



Appeal Decision

Site visit made on 24 October 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/A1910/W/23/3316011

Sharlowes Farmhouse, Flaunden, Hertfordshire HP3 0PP

- 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 & Mrs Chiltern-Hunt against the decision of Dacorum Borough Council.
 - The application Ref 22/01286/FUL, dated 20 April 2022, was refused by notice dated 20 December 2022.
 - The development proposed is demolition of outbuilding and the erection of a new detached house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is located in the Green Belt. The proposal can be regarded as limited infilling in villages thereby meeting the exception listed at paragraph 149 e) of the National Planning Policy Framework (the Framework). On this basis, the Council's delegated report found the proposal would accord with those development plan policies which protect Green Belt land. From everything I have seen in submissions and on my site visit, I have no reason to disagree.
3. The Council notes its Decision Notice erroneously refers to Saved Policy 119 of the Local Plan 2004 (LP) and instead should cite Saved Policy 120 which applies to development in conservation areas. The appellant has made submissions in respect of the development's effects within the Conservation Area and therefore no party would be prejudiced by my assessment of the scheme against LP Policy 120.

Main Issues

4. The main issue in this appeal is whether the proposal would preserve or enhance the character and appearance of the Flaunden Conservation Area.

Reasons

5. The appeal site is adjacent to a gravel driveway providing a side access from Birch Lane to Sharlowes Farmhouse and to adjacent dwelling, 'White Walls'. A large, timber-clad double garage building is located toward the rear of the site. The front of the site comprises trees and vegetation. Beyond the rear boundary of the site are barns, outbuildings and curtilage land associated with Sharlowes Farmhouse.

6. Opposite the site's frontage to Birch Lane are a mix of dwellings and agricultural buildings and uses. Birch Lane is itself a narrow carriageway with occasional sections of pedestrian footway, narrow verges, hedgerows and mature trees. The area therefore has a verdant, rural character.
7. The appeal site is located in the Flaunden Conservation Area (FCA). The FCA includes a dense cluster of buildings arranged around a crossroads. Along the roads, building plots become more scattered, interspersed by generous green spaces including gardens and occasional fields or paddocks, creating an irregular pattern of development with no consistent relationship to the road frontage. Established trees and hedgerows contribute to the FCA's rural character, and the age and diverse mix of vernacular buildings contribute significant historic and architectural interest. The significance of the FCA is therefore derived from the appearance and layout of buildings, and the area's spacious, green, rural character.
8. To the north of the site is a row of modern semi-detached dwellings sited outside the FCA boundary. The appeal site is therefore near the edge of the FCA, occupying space between historic and modern development.
9. Noting that the majority of the trees and bushes on the site are self-set, the existing building is set back in the site and generally screened from view by vegetation at the front. The site therefore has a generally undeveloped, natural appearance which contributes positively to the spacious and rural character of the area and provides an important break between the historic settlement at the crossroads and modern development along Birch Lane.
10. Through increasing the footprint and volume of development, the proposal would have an urbanising effect upon the site. Due to this increased scale, its siting, and the clearance of some trees and vegetation, the proposed development would be more visually prominent in the street scene than the existing building.
11. The design of the dwelling as a period style cottage with sympathetic facing materials seeks to complement dwellings within the FCA, and the layout of the proposed development has sought to achieve a fragmented appearance with a staggered frontage sited forward of houses to the north. However, the siting of the development within a previously undeveloped gap would appear out of keeping with the rhythm and pattern of development within the FCA.
12. The proposed development would therefore consolidate development and erode this gap along the frontage of Birch Lane. The proposed development would not therefore appear as natural infill but would appear unsympathetic to the historic and rural character of the FCA.
13. The proposed development would result in the loss of a gap which contributes positively to the rural character of the FCA and serves to separate historic buildings within the FCA from modern development beyond the FCA boundary. Therefore, the development as a whole would fail to preserve or enhance the character of the FCA and would erode its historical context. The proposal would therefore have an adverse impact on the FCA's significance.
14. Noting that the character of the FCA is broadly derived from the historic pattern of development, architectural interest of its buildings, and its green and rural appearance, I consider that the proposed development would result in less than

substantial harm to the FCA. Paragraph 199 of the Framework states that great weight should be given to a heritage asset's conservation, and paragraph 202 requires 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 its public benefits.

15. The proposal would contribute one dwelling to the area's housing supply and would involve development of land occupied by an existing building. These modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act). The proposal would therefore fail to preserve or enhance the character and appearance of the FCA and would harm the significance of this designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
16. The proposal would therefore conflict with Core Strategy 2013 Policy CS12 which requires development to avoid visual intrusion and integrate with the streetscape character. The proposal would conflict with Core Strategy Policy CS27 and LP Saved Policy 120 which together require development to positively conserve and enhance the appearance and character of conservation areas, including respecting layouts and patterns of development. In addition, the proposal would not accord with paragraph 130 of the Framework which requires development proposals be sympathetic to local character and history.

Other Matters

17. Section 66(1) requires I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. The appellant identifies the site as being within the curtilage of Sharlowes Farmhouse, a Grade II* listed building. In addition, adjacent to Sharlowes Farm House lies Grade II listed 'Barn Next Road at Sharlowes Farm'.
18. Sharlowes Farm House was built circa 1500 and was originally an open hall house with 2 cross wings. It is timber framed and cased in red brick with diaper pattern in blue headers. The roof is steep and is fabricated from old red tiles. 'Barn Next Road at Sharlowes Farm' was constructed in the late 16th century and is a timber-framed, dark weatherboarded building with steep old red tile roofs. The relationship between those buildings and their appearance as a traditional farmstead contributes to their historic significance.
19. The appeal site is located at the rear of Sharlowes Farmhouse and this distance, together with existing boundary treatments and outbuildings provides visual separation. There are no views of Sharlowes Farm House or 'Barn Next Road...' from the appeal site. The Heritage Statement (HS) indicates the proposed development would have very little appreciable effect on Sharlowes Farm House or 'Barn Next Road at Sharlowes Farm' and would have have no long-term effect on their historic value.
20. There are other listed buildings clustered around the crossroads and the HS identifies partial and glimpsed views of the rooftop of Christmas Cottage, Inglenook Cottage and Lavender Cottage from the appeal site. The HS concludes there would be no impact upon Grade II listed buildings Granary Cottage, Christmas Cottage, Inglenook Cottage & Lavender Cottage, or 103, 104 & 105 Black Ditch Lane.

21. I note that the Council's Conservation Officer was consulted and the Council's assessment of the scheme does not suggest the proposed development would harm the significance of listed buildings or their settings. From the submissions and from what I have seen on site, I consider the proposal would have a neutral effect on, and thus preserve, the setting and features of special architectural or historic interest of those listed buildings.
22. The appellant suggests an appeal decision for a detached dwelling on the same site is not of relevance to the proposal as it pre-dates the Framework and proposed a different layout¹. However, the decision did not pre-date the LCBA Act. The Inspector provided assessment of the scheme within the context of those statutory duties and concluded the scheme would result in the loss of an undeveloped gap that would "detract from the present character and appearance of the FCA".
23. An appeal was allowed and planning permission granted for a new dwelling at land at the opposite side of Birch Lane to the appeal site². The case is similar to this appeal proposal insofar that the Inspector concluded that the proposal would comprise limited infill in a village thereby satisfying policies that protect the Green Belt. However, in the cited decision, the main parties did not allege harm to the FCA and the Inspector concluded the development would preserve the character and appearance of the FCA. Whilst I have not been provided full details of that scheme, the Inspector noted the site formed an enclosed garden area and the existing boundary hedge would be retained. Consequently, its circumstances and effects on the FCA appear to be materially different from this appeal proposal.
24. The appeal site is within the zone of influence of the Chilterns Beechwoods Special Area of Conservation, a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Habitats Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal on the basis of identified harm to character and appearance of the FCA, it is not necessary to address the proposed development's effects on European sites in further detail.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

E Dade

INSPECTOR

¹ Appeal ref APP/A1910/A/01/1063062

² Appeal Ref: APP/A1910/W/22/3294485