



Appeal Decisions

Site visit made on 20 June 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal A Ref: APP/N1920/W/22/3305493

2 Manor Cottages, Rectory Lane, Shenley, Hertfordshire WD7 9AN

- 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 Benjamin Hamon against the decision of Hertsmere Borough Council.
 - The application Ref 22/0549/HSE, dated 28 March 2022, was refused by notice dated 18 July 2022.
 - The development proposed is the demolition of existing rear extensions and construction of a single storey rear extension. Changes to fenestration and front landscaping to include widened hardstanding and new brick piers. Internal alterations including new staircase, new room configurations, thermal upgrade, and repairs.
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Appeal B Ref: APP/N1920/Y/22/3305486

2 Manor Cottages, Rectory Lane, Shenley, Hertfordshire WD7 9AN

- 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 Mr Benjamin Hamon against the decision of Hertsmere Borough Council.
 - The application Ref 22/0550/LBC, dated 28 March 2022, was refused by notice dated 18 July 2022.
 - The works proposed are the demolition of existing rear extensions and construction of a single storey rear extension. Changes to fenestration and front landscaping to include widened hardstanding and new brick piers. Internal alterations including new staircase, new room configurations, thermal upgrade, and repairs.
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Decision

1. Both appeals are dismissed.

Preliminary Matters

2. Notwithstanding the description of the proposal in the application form, I have used that provided in the Council's Decision Notices in the banner headings above as these more accurately reflect all aspects of the proposal.
3. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.

Main Issue

4. The main issue in both appeals is whether the proposal would preserve the Grade II listed building (listed as Manor Cottages) and any of the features of special architectural or historic interest it possesses; preserve or enhance the

character or appearance of the Shenley Conservation Area (SCA) and cause any harm to the significance of the designated heritage assets.

Reasons

5. The building was listed in 1985 (Ref:1103512) and dates from the 18th century. The dwelling was extended early in the 20th century and now forms three separate dwellings (Nos.1,2 and 3 Manor Cottages) which together form the Grade II listed building. These appeals relate to No.2 Manor Cottages, the middle dwelling. The list description states, amongst other things, that the building is red brick with a tiled roof, of two storeys and originally of three bays. Forward projecting wings were constructed in the early 20th century to either side of the original dwelling, in plum brick and orange brick dressings to make a half H plan. It has a central entrance to the front with a Tuscan doorcase and glazing bar sashes with segmental arched heads. The roof is hipped to the front with ridge stacks. The rear has two hips to the main block with ridge stacks and mostly casement windows.
6. From the details available to me, including the list description, and my own observation, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is predominantly derived from its age, form, its historic fabric and architectural detailing. This includes the evidence of the phasing of the building, especially the main 18th century and early 20th century phases described above. The elegant and imposing front elevation of the building is just part of its special interest/significance.
7. There is agreement between both parties that the appeal property is predominantly the 18th century building and the evidence before me supports this view. The early 20th century wings constructed to either side primarily form Nos. 1 and 3 Manor Cottages, but this phase also provided an extension to the rear of the appeal dwelling as well as internal changes to its plan form and features, and the remodelling of its frontage. This frontage remodelling enabled the whole building to be read as one grand, architectural composition despite forming three dwellings.
8. Based on my observations and the submitted details, I consider that the significance of the SCA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with the use of materials, the pattern of development and the relationship of buildings to the surrounding landscape. The appeal site forms part of a cluster of buildings which is visually isolated from the remainder of the SCA and the character of this area is strongly influenced by the surrounding agricultural land and parkland associated with Shenley Hall. The appeal building is prominently located along Rectory Lane, and it makes a positive contribution to the character, appearance and significance of the SCA.
9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

10. The proposal comprises several elements which I shall consider in turn, beginning with the proposed rear garden room. The rear extensions proposed for demolition are of haphazard design and relatively modern date and reflect none of the qualities of the historic building. They would be replaced with a lightweight garden room with brick sides and glazed roof. It would be of modest scale, of simple form and design, and respect the building's symmetry. This element of the proposal would not harm the special interest/significance of the listed building. The proposed openings in the rear wall of the house to serve the garden room are addressed later in this decision.
11. A wine cellar would be accessed from the proposed garden room. In the absence of a structural engineer's report, I am unable to ascertain how the works would be undertaken, what retaining structure would be required or what effect this may have on the structural integrity of the listed building. An archaeological desk-based investigation should also have been provided to further understand other likely impacts. Therefore, the evidence before me does not offer sufficient clarity and robustness for me to be able to conclude that this element of the proposal would not cause harm to the building's special interest/significance. Moreover, from the information before me it appears likely that it would cause a harmful impact on its special interest/significance in this respect.
12. Alterations to the interior of the appeal building, including new room configurations, are a major part of this proposal. The appellants stated aim is to create more balanced and symmetrical rooms in the 18th century part and functional rooms at the rear to mainly provide a kitchen, utility and bathrooms. These alterations would result in major changes to the existing plan form and circulation within the property, including the removal of the staircase, a new staircase in a different position and the demolition and re-positioning of walls to re-proportion rooms.
13. The appellant suggests that the existing staircase was added after the main early 20th century extensions/alterations, based primarily on evidence of a blocked window. However, even if this is the case, the extant staircase integrates with the existing plan form and circulation within the building and is an important part of its phasing. The removal of this staircase and the adapted layout at the rear would significantly disrupt the building's plan form and legibility as well as represent a loss of historic fabric.
14. Within the 18th century part of the building, the new staircase would also necessitate the demolition and repositioning of a ground floor wall to form an enlarged hallway. On the first floor this would require the creation of a landing necessitating installing a new first floor wall and the removal of an angled wall to reconfigure a bedroom. Whilst these alterations may be in the spirit of 18th century plan form and detailing, this proposed plan form may never have existed. Just because the external elevation has remained symmetrical in its proportions and detailing, in my experience, it does not automatically follow that the internal layout will necessarily reflect the same rules, especially considering the small size of the 18th century building.
15. The evidence has not shown me that the ground floor wall proposed to be removed is not historic or explained why it needs to be removed. It is also not known where the historic staircase was located or what its configuration was. Likewise on the first floor there is a similar lack of compelling evidence to

justify the creation of a landing and the re-proportioning of a bedroom. I noted, for example, that the angled wall proposed for removal shows evidence of lath and plaster construction and evidence of an earlier blocked opening. This suggests to me that this wall, although oddly positioned, is of some age and not a recent introduction as suggested. Potentially, therefore, these works could result in a loss of historic fabric, disruption to the historic floorplan and create a plan and detailing not justified by the evidence.

16. Numerous other proposals include blocking up several doorways and introducing new or enlarged openings to alter circulation patterns, to improve light within the building and to provide better connectivity with the garden room. The height of some door heads would also be raised. Significant disruptive elements would be the formation of a new opening between the proposed kitchen and sitting/dining room and the enlarged doorways linking the proposed hall and study with the playroom. These would represent harmful alterations to the historic rear wall of the 18th century building. Cumulatively, all these alterations would erode the historic legibility and integrity of the building, significantly diminishing its ability to reveal information about its past and represent a loss of historic fabric.
17. It is proposed to replace the glass panes within the existing windows with thin double-glazed units. However, little detail is provided regarding the existing windows or whether double glazed units could be accommodated without affecting their appearance and integrity. Windows are often a key part of a building's special interest/significance, and this is particularly important due to the need to reflect the detail of the adjoining properties. There are also no details before me of any alternative ways of upgrading thermal efficiency, nor details of the proposed internal shutters. Therefore, the evidence before me does not offer sufficient clarity and robustness for me to be able to conclude that this element of the proposal would not cause harm to the building's special interest/significance.
18. The proposed installation of breathable insulation and lime plaster to some internal walls and the replacement of cement-based pointing with lime-rich mortar are likely to be beneficial to the maintenance of the building fabric. However, given the potential for damage to the fabric caused by the removal of existing cement-based materials, further details would be required to establish whether these works would be acceptable.
19. Whilst I recognise the efforts undertaken to research the building and to carefully open-up and examine the building fabric, the proposals as a whole lack clear understanding, robust justification and appear to be largely based on speculation and the aspirations of how the appellant wishes to live. The available evidence may have been limited by the extent of opening-up permitted. However, extensive opening-up can irreversibly harm surviving historic fabric and does not necessarily provide the answers sought. Likewise, a lack of datable period features or unrefined and inelegant aspects of the building do not necessarily justify changes. Furthermore, many of these matters could not be controlled by conditions because such information may not successfully mitigate the impact on the building's special interest/significance.
20. Whilst some isolated elements of the proposed changes described above may in themselves have a neutral impact on the special interest/significance of the

building, the cumulative effect of the majority of these changes would be harmful. They would detract and confuse the buildings narrative, create a potentially inaccurate floorplan, as well as potentially adding incorrect architectural features or a modern interpretation of them. Recording of some of these features would not mitigate the harm. Viewed as a whole, the changes would be extremely harmful to the special interest/significance of the listed building.

21. The widening of the vehicular access to the building frontage would increase the off-road parking from one to two spaces. Whilst the existing parking disrupts views of the front elevation, and this does not appear to occur on the adjoining properties, the width of the existing opening is already nearly wide enough to accommodate two cars. Therefore, given the limited availability of parking, and with the opportunity to improve the appearance of this area, subject to the agreement of materials and detailing of the brick piers, the additional parking area would be no more harmful to the special interest/significance of the building than the existing situation.
22. In my view, the only elements of the proposal which would have the potential to impact on the character or appearance of the SCA are the proposed rear garden room, the changes to the parking and the works to the windows. I have found both the garden room proposal and the additional car parking to be acceptable alterations to the listed building. It therefore follows that no harm would be caused to the character or appearance of the SCA. Although I consider that the case for proposing double glazing within the existing frames has not been adequately made with regard to the significance/special interest of the listed building, I consider that the visibility of these changes to the wider SCA would be limited. As a result, these changes would not harm the character or appearance of the SCA. Therefore, looking at the proposal as a whole, with regard to the SCA, there would be no harm to its character or appearance.
23. Considering all of the above, I find that the proposal would fail to preserve the special interest and significance of the listed building. Therefore, the expectations of the Act are not met. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset as a whole, in the language of the Framework, to be less than substantial in this instance, a matter not disputed by the appellant. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal.
24. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The comprehensive repair of the building and its reoccupation after several years of neglect would undoubtedly be a public benefit, sustaining the listed building and preserving the character and appearance of the SCA. However, these works would be expected of any renovation of this building to get it in a fit state for occupation and they do not therefore mitigate or lessen the harm I have found.

25. The replacement of the unsightly extensions, the provision of improved services and ventilation, the installation of a French drain, a thermal upgrade to make the house more comfortable to live in and to reduce energy costs could also be reasonably considered as public benefits. So, too would be the fire protection strategy and improved acoustic separation to safeguard the neighbours' living conditions. It is also suggested that the proposal would provide a building which would cater for those with limited mobility and higher levels of natural lighting would assist those visually impaired. However, whilst all these public benefits are noted, it has not been demonstrated that the appeal proposal is the only way of achieving these benefits. As such I consider that modest weight can be attributed to them.
26. It is suggested that the proposal would address features within the building which are not compliant with current building standards, including the existing staircase, door heights and uneven floors. However, these are long-standing features of the building and there is no evidence before me that they have previously been of concern. Also, there is no adequate evidence that alternative ways of addressing any concerns, which may cause less harm to the building's special interest/significance, have been explored.
27. The proposal would clearly be beneficial to the appellant's living conditions, providing a larger kitchen, more bathroom facilities, improved circulation, more light and with better connectivity to the garden. However, I regard this as a private rather than a public benefit. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling is dependent on this proposal, as the building has an ongoing residential use that would not cease in its absence.
28. Furthermore, whilst theoretically some elements of the proposal would be reversible, due to the financial outlay and facilities to be provided they would be unlikely to be removed. I have also taken account of the short-term employment benefits to bring the building back into use as a family home. However, these additional matters have collectively little weight as public benefits.
29. Given the above, I conclude that the public benefits identified above would be of insufficient weight to outweigh the great weight to be given to the harm to the Grade II listed building. As such, the proposal would not comply with paragraph 202 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building.
30. The proposal would fail to preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses. It would fail to satisfy the requirements of the Act and paragraph 199 of the Framework. It would also conflict with Policies CS14 of the Hertsmere Local Plan Core Strategy (2013) and Policy SADM29 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan (2016) and Policy SH1 of the Shenley Neighbourhood Plan. These policies, amongst other things, seek to protect and enhance the significance of heritage assets. Although Policy SH1 of the Neighbourhood Plan was not cited in the Council's decision notice it is referred to in the officer delegated reports and is a relevant consideration. As a result, the proposal would not be in accordance with the development plan as a whole.

Other Matters

31. Both parties reference two nearby Grade II listed buildings: Shenley Hall (Ref:1175524) and Elliotts Farm House (Ref:117551). As a statutory consideration, I am required to have regard to these properties in determining the appeals. From the information before me, including the list descriptions and my visit, I consider that given the location and siting of these buildings in relation to the appeal site, together with the extensive mature planting between them, they would have very little if any intervisibility with the proposal. Moreover, I have little evidence of a functional link between the appeal site and these listed buildings. As such, I consider that, in relation to these appeals, they do not form part of the setting of the appeal property.
32. The appeal property lies within the Green Belt. Whether or not the appeal scheme's elements are inappropriate development within the Green Belt, and whether or not it preserves Green Belt openness are not points of dispute between the parties. Nor have I been presented with any evidence that would lead me to conclude otherwise. However, the agreed absence of Green Belt harm does not alter my conclusions regarding the impact of the proposal on the designated heritage assets.
33. Finally, the appellant has expressed concerns regarding the conduct of the Council during the determination of the applications. However, these are matters best addressed by the Council and do not relate to the merits of the appeals before me.

Conclusion

34. For the above reasons, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR