



Appeal Decision

Site visit made on 18 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/C1950/W/22/3311392

61 Moffats Lane, Brookmans Park, Hertfordshire AL9 7RT

- 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 Theo Orphanides against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/1575/FULL, dated 4 July 2022, was refused by notice dated 12 September 2022.
 - The development proposed is described as demolition of existing bungalow. New 4-bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Theo Orphanides against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Background and Preliminary Matters

3. During the processing of the application amended plans were submitted which reduced the ridge height and the size of the front dormers. It is clear that the Council determined the application on that basis and so shall I for the purpose of determining the appeal.
4. The Council's decision cites several policies from the Welwyn Hatfield Draft Local Plan Proposed Submission 2016 (the emerging LP). However, this has yet to be adopted. Although I recognise that the plan is at a fairly advanced stage its policies carry moderate weight.
5. I note the appeal site is within close proximity to two listed buildings, the Grade II* Moffats Farmhouse and the Grade II listed Granary, although the Council's reason for refusal relates to the farmhouse only.

Main Issues

6. The main issues are:
 - i) the effect of the proposed development upon the character and appearance of the area; and
 - ii) whether the proposed development would preserve the setting of the listed farmhouse.

Reasons

Character and appearance

7. The appeal site comprises a single storey dwelling set back from the highway with two vehicular access points onto Moffats Lane, with a parking area to the front of the property. Moffats Lane is a long residential road comprising predominantly detached single and two-storey dwellings. Whilst the scale, design and architectural detailing of the dwellings in the vicinity of the site vary considerably, the appeal site forms part of a group of bungalows on the north side of Moffats Lane which are of modest size and appearance.
8. Whilst the proposed dormer windows may accord with some elements of the guidance contained within the Welwyn Hatfield Supplementary Design Guidance (SPG), owing to their bulky design and position within the roof slope the two dormer windows would be a dominant and incongruous feature to the front elevation of the proposed dwelling and consequently the street scene. I observed that dormer windows of varying designs, are prevalent to the front elevation of properties within the locality, however, they generally sit lower within the roof slope and do not dominate their respective front elevation, as those within the proposed development would.
9. The proposed roof form incorporates a deep crown roof, box dormers to both the front and rear elevations and two gable projections to the front elevation. The combination of these various elements would result in a cluttered and bulky visual appearance. The proposal would result in a significant increase in massing over and above the existing dwelling and neighbouring properties, which would be detrimental to the visual amenities of the street scene. Even allowing for the mixed character in the locality, the proposed dwelling would be a prominent and incongruous addition to the street scene.
10. A contemporary palette of materials is proposed for the external finish of the proposed dwelling, which I recognise would be reflective of some of the materials used in recent developments within the wider locality. Precise details of the materials could be conditioned if I were to allow the appeal. However, this would not overcome the harm I have identified.
11. I conclude that the proposed development would unacceptably harm the character and appearance of the area. This would be contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (DP) and Policy SP9 of the emerging LP. Amongst others, these policies seek to provide a good standard of design in all new development and that they respect and relate to the character and context of the area in which it is to be sited, whilst being sensitive to the historic features which exist in the area. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development would add to the overall quality of the area and be sympathetic to local character.

Setting of the listed buildings

12. The property is located to the west of the Grade II* listed Moffats farmhouse dating from the fifteenth century, and the mid-nineteenth century Grade II listed Granary to the rear of the former farmhouse. The existing bungalow sits within the setting of the listed farmhouse, being separated by a single storey dwelling at No. 63. I therefore have a statutory duty under Section 66(1) of the

Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which the listed buildings possess.

13. The listed buildings derive their significance from their architectural merit and historical association with agriculture. The setting of the listed buildings has diminished due to the presence of modern built development in the locality and the existing bungalow contributes little to its significance. The Granary is positioned to the rear of the listed farmhouse. Given the relationship of the appeal site in respect of the Granary I am satisfied that the proposal would not harm the setting or any special features of special architectural or historic interests which the Granary possesses.
14. For the reasons stated above, I find that the proposed dwelling would be harmful to the character and appearance of the area. Whilst the appeal site is separated from the listed farmhouse by another single storey dwelling, and is on land slightly lower than it, owing to the incongruous appearance of the proposal within the street scene, the proposed dwelling would have a notable increase in visual presence within the setting of the listed farmhouse when compared to the existing bungalow. Consequently, the proposal would materially harm the setting, and thereby the significance, of this listed building, although the harm would be less than substantial.
15. It has been put to me that the existing dwelling at No. 61 is hidden behind a group of trees, meaning it is almost entirely obscured, as would the proposed development. Whilst trees may obscure views between the appeal site and the Granary, as they are not to the road frontage, within the intervening space between the listed farmhouse and the appeal site, I do not concur that the presence of trees would obscure and create a reduction in visual prominence to the listed farmhouse.
16. Paragraph 202 of the Framework states that less than substantial harm to the significance of a heritage asset (in this case the listed building) should be weighed against the public benefits of the proposed development.
17. I note the future occupiers of the dwelling would have living space benefitting from natural daylight and sunlight, however, this is largely a private benefit. I note the benefit of incorporating energy efficiency measures into the build, seeking to meet environmental targets. The move to renewable technologies is clearly a national priority and the measures incorporated within the proposed development would impact positively on air quality, as well as reducing the use of fossil fuels associated with domestic energy production. I acknowledge the economic benefit from the dwelling's construction. However, these are only very minor benefits given the scale of the development proposed. As a replacement dwelling the proposal has a neutral effect on the housing land supply numbers, although it would have the benefit of adding some variety to house types. Whilst these factors would be of some limited public benefit, they would not be sufficient to outweigh the harm that the proposed development would cause to the significance of the designated heritage assets.
18. Accordingly, the proposed development would not preserve the setting of the listed farmhouse in accordance with Section 66(1) of the Act. The proposed development would conflict with Policy SADM15 of the emerging LP, which is concerned with the safeguarding of heritage assets. It would also fail to accord

with the policies of the Framework which seek to conserve and enhance the historic environment.

Other Matters

19. I have been provided with copies of the plans of the extant planning permission¹ relating to the appeal site. It has been put to me that the appeal proposal sits further back into the site than the extant scheme and accordingly has less prominence within the streetscene and the setting of the listed building. Whilst elements of the front elevation of the proposed development would be set back further from the highway than the extant scheme the difference is marginal. I note similarities of the appeal proposal with the extant scheme in terms of its height and width, however, the scale, mass and bulk of the proposed development would differ and would be larger and bulkier in form. Overall, the visual appearance of the appeal proposal differs significantly, particularly its front elevation and would be more prominent within the street scene than the extant scheme. Consequently, the proposed development would have a materially more harmful effect on the character and appearance of the area than the extant scheme. As such, when compared to the fall-back position, the appeal proposal would have a harmful effect on the significance of the listed farmhouse and would cause harm to the significance of the designated heritage asset. The existence of a fall-back position therefore carries limited weight in the determination of this appeal.
20. I am satisfied that the proposed dwelling would cause no harm in respect of the living conditions of existing occupiers of neighbouring properties and note that this did not form a reason for refusal. This is a neutral factor which weighs neither for nor against the development.
21. I note the concerns of the appellant regarding some delays and difficulties in the engagement of the Council in determining the application. However, I can only deal with the planning merits of the case.

Conclusion

22. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, for the reasons given above the appeal is dismissed.

R. Gee

INSPECTOR

¹ 6/2021/1685/HOUSE