. This contributes to a spacious, open feel. The lane is characterised by hedgerows, shrubs and trees which, coupled with the unobtrusive dwellings and proximity to undeveloped countryside, gives a semi-rural character.
 4. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.
 5. The Council views the proposed entrance gate favourably and I agree it would enhance the entrance and street scene. The proposed building would be
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situated on the frontage towards the front boundary and the boundary with No 14. It comprises a part brick and part timber clad workshop and adjoining open carport under a tiled roof. The end nearest the dwelling would be hipped with the end facing the street having a gable.

6. Although the proposed materials do not match the existing bungalow I find that they would be appropriate to an outbuilding in this location. Moreover, I am satisfied that the asymmetric roof profile would provide interest and would not appear unbalanced or out of place in this setting.
7. Nevertheless, the proposed building, sited forward of the building line and occupying a majority of the depth of the space between the dwelling and the highway, would be a prominent structure on this currently open frontage. Notwithstanding the proposed landscaping, it would be clearly visible from Winters Lane, especially from the site entrance, and from neighbouring dwellings from where it would appear as a significant and obtrusive structure, out of keeping with the set-back pattern of development. The appellant suggests that the materials and open nature of the carport would minimise its level of intrusion and that similar outbuildings are found on frontages elsewhere in the wider area. While that may be so, this would not be sufficient to off-set the harmfully intrusive effect of the proposed building on the currently undeveloped frontage and on the surrounding area.
8. I therefore find that the proposed development would result in harm to the setting of the CA by creating a structure that would detract from the open, semi-rural character of this part of Winters Lane. The harm would be "less than substantial" as defined in the NPPF and so is required to be weighed against the public benefits of the proposed development.
9. The appellant suggests that the neutral contribution made by the appeal site to the CA and the positive contribution that the proposals make to the design, functionality and future flexibility of the property, hence optimising its use, should be weighed against the harm. However, the NPPF makes clear that the balance is against the public benefits of the development. Firstly, notwithstanding the neutral effect of the existing site, I have found harm to the CA. Moreover, the benefits suggested would not be of a nature or scale to be of benefit to the public at large but would rather be private benefits, improving the dwelling for current and future occupiers. Attaching great weight to the conservation of the heritage asset, including its setting, I therefore find that the less than substantial harm would not be outweighed by any public benefits.
10. It is concluded on the main issue that the proposed workshop and carport would have a materially detrimental effect on the character and appearance of the setting of the dwelling, the streetscene of Winters Lane and the surrounding area, including the Walkern CA. This would detract from the significance of the designated heritage asset. The proposed development would therefore conflict with Policies HOU11 and HA4 of the East Herts District Plan, 2018, and the NPPF. Taken together, these expect development in CAs, including residential outbuildings, to preserve or enhance the special interest, character and appearance of the area, including respecting established building lines and being of a size, scale and siting that is appropriate to the character, appearance and setting of the existing dwelling such that the development is visually attractive and sympathetic to local character.

11. The appellant points out that the proposed new gate would improve the CA and that the Council does not refer to any objections from a conservation officer in its delegated report. However, the new gate could be provided without the need for an outbuilding and I have no evidence that a conservation officer was consulted (but failed to respond) on the application.
12. For the reasons set out above and having regard to all other matters raised, including representations from neighbouring occupiers and the lack of an objection from Walkern Parish Council, I conclude that the appeal should be dismissed

KE Down
INSPECTOR