The Planning Inspectorate

Appeal Decision

Site visit made on 16 October 2023

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 DECEMBER 2023

Appeal Ref: APP/J1915/W/23/3316232
Ivy Cottage, 9 Malting Lane, Braughing, Ware, Hertfordshire SG11 2QZ

- 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 Brendon Scott against the decision of East Hertfordshire District Council.
- The application Ref 3/21/2763/HH, dated 19 January 2021, was refused by notice dated 14 December 2022.
- The development proposed is described as '*demolition of outbuilding. Garage conversion to create one-bedroom self-contained annexe with two storey side extension. Removal of garage door with two replacement ground floor windows, infill of door opening to front, insertion of 1.2 metre wooden rail and post fence'*.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs form was submitted by Mr Brendon Scott against East Hertfordshire District Council. However, the application was incomplete as it provided no reasons for the application. No reasons were provided by the final comments stage, and in accordance with the Planning Practice Guidance[1] I have not therefore considered the application any further.

Procedural Matters

3. In addition to this s78 Householder appeal an appeal against the refusal of listed building consent was also submitted[2]. However, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) the building to which the appeal relates is not listed in itself and was constructed after 1948, so is not a curtilage structure for the purposes of the Act.

4. Further, it is not referred to in the listing description or as a listed building in the relevant conservation area appraisal. I sought the comments of the parties on this matter who both confirmed that consent is not required. The appellant has confirmed that the appeal will be withdrawn, and I have not therefore considered that appeal any further in this decision.

5. As the proposal affects the setting of a listed building and is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Act.

[1] Paragraph 035 Reference ID: 16-035-20161210.
[2] APP/J1915/Y/23/3316231 pursuant to LPA ref: 3/21/2764/LBC.

6. Amended plans were submitted some weeks prior to the Council's decision but were not considered in determining the application. Having sought clarification from the parties, the plans were submitted because the parish council brought to the appellant's attention that a public right of way (the PRoW) was located to the rear. Amended plans were therefore submitted showing the PRoW but with no other changes to the proposal[3].

7. The development is not so changed that to consider the plans would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. There would be no prejudice to any party from my consideration of the amended plans in determining the appeal and I have therefore taken them into account.

Main Issues

8. The main issues are the effect of the proposal on the setting of the Grade II listed building, Ivy Cottage, and whether the proposal would preserve or enhance the character or appearance of the Braughing Conservation Area (the BCA).

Reasons

Setting of Ivy Cottage

9. Section 66(1) of the Act requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. This is the case when considering whether to grant planning permission for development which affects a listed building or its setting.

10. Ivy Cottage was listed in 1984 and dates from the 18th century. Timber framed with a red brick sill and part stuccoed it sits under a steep red tile roof with gable dormers on the front facing elevation. I consider that the significance and special interest of the listed building, insofar as it relates to this appeal, derives from its age, architectural features, and historic fabric and as a repository of past building traditions and technologies within a historic rural settlement.

11. The garage and pool room (the outbuildings) are sited in proximity to the north and adjacent to an outdoor swimming pool. Despite the contention that they are incongruous structures I observed they were of a simple form and traditional appearance entirely sympathetic to the rural vernacular and the building's setting. There is nothing substantive before me to indicate they are no longer fit for purpose structurally or aesthetically.

12. The setting of a heritage asset is defined as the surroundings in which that heritage asset is experienced. The setting of the building, insofar as it relates to this appeal, is primarily associated with the historic importance of the building and the semi-rural character of the settlement at this point, sited above the River Quin.

13. Experienced from within its grounds, including the PRoW and further afield across the valley, the outbuildings complement and are subservient to Ivy Cottage due to their domestic proportions and appearance. In views across the valley from the east the open setting above the river course positively

[3] Revised drawing no. 1046_YPUK_P001 Rev P2.

contributes to the appreciation and understanding of the special interest and significance of the building within its rural landscape.

14. As with the existing outbuildings, the proposal would extend slightly beyond the building line of the prominent southeast facing elevation of Ivy Cottage. Despite the use of sympathetic materials and fenestration and with only a small increase in footprint, between the two existing structures, in such proximity the resultant elongation of the pitched roof across the full extent of the outbuildings and introduction of a gable end would result in an overly large and prominent structure close to the listed building. Of a comparable height and scale the eye would be unacceptably drawn to the unduly large expanse of roof plane, with little articulation or visual relief other than rooflights on the rear elevation facing away from the listed building.

15. I do not agree with the appellant that it would be physically and aesthetically subservient to Ivy Cottage. Rather, its size and appearance, with the use of black weatherboarding at first floor level, would visually compete and detract attention away from the historic building. Given the local topography the effects would be apparent within the immediate area surrounding the building, from the PRoW and across the River Quin valley. This would harmfully erode the contribution that the setting makes to the significance and special interest of Ivy Cottage.

16. The property has extensive gravel parking areas and even in losing additional undercover parking space from the loss of the garage, vehicles are parked within the immediate setting around the building. The addition of further domestic vehicles would not be significant and would preserve the significance of the building in terms of its setting. The proposed post and rail fencing would be sympathetic to the existing fencing and given its extent, location, and acceptable rural appearance it would preserve the setting of the listed building.

17. I have been referred to an allocated housing site within the Braughing Neighbourhood Plan (the NP) that the appellant contends would affect the setting of the listed building. However, on the evidence before me an associated application[4] has yet to be determined so the submitted site plan and consultation comments submitted are not entirely determinative. That site is located to the west of the appeal site and heritage impacts would need to be considered as part of the determination of that proposal.

18. I also observed rear elevations and buildings associated with properties along Green End are visible from the appeal site on higher ground to the west. Even if built form ends up being closer to the appeal site, the NP contains criterions that must be met, including the retention of a significant landscaped buffer along the eastern boundary with the appeal site. I have also identified specific effects in terms of the effects on the setting of Ivy Cottage that would be readily apparent from the east across the valley and within the immediate surroundings of the building and the PRoW. Consequently, it does not alter my view or justify the harm to the setting of the listed building that I have identified.

19. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find

[4] 3/20/0793/FUL.

the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. I return to this in the balancing exercise below.

20. For these reasons, the proposal would fail to preserve the setting of the designated heritage asset. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policies HA1 and HA7 of the East Herts District Plan (the LP) and Policy 10 of the NP insofar as they seek, amongst other things, to ensure proposals preserve and where appropriate enhance the historic environment, result in no adverse effect to a listed building's setting and protect the historical assets of Braughing parish. As a result, the proposal would not be in accordance with the development plan.

Braughing Conservation Area

21. Braughing is a historic village of two settlements sited on high ground on either side of the River Quin. A typical rural village it was once an important centre with a large number of historic and listed buildings with important Roman routes evident within the BCA, including a ford crossing at the centre of the village at the bottom of Green Hill. Braughing is mentioned in the Domesday Book with the medieval settlement focused on the medieval Church of St Mary.

22. Case law[5] has established that proposals must be judged according to their effect on a conservation area as a whole. The BCA has maintained a tranquil rural quality and contains a variety of styles and sizes of buildings, mainly two storeys, of a traditional construction and with some variety in the size, form, and appearance of associated outbuildings to the properties. I observed such outbuildings were a characteristic of the BCA as a whole. Notwithstanding the harm that would be caused to the setting of the listed building I do not find that the proposal would be detrimental to the character or appearance of the BCA, as a whole and so would preserve its significance.

23. For these reasons, in terms of the effect on the character and appearance of the BCA the proposal would accord with Policy HA4 of the LP and Policy 10 of the NP in terms of the requirement for development in conservation areas to preserve or enhance the special interest and that new development should not 'go against the grain' of the existing pattern of housing and preserve the attractive appearance of the rural community.

Balancing exercise

24. Given the harm I have identified to the setting of the listed building the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. I acknowledge that the appellant may have a pressing personal need but providing additional accommodation for the appellant's family is a private benefit that is not sufficient to outweigh the great weight I give to the harm that I have identified to the designated heritage asset, in terms of its setting.

Other Matters

25. Whilst I note the appellant's apparent frustrations as to the Council's handling and determination of the applications, such matters have no bearing on the

[5] South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89.

planning merits of the proposal before me and I have considered the costs application above.

Conclusion

26. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.

27. Having regard to all other matters raised, including the lack of objection from Braughing Parish Council and neighbouring occupiers, I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR