
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: 25 March 2024

Appeal Ref: APP/J1915/Y/23/3320291

Shem Nichols, The Street, Aspenden, Buntingford, Hertfordshire SG9 9PG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Bailey against the decision of East Hertfordshire District Council.
 - The application Ref: 3/22/2123/LBC, dated 27 November 2019, was refused by notice dated 6 February 2023.
 - The works proposed are the siting of an air source heat pump at the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the proposal relates to a listed building in a conservation area, I have had special regard and paid special attention to the requirements of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in my determination of this appeal.
3. The application form confirms the proposal was installed in October 2019 and I was able to observe it in place at my visit. In accordance with the provisions of the Act an appeal against the refusal of works to a listed building that have taken place should not be regarded as being retrospective and is for regularisation. I have determined the appeal on this basis.
4. In the banner heading above I have used the description of the proposal from the Council's decision notice as it does not contain superfluous wording and is more accurate. However, I have deleted the term retrospective for the reason given above. I have also deleted the description of the site address used on the application form as it is not necessary to accurately identify the appeal site's address.

Main Issues

5. The main issues are whether the proposal preserves the special architectural and historic interest of Shem Nichols, a Grade II listed building, and its setting and whether the proposal preserves or enhances the character or appearance of the Aspenden Conservation Area (the ACA).

Reasons

Shem Nichols

6. Shem Nichols was listed in 1984 and dates from the late 17th century. It is timber framed on a stuccoed sill, plastered with varied basketwork pargetting above a black weatherboarded apron. The listing refers to a steep old red tile roof, but I observed the building sat under a thatched roof. This appears to have been the original roof material and the new roof was installed by the appellant although no details of the consent for those works are before me. The building has been extended to the rear with a single storey rear breezeblock extension under a slate roof, constructed in the late 1990s. Internally the building contains exposed joists and framework and in the early 20th century was home to Shem Nichols, a Cooper.
7. The special interest of the listed building, insofar as it relates to this appeal, is primarily associated with the architectural and historic value it possesses as a repository of past building traditions and technologies. Further, the modest rear garden provides an intimate setting to the building complementing its historic function as a rural worker's dwelling and allowing a close appreciation of its architectural interest and significance.
8. The air source heat pump is located at ground floor level next to the rear elevation of the extension and is therefore only visible from within the rear garden. Whilst the appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
9. A rectangular metal box sitting on black plastic feet, with white metal housing and central black fan blades set behind a black grille, it has two grey electrical socket boxes located behind the unit and is attached to the rear elevation of the extension, with thick black wires providing power and an isolator switch for the unit. Black insulated piping underneath a narrow metal grille with black plastic cable ties at regular intervals, runs along the external side and rear wall of the building at ground level to connect the unit to its internal hot water cylinder.
10. Externally, with an immediate backdrop of the rear elevation, the unit's size and appearance sits in jarring visual contrast with the traditional materials and appearance of the building, in particular its yellow finished plaster, weatherboarding and thatch. Whilst at ground level and notwithstanding its black colour, in juxtaposition to the weatherboarded apron of the building the pipework, insulation and metal grille is harmfully discordant in its appearance and extent.
11. Internally, the hot water cylinder is positioned at the top of the cellar stairs and planed timber batons and copper piping have been fixed directly onto the exposed framework and plaster. The cylinder and its fixings are also visible from the rear garden through an original ground floor window. Further, an irregular hole has been made through the lath and plaster to connect the piping from the cylinder to the unit. This has resulted in some minor damage to the historic fabric of the building.

12. The building has been extended to the rear and as the unit is a further and incongruous addition in proximity to the original elevation, and unduly prominent from within the rear garden, it detracts from the ability to appreciate the significance of the building's special architectural interest from within its immediate setting to the rear.
13. For these reasons, the proposal fails to preserve the special architectural and historic interest of the listed building and its setting, thus, it fails to satisfy the requirements of the Act, the National Planning Policy Framework (the Framework) and development plan policies insofar as relevant.

Aspenden Conservation Area

14. Despite the harm that is being caused to the listed building, I must assess harm to the conservation area as a whole. The significance of the ACA is mainly derived from its range of historic buildings spread intermittently on both sides of The Street, the architectural and rural quality of which is enhanced by a recreation ground, extensive tree cover and two small streams, with the principal stream running parallel to the street on its southern side. It has the Grade I listed 11th century St Mary's church as a prominent focal point and contains both individual and groups of listed buildings ranging from the 15th century to the 18th century. It also contains more modern residential development.
15. The buildings vary considerably in age and design with the character of The Street derived mostly from the rural character and spacious, wooded setting. On the northern side of the road at this point there are smaller dwellings, generally sited closer together in groups and set back from the highway, with some behind flint walling. These are interspersed by larger detached dwellings on larger plots. Dwellings on the southern side sit at a lower level and are set back from the highway.
16. Despite my findings in relation to the listed building the proposal is not visible apart from within the rear garden area of the property. This limits any experience of it to that area and from limited parts of the adjoining dwelling, Shems Barn. The combination of its location and size results in a neutral effect on the character and appearance of the ACA, as a whole and preserves its significance.

Balancing exercise

17. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Energy options in a historic settlement may well be limited, and the proposal avoids the burning of fossil fuels which allows the appellant to reduce their carbon footprint and contribute to efforts against climate change. This is a public benefit but is limited given the scale of the proposal. The fact that it is the most suitable size for the property and was installed by an approved trader is a technical consideration and of little weight in terms of the listed building considerations.

19. Whilst the appellant refers to the unit being less obtrusive than an original oil burner and external oil tank, no details are before me so I cannot be certain that the effects of those on the special interest of the building would have been greater. Moreover, I observed the former location of the oil tank was adjacent to the side boundary, sited deeper into the garden and is likely to have been screened by planting. On the evidence before me it would have been likely to have lesser effects than the air source heat pump before me.
20. Despite the installer considering this to be the most appropriate location for the unit there is no detailed justification or reasoning before me that alternative, and less prominent locations were considered. The appellant has also suggested a wooden box to house the unit, but I must determine the appeal on the evidence before me and details of any such mitigation do not form part of this appeal. Because I could not therefore be conclusive regarding its potential effects it would not be appropriate to impose a condition to secure such mitigation. Overall, the less than substantial harm I have identified is not outweighed by the public benefits cited.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR