



Appeal Decision

Site visit made on 23 January 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/J1915/W/23/3324262

Old East End House, East End, Furneux Pelham, Hertfordshire, SG9 0JT

- 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 Mrs Jane Crossley against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0108/FUL, dated 20 January 2022, was refused by notice dated 13 April 2023.
 - The development proposed is the erection of a detached Eco-House.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached eco-house at Old East End House, East End, Furneux Pelham, Hertfordshire SG9 0JT, in accordance with the terms of the application Ref 3/23/0108/FL, dated 20 January 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appellant submitted a revised elevation drawing with the appeal. However, this only updated the presentation of the proposed works and did not change the nature of the works themselves. I have therefore accepted the drawing and did not need to consult the Council on the changes.

Main Issue

3. The main issue is the effect of the proposal on the special architectural or historic interest of the grade II listed building¹, with regard to its setting.

Reasons

Significance

4. Old East End House is a grade II listed building. It is a timber framed cottage. It has been significantly extended and altered, including a side extension built in different phases that is substantially larger than the original cottage building. The character of the cottage remains most legible from the front and the entrance drive.
5. The cottage was originally a building of modest scale associated with a small subsistence small holding. This was likely the combined Plots 179, 180 and

¹ List entry number 1101887 and called 'Lower Farm Cottage' in the listing

181². Historic mapping shows that only a small part of the current garden was originally a garden area associated with the house, being the area directly adjacent to the house and road, ie Plot 180. As it stands now, the house has a large garden including outbuildings and a swimming pool, all of which is clearly domesticated, and which includes Plot 179. This loss of the former relationship to agricultural land, combined with the substantial extensions, has eroded the significance of the building in its setting in historic and aesthetic terms.

6. The house was also historically associated with a barn building on the other side of a small courtyard to its west. However, it is now a separate dwelling, with separate access and a separate garden area in the former Plot 181, separated from the appeal property by a substantial and tall hedgerow boundary. Therefore, the former relationship to this building has been severed.
7. The primary significance of the listed building is therefore its intrinsic retained historic fabric within the original part of the cottage. This is best appreciated in its setting to the front as viewed from the courtyard. This aspect of setting therefore provides the greatest contribution to heritage significance. Looking at the significance of setting to the side and rear of the building, despite the visible alternations to the listed building, and the changes to land use and internal boundaries, there is still a sense of a farm cottage surrounded by open space and by adjacent farm style buildings, and because the original outer boundaries to the small holding remain. This aspect of the setting to the building contributes moderately, at most, to heritage value and significance.

Proposal

8. It is proposed to erect a one storey house with associated vehicular access from the road, using an existing access point. It would sub-divide the plot to create a house with a separate large garden area which would include the existing large shed and swimming pool. Although no details have yet been provided, there would need to be a new internal boundary to separate the garden of the proposed house from the retained garden to the listed property. The outer boundary would remain as existing.

Assessment

9. The proposed house, access works and associated landscaping would be most apparent when viewed from the large rear garden area. The substantial extensions also sit between the original cottage and the proposed building, reducing intervisibility to the areas of greater historic interest. The proposed works would therefore be seen in the context of the contemporary extension and would not affect the primary setting of the property to the front courtyard. In addition, the proposed house would be one storey and would be set reasonably distant from the listed house. The detailed design and materials could be controlled by condition. The proposed access area is to the far side of the proposed house and would not have any meaningful impact on the appreciation of the listed building or its setting.
10. The existing large garden to the listed building would be divided. However, because both areas would remain as gardens, the green and largely open character of the area would remain substantially the same. The detail of the

² See Figure 4 of the Heritage Statement, dated January 2023

landscaping could be controlled by condition, including the boundary between the gardens, to ensure it would be appropriate for the setting of the building.

Conclusion

11. The proposal would not therefore harm the special architectural or historic significance of the listed building or its setting. It therefore complies with Policies HA1 and HA7 of the East Herts Local District Plan 2018, which require proposals to preserve the historic environment and to sustain the significance of listed buildings. It also complies with Paragraph 203 of the Framework, which highlights the desirability of sustaining the significance of heritage assets, and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Other Matter

12. One letter of objection has been submitted. In addition to matters covered above, the objector is concerned regarding the precedent that granting permission might set. However, planning applications and appeals must be considered on their own merits. Concern is also raised regarding the effect of the proposal on nature. No concerns have been raised by the Council regarding the effect of the proposal on biodiversity and the provision of appropriate measures to enhance habitat and biodiversity on the site could be secured by condition.

Conditions

13. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty.
14. The Council suggested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions.
15. In particular, I have amended the condition in relation to noise from the proposed air source heat pump so that it requires the same standards as those set out in Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015). The requirements originally set out by the Council went beyond this requirement, which was unreasonable in light of the GPDO 2015 and because the nearest sensitive receptors are relatively distant from the proposed heat pump.
16. I have also removed the requirement to provide evidence that the water use of the property would meet the Building Regulations 2010 (the Building Regs), because this would duplicate the Building Regs and is therefore unnecessary. Similarly, I have not imposed the electric vehicle charging point condition because this is a requirement of S1, Part 1, Schedule 1 of the Building Regs and is therefore also unnecessary.
17. Conditions relating to landscaping, external materials and boundary features are necessary to protect the character and appearance of the area, and the special architectural and historic interest of the listed building with regard to its setting.
18. The water consumption condition is necessary in achieving a satisfactory efficiency of water consumption in compliance with Policy WAT4 of the LP.

19. The habitat boxes condition is necessary to protect and enhance biodiversity and to comply with Policy NE3 of the LP.
20. The air source heat pump condition is necessary to protect the living conditions of future occupiers of the proposed dwelling, and the existing occupiers of neighbouring dwellings, both with regard to noise pollution.
21. The landscaping condition is necessarily worded as a pre-commencement condition, as a later trigger for its submission would limit its effectiveness.

Conclusion

22. The principle of a dwellinghouse in this location is acceptable in land use planning terms. I have found no material harm arises from the proposal. The proposal complies with the Development Plan when read as a whole and there are no material considerations that indicate I should make a decision otherwise. Therefore, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX: CONDITIONS SCHEDULE

- 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: 21-98-01A and 02.

Pre-commencement

- 3) Prior to commencement of development, details of landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include: full details of soft and hard landscape proposals, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable. Thereafter the development shall be implemented in accordance with the approved details.

Pre-specific part of development

- 4) Prior to commencement of above ground works, the external materials of construction for the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- 5) Prior to the commencement of above ground works, details of habitat boxes/structures to be installed shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be installed prior to the first occupation of the dwelling and maintained throughout the lifetime of the development.

Pre-occupation

- 6) Prior to the first occupation of the development, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development should be implemented in accordance with the approved details.

For observation

- 7) The air source heat pump must be installed so as to comply with the Microgeneration Certification Scheme standards, or equivalent standards, and be maintained as such for the lifetime of the development.
- 8) The dwelling hereby approved shall be fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day.

===== END OF SCHEDULE =====