



Appeal Decision

Site visit made on 29 August 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/J1915/W/22/3313327

Land opposite Amwell Grove, Cautherly Lane, Great Amwell SG12 9SP

- 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 John Van Hage against the decision of East Herts Council.
 - The application Ref 3/22/1146/FUL, dated 27 May 2022, was refused by notice dated 17 October 2022.
 - The development proposed is the construction of a detached two-storey, three-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached two-storey, three-bedroom dwelling at Land opposite Amwell Grove, Cautherly Lane, Great Amwell SG12 9SP in accordance with the terms of the application Ref 3/22/1146/FUL, dated 27 May 2022, subject to the conditions appended to this appeal.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposal. I note that this features on the appellant's appeal form.
3. The appeal relates to proposed development in proximity to listed buildings and which is located within a conservation area. Accordingly, I have had special regard to the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issues.

Main Issues

5. The reasons for refusal in the Council's decision notice refer to harm to the setting of designated heritage assets and the conservation area. Although not referenced on the decision notice, the officer's report also refers to the effect of the proposed development on non-designated heritage assets.
6. Taking the above into account, I consider the main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area; and
 - whether the proposed development would preserve the settings of adjacent Grade II* and Grade II listed buildings and identified non-

designated heritage assets, and the extent to which the development would preserve or enhance the character or appearance of the Great Amwell Conservation Area.

Reasons

Character and appearance

7. The appeal site comprises a parcel of land set between Cautherley Lane and St Johns Lane. The surrounding area is made up, predominantly, of residential properties, although the George IV public house lies adjacent to the site and the Parish Church of St John the Baptist lies opposite.
8. There is significant variation in the scale, period and detailed design of properties within Great Amwell. However, consistent features typically exist including the setback of properties from roads, within large, well landscaped garden plots. Similarities also exist in the use of materials, which typically comprise brick and render.
9. The proposed development would be reasonably prominent from Cautherley Lane by reason of the site's elevated position relative to this road. The site would also be clearly visible from St Johns Lane and from the private vantage points of neighbouring properties. As such, the proposed development would undoubtedly change the appearance of the site and its relationship with the surrounding area. However, the development would be set amongst established built form of a varied scale, style and period, and I observed that both the boundary wall of Amwell Grove and the west elevation of the George IV public house form prominent structures along the edge of Cautherley Lane. Moreover, the proposed development would not be the first contemporary intervention in the village, nor is the built form of the village entirely cohesive or unadulterated. Notwithstanding the planned elements of Great Amwell, in particular the landscape to the north of the site, the established development in the surrounding area is the result of the evolution of the village over time.
10. Although the majority of properties within the village feature traditional roof profiles, examples of contemporary flat roof designs, as well as more traditional parapet roof features, are visible. Accordingly, the proposed flat roof design, rather than a suggested pitched roof (which is not before me), would not appear unduly out of keeping with the wider area.
11. Based on the submitted information, together with my observations on site, I do not find that the overall size and bulk of the proposed dwelling would be substantial or out of proportion with the site or the established properties within the surrounding area. Rather, the proposed development would respond to, and complement, those adjoining properties, respecting the change in levels between the public house and The Mount. Ultimately, the scale and design of the proposed dwelling would have an acceptable effect on the character and appearance of the site and surrounding area. I consider that further details of the external materials and landscaping, including boundary treatments and hard landscaping, can be satisfactorily dealt with by condition.
12. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area, in accordance with the relevant provisions of Policies DES2, DES3 and DES4 of the East Herts District Plan (DP, 2018). These policies, in

summary, seek to achieve high quality design in development which respects its context, including the historic environment. This is in a similar vein to the provisions of the Framework insofar as good design is concerned.

Heritage assets – special interest and significance

Parish Church of St John the Baptist

13. Parish Church of St John the Baptist is a Grade II* listed building¹. It is a largely 15th century building, with some intact 14th century features. The building has evolved over time to include 19th century elements. It is set within an historic graveyard, enclosed and largely obscured by walls and mature landscaping. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are its age, its dominant presence within its grounds, its surviving historic fabric and its historic and continued use as a place of religious congregation.
14. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The grounds and graveyard of the church have an historic, visual and functional connection with the heritage asset. These grounds are clearly defined by boundary treatments including walls and mature landscaping. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
15. Beyond this, the surrounding area, of which the site forms a part, is made up of loosely arranged, predominantly residential, development. This is indicative of the evolution of the surrounding village over time. Some glimpsed views of the asset are possible between gaps in landscaping, including from St Johns Lane. This surrounding area, including the appeal site, forms the asset's wider setting. The surrounding village development has altered how the asset is experienced to a degree. Whilst the asset might once have formed a very prominent and imposing building within the wider landscape, the later residential development and now mature landscaping that surrounds it has, to a degree, altered how the asset is experienced from the surrounding public realm. This moderates the contribution this wider setting makes to its special interest and significance.

Amwell Grove

16. Amwell Grove² is a Grade II listed building, set within expansive grounds. Designed by Robert Mylne, it dates from the 18th century, with later extensions and alterations. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are the association with the architect Robert Mylne and its surviving historic fabric.
17. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The well enclosed and landscaped grounds of Amwell Grove are largely set away from public views. It is from these closely related grounds that the asset is best appreciated. This forms the asset's immediate setting. This immediate setting contributes somewhat to the asset's

¹ List Entry Number: 1341839

² List Entry Number: 1101799

special interest and significance. Beyond this, the surrounding area is made-up of established development and mature landscaping. This surrounding area, which includes the appeal site, forms the asset's wider setting. There is some, but very limited, intervisibility between the wider setting and heritage asset. This moderates the contribution the wider setting makes to the asset's special interest and significance.

Gatepiers, screen wall, gate and gateway at Amwell Grove (hereafter referred to as 'the Amwell Grove wall and gatepiers')

18. The Amwell Grove wall and gatepiers³ form a mid-19th century structure of tall yellow brick piers, with moulded stone details, positioned either side of the gateway to Amwell Grove. The adjoining walls are of flint and yellow brick. Based on the evidence before me, the special interest and significance of the listed structure is largely derived from its historic and architectural interest. Important contributors in these regards are the association with Amwell Grove and the architect Robert Mylne, together with its surviving historic fabric.
19. Pertinent to this appeal, the structure's special interest and significance are also derived, in part, from its setting. The asset is best appreciated from adjoining, verdant Cautherley Lane. The lane forms, in part, the immediate setting of the asset, which contributes somewhat to the asset's special interest and significance. Beyond this, the surrounding area is made-up of established development and mature landscaping. This surrounding area forms the asset's wider setting. The established development to the east of the structure, and the unused space formed of the appeal site, alter how the asset is experienced from surrounding public realm and moderates the contribution this wider setting makes to the asset's special interest and significance.

Non-designated heritage assets

20. Two buildings, namely the George VI public house and The Mount, have been identified as non-designated heritage assets. These lie adjacent to the site. I have noted the Council's reference to the effect of the proposed development on these buildings, although there is no evidence before me to demonstrate that these are locally listed.
21. The Mount is located to the east of the appeal site and is of a modest scale. Despite this, it sits in a reasonably prominent position within the streetscene, adjacent to St Johns Lane and near to the main gateway of the church. The wider St Johns Lane forms the setting of the asset, from which it is best appreciated, particularly from the west approach. As a result, St Johns Lane contributes to how this asset is experienced and so adds to its significance.
22. The public house is a relatively large building which sits in a highly prominent position within the village, at the junction of Cautherley Lane with St Johns Lane. It is best appreciated from both lanes, particularly from the west. These lanes form part of the setting of the asset. As a result, both Cautherley Lane and St Johns Lane contribute to how this asset is experienced and so add to its significance.

³ List Entry Number: 1077995

Conservation Area

23. The appeal site is located within Great Amwell Conservation Area (CA).
24. The special interest and significance of the CA is largely derived from its historic townscape, together with its sunken lanes and planned verdant open space. It includes significant buildings such as the Parish Church of St John the Baptist. Insofar as the appeal is concerned, there is variation in dwelling style and period within the CA. However, the dwellings are typically positioned within large, spacious plots.
25. The appeal site forms an undeveloped site with limited mature vegetation. This creates a gap in established built form, and makes a neutral contribution to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal proposal and effects

Parish Church of St John the Baptist

26. There is no doubt that the proposed development would be visible, introducing built form to a site where there is currently none, and in a contemporary style. Nevertheless, the physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development. The retention of a considerable separation distance, intervening landscaping features and highway would all reinforce this. Furthermore, the immediate setting and most of the wider setting that contributes to the asset's significance would remain undisturbed by the proposed scheme.
27. Taking these factors into account, the proposed development would not compromise the setting of Parish Church of St John the Baptist, rather it would have a neutral effect that would not detrimentally alter how the asset would be experienced and would not adversely affect the ability to appreciate its significance. Consequently, the immediate and wider settings of the asset and the contribution that they make to its significance would be preserved.

Settings of Amwell Grove and Amwell Grove wall and gatepiers

28. The position and nature of the proposed development, together with the limited intervisibility between the appeal site and these heritage assets, would mean that the visually and physically separate relationship between the sites would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features and roads, in particular, would reinforce this. Ultimately, the settings that contribute to the significance of those assets would remain undisturbed by the proposed scheme.
29. Taking these factors into account, the proposed development would not compromise the settings of Amwell Grove or Amwell Grove wall and gatepiers. Rather, it would have a neutral effect that would not adversely affect the ability to appreciate the significance of those assets. Consequently, the settings of the assets, and the contribution those settings make to their significance would be preserved. The Council is of the same view in this respect.

Non-designated heritage assets

30. By reason of the nature, scale and position of the proposed development, set away from the boundaries of the site, in undertaking a balanced judgment, I do not consider the proposal would result in any harmful effects to the setting, and therefore the significance of the identified non-designated heritage assets.

Conservation Area

31. The proposal would be visible in public views, including from Cautherley Lane and St Johns Lane. However, it would be set amongst established built form and setback from the site's boundaries within a landscaped garden plot. The building would be of a scale, height and position which would respond appropriately to the site and adjoining properties, which generally sit within large, landscaped garden plots. The proposed development would also appropriately respond to the site's, and adjoining site's, levels.
32. Whilst clearly contemporary, the proposal would be congruent within a context of relatively varied properties in terms of scale, period and detailed design. The dwelling would be finished in materials including red stock brick and reconstituted stone, which, in my view, would complement and respond positively to the character and appearance of the CA.
33. For the reasons above, I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.

Heritage – conclusion

34. Overall, I conclude that the proposed development would preserve the settings of the Grade II* listed building, Parish Church of St John the Baptist, the Grade II listed buildings, Amwell Grove and Amwell Grove wall and gatepiers, and the identified non-designated heritage assets of The Mount and George VI public house. It would also preserve the character and appearance of the CA. Consequently, the proposed development would not harm the significance of these heritage assets. In doing so, it would satisfy the requirements of Sections 66(1) and 72(1) of the Act, and would not conflict with the relevant provisions of DP Policies HA1, HA4, HA7 and HA8 which, in summary and taken as a whole, seek to protect heritage assets. This is in a similar vein to the relevant provisions of the Framework, insofar as they seek to protect the historic environment.
35. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Other Matters

Amwell Grove and Amwell Pool

36. Amwell Grove and Amwell Pool⁴ is a Grade II Historic Park and Garden. It comprises a late 18th and early 19th century landscape associated with Amwell Grove house, which is itself located within the designated landscape, designed by Robert Mylne. The gardens and pleasure grounds include a prominent body

⁴ List Entry Number: 1000903

of water known as the 'Pool', with islands within, and various structures and memorials associated with the planned landscape. Mature trees dominate the landscape. Based on the evidence before me, the special interest and significance of the asset is largely derived from its historic and architectural interest. Important contributors in these regards are its association with the architect Robert Mylne, its impressive scale and picturesque appearance.

37. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. Amwell Grove and Amwell Pool is surrounded by a backdrop of verdancy and scattered development, of which the appeal site forms a part. These surroundings form the asset's wider setting and positively contribute to its significance.
38. The position and nature of the proposed development, together with the limited intervisibility between the appeal site and this heritage asset, would mean that the visually and physically separate relationship between the sites would be maintained. The historic and architectural interests of the asset would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features and roads, in particular, would reinforce this. Ultimately, the proposed development would not compromise the setting of Amwell Grove and Amwell Pool, and the contribution it makes to the asset's significance would be preserved.

Other considerations

39. A range of comments have been received from neighbours of the site and others. Objections raised relate to the impact of the proposed development on the green belt, heritage assets, highway safety and flood risk. I have dealt with matters of design and heritage above. There is no dispute between the Council and appellant in respect of the green belt, highway safety and flood risk. Based on the evidence before me, I have no reason to disagree with those findings.
40. In respect of the site's proximity to Amwell Quarry Site of Special Scientific Interest (SSSI), and the potential for the development to affect that designated site, Natural England (NE) were consulted during the course of the planning application. NE confirmed that in the event that the development proposed to connect to the mains sewer, it would have no further comments to make. In response, and notwithstanding that this was not clear within the original application form, the appellant has confirmed that a connection to the mains sewer is proposed. Accordingly, and subject to a condition ensuring that the development does connect to a mains sewer, I have no reason to come to any alternative conclusion on the main issues.

Conditions

41. The Council has provided a list of 21 conditions. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and consider in that context that only 14 need to be applied. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
42. Conditions relating to time limits and approved plans are necessary for certainty. A condition is imposed relating to construction hours in the interests of public safety and the protection of the living conditions of neighbouring occupants. Conditions relating to external materials, details of windows/doors,

details of parking areas, landscaping and measures for the protection of trees (noting the appellant's comments on this condition) are imposed. These are necessary in the interests of character and appearance, to ensure the health of any retained trees on or adjacent to the site, and for certainty.

43. A condition is necessary to ensure adequate provision of bin storage. Conditions relating to the provision of an electric vehicle charging point and gas-fired boilers are necessary in the interests of air quality. A condition relating to details of foul sewage arrangements is required in the interests of sustainability.
44. A condition relating to the ecological assessment is necessary for certainty and to protect and enhance biodiversity. A condition relating to archaeology is imposed as the site is located within an Area of Archaeological Significance and in the interests of DP Policy HA3. This is a pre-commencement condition as it is necessary to ensure that any potential risks are known, and mitigation measures planned in, prior to the commencement of development.
45. Suggested conditions relating to the rooflight materials and boundary treatments have not been imposed as these matters are adequately covered by the provisions of the external materials and landscaping conditions. A suggested condition requesting site levels has not been imposed as this is covered under the provisions of the landscaping condition. Suggested conditions removing permitted development rights and requiring details of overheating/cooling have not been imposed as there is insufficient evidence before me to demonstrate why these measures are reasonably necessary in this particular case.
46. A suggested water efficiency standards condition has not been imposed as this matter would be dealt with under Building Regulations. A suggested condition relating to contamination has not been imposed as there is no evidence before me, including any correspondence from environmental health specialists, which justifies the need for this condition.

Conclusion

47. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 220417-PL-001 B; 220417-PL-002 B; 220417-PL-100 A; 220417-PL-101 B; 220417-PL-102 B; 220417-PL-301 A; 220417-PL-302 A; 220417-PL-303 A; 220417-PL-304 A; 220417-PL-305 A; 220417-PL-306 A; 220417-PL-307; 220417-PL-308 A.
- 3) Prior to the commencement of the development hereby permitted, details of the means of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 4) Prior to the commencement of any above ground works of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of the brickwork. The development shall be carried out in accordance with the approved details and samples.
- 5) Prior to the commencement of any above ground works of the development hereby permitted, detailed drawings of the windows and doors proposed, including a section of the glazing bars, frame moulding, reveals, arch and sills, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of any above ground works of the development hereby permitted, the applicant, or their agents, or their successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to any above ground works being commenced, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments;
 - iv) hard surfacing materials;
 - v) an implementation programme;
 - vi) Planting plans, schedules of plants, species, planting sizes, density of planting.

All hard and soft landscaping works shall be carried out in accordance with the approved details, prior to the first occupation of the

development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 8) Prior to the first occupation of the development hereby permitted, details of all on site vehicular parking and turning areas, and the means of disposing of associated surface water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 9) Prior to the first occupation of the development hereby permitted, 1 electrical car charging point shall be provided, installed and retained for the lifetime of the development. The electric vehicle charging points shall thereafter be maintained.
- 10) Prior to the first occupation of the development hereby permitted, details of the facilities for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities provided prior to the occupation of the development.
- 11) Existing trees and hedges identified for retention as part of the development hereby permitted, or existing trees and hedges growing on an adjacent site, shall be protected from damage as a result of works on the site, in accordance with BS5837:2012, or any subsequent relevant British Standard.
- 12) The development hereby permitted shall be carried out in accordance with the details and mitigation measures set out within the Ecological Appraisal (ELMAW Consulting updated April 2022).
- 13) Any gas-fired boiler shall meet a minimum standard of less than 40 mgNO_x/kWh.
- 14) Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday and 0800 and 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.