



Appeal Decision

Site visit made on 7 February 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.02.2024

Appeal Ref: APP/J1915/D/23/3334483

The Beeches, Westmill, Buntingford Herts SG9 9LL

- 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 and Mrs N & S Robson against the decision of East Herts District Council.
 - The application Ref 3/23/1429/HH, dated 25 July 2023, was refused by notice dated 20 September 2023.
 - The proposed development is the erection of a detached car port.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a car port at The Beeches, Westmill, Buntingford Herts SG9 9LL in accordance with the terms of application ref: 3/23/1429/HH dated 25 July 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20590-S002-1st (existing site plan) and 20590-P001-1st (proposed plans and elevations – with location plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
 - 4) No development shall take place until tree protection measures, which shall ensure that no storage, mixing of cementitious products or fires take place within 5 metres of the Root Protection Areas, have been put in place in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be maintained throughout the construction period.

Main Issue

2. The main issue is the impact on the character and appearance of the Westmill Conservation Area, including the wider rural area and adjacent trees.

Reasons

3. The appeal site lies towards the south western edge of the small village of Westmill. It comprises a modern detached dwelling which occupies an elevated position relative to the adjoining road. The frontage is marked by a grass bank at the top of which is a 'hit and miss' timber fence with newly planted laurel

- hedge behind. Two tall mature trees are located close to the side boundary towards the front of the adjoining property the canopies of which overhang the front corner of the appeal site with another tall tree located along the frontage.
4. The Westmill Conservation Area encompasses virtually all of the built development within the village as well as areas of open space and woodland. Plan 2 of the Westmill Conservation Area Appraisal and Management Plan (CAA) identifies the buildings of historic interest as well as important trees, hedgerows, open spaces and water features to be protected.
 5. The older central part of the village is characterised by 17th and 18th century smaller terraced and semi-detached cottages, many of which are listed. These are set close to the road frontage along which is an avenue of trees with small green at the western end. Larger properties in more extensive grounds including the Grade II* listed St Mary's Church and Westmill Bury and adjoining Westmill Bury Farm barns lie at the eastern end. The CAA notes that Westmill's character is also defined by small scale open spaces that envelop the historic core, separate from the open countryside beyond. Trees predominate with some particularly fine rows.
 6. Properties located towards the edges of the conservation area, such as the appeal site, are predominantly detached and set back from the road frontage with a more spacious character. There are few listed properties within the immediate context of the appeal site but I note that the adjoining pair of cottages to the north (2 & 4 School Court) are identified as 'unlisted buildings to be protected from demolition' on Plan 2 and included as 'other unlisted buildings that make an important architectural or historic contribution' in the CAA. Whilst they do not appear to be identified formally by the Council as non-designated heritage assets, I saw that they are an attractive pair of cottages comprising of flint elevations with natural slate pitched roof, though appeared to have later extensions to the front. Plan 2 also identifies three trees along the northern boundary of the appeal site as important trees to be protected.
 7. The significance of the part of the conservation area in which the appeal site is located, which lies to the south, away from its main historic centre, is therefore derived from the mixture of traditional and modern buildings and their varied relationship with the street, as well as the important natural elements of the trees to the front of the appeal site and woodland opposite.
 8. The proposed car port would be sited forward of the existing dwelling and, due to its elevated position relative to it, would be visible within the street scene. However, it would be of a sympathetic traditional design and appearance with two open fronted bays and closed store section. The elevations would be of horizontal timber boarding, between oak timber posts with brick plinth and plain clay tiled roof to match the existing dwelling. It would be set back from the site frontage such that it would not appear overly large or dominating and over time, this impact would be mitigated to a further degree by the front boundary hedge which has been recently planted.
 9. The proposed car port would be likely to be seen in views approaching from the north from the centre of the conservation area and whilst the roof would be seen above the existing boundary fence, it would extend only marginally forward of the adjoining dwellings at School Court which themselves have forward projecting elements. The Appellant has provided examples of other properties within the village where garages are set forward to address the

Council's concern in this regard, albeit none of these are directly comparable to the situation at the appeal site. Whilst there are no similar examples in the immediate context of the appeal site, for the reasons given above, the proposal would not be a detracting feature in the street scene. Therefore, despite its forward siting relative to the dwelling, I find that it would be a complementary addition to both the conservation area and the wider rural area.

10. In this regard I find no conflict with Policies GBR2, VILL2 and HA4 of the East Herts District Plan 2018 (EHDP) which seek to ensure that development relates well to the village, is of an appropriate scale and design and in respect of outbuildings that they are of a scale, form and siting appropriate to the setting of the existing dwelling and surrounding rural area and generally appear as a subservient addition. Furthermore, they seek to ensure that the special interest, character and appearance of the conservation area is preserved, in particular that they are of a scale, form, height, design and overall character that accord with and complement the surrounding area.
11. With regard to the impact on the adjoining trees, the Appellant has provided an Arboricultural Impact Assessment (AIA) prepared by a qualified arboriculturalist. It includes a tree survey (trees T1 to T6) and the AIA concludes that the proposal requires no tree removal or facilitation pruning. It also confirms that it would result in negligible incursion of the identified Root Protection Areas (RPAs) of the adjacent affected tree T3 (sycamore).
12. The AIA also notes that the RPAs of both T1 and T3 encompass areas where building activity can occur as these are confined to areas already used as a drive and in view of the relatively small scale nature of the proposal, the effects are not considered to be significant. Possible impacts during construction works can be conditioned to ensure that they do not adversely affect the trees as suggested in the AIA. Therefore, there would be no conflict with EHDP Policy DES3 which, amongst other things, requires development proposals to demonstrate how they will retain and protect existing landscape features of amenity value to ensure no net loss.
13. Overall, having regard to all of the above, I consider that the proposal would preserve the character and appearance of the Westmill Conservation Area and the character of the wider rural area. There would thus be compliance with the development plan overall. The National Planning Policy Framework states that heritage assets should be conserved in a manner appropriate to their significance and the proposal would achieve this. There are no other material considerations that weigh against the proposal.

Conclusions

14. Conditions to ensure that the development is built in accordance with the approved plans and use suitable matching materials are necessary for the avoidance of doubt and in the interests of the visual amenity of the area. Conditions to protect the adjacent trees during construction are also necessary for the reasons set out above.
15. I conclude that the appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR