



Appeal Decision

Site visit made on 14 March 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2024

Appeal Ref: APP/J1915/W/23/3322197

Land Adjacent to Hormead Cottage, Great Hormead, Buntingford, Hertfordshire SG9 0NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Digby against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0288/FUL.
 - The development proposed is Construction of a detached dwelling on land adjacent to Hormead Cottage (amended scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Drawings were submitted at appeal that were not part of the original application. The Council's statement sets out that copies of those drawings were not received when the appeal was lodged. Nonetheless there is correspondence that indicates that the Council was given an opportunity to comment on those drawings in January 2024, and as such I have taken them into account in my reasoning.
3. Hormead Cottage is described as The Cottage by Historic England in its listing and I have used this nomenclature in my reasoning. The Cottage, situated to the west of the appeal site, was listed in 1967 as a 17th or early 18th timber framed cottage with thatched roof. It was largely destroyed by fire in 2016, and the rebuilt form lacks the thatched roof and has altered typology. The photographs in the heritage statement highlight that whilst the rebuilt cottage fits within its rural location, it lacks the rural charm of the original. However, it has not been delisted and as such I am required to consider its setting and significance within my reasoning.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Hormead Conservation Area (CA), with particular reference to protected woodland, and whether the development would have an adverse effect on the setting of the Grade II listed The Cottage.

Reasons

Heritage assets and protected woodland

Conservation Area

5. Great Hormead is small rural settlement referenced in the Domesday Book and which may date from Roman times. The earliest map submitted, dated in the late 18th century, shows a small cluster of buildings, including a church, nucleated around a crossroads. A map from the late 19th century shows limited expansion along the valley bottom and the main east-west road. This map also indicates that the east-west road was heavily lined with trees and also shows significant tree cover within the appeal site and what are now adjacent plots. By the early 20th century, the site appears to be part of the extensive garden of The Cottage, and contained mixed tree cover.
6. The maps and CA Appraisal indicate a rural village, based on an agricultural economy, which has retained a large proportion of period and often listed dwellings as well as an informal and open building pattern with long plots leading back from the main road, often vegetated with mature trees as far as the ridge line. This is reinforced by the CA Appraisal which highlights the predominance of thatched cottages and the importance of tree and hedgerows. These often frame or provide a backdrop for the built form and collectively provide a richly treed setting for this rural village.
7. The appeal site is located to the west of the village core, and sits between the plots of The Cottage and Bridge House, both of which are fairly large detached dwellings set well back from the road, but which appear nestled within a scattering of mature trees, including those on the appeal site, when viewed from the road.
8. The CA's significance is therefore derived from the predominance of period buildings and intact historic fabric, and the mature vegetation associated with blocks of open space that punctuates the loose building pattern. The trees and hedgerows that are most important are indicated on the plan contained within the CA Appraisal. Notwithstanding that this is diagrammatic, it is nonetheless apparent that the appeal site has important trees in the northern half of the site and along its western boundary.

Listed Building

9. The Cottage appears to have limited historic material, and presents as a modern iteration of a typical rural dwelling. It sits comfortably in its rural and sylvan setting but has low historic or architectural value.
10. The map regression shows that there was a semi-circular carriage drive in front of the Cottage from the 19th century. Although there is gated access at its eastern extent, this is now within the appeal site. Part of the drive is still evident, and there is some historic value in its spatial layout and relationship with The Cottage and the road, but I give this low weight. The map regression also indicates that at least part of the appeal site was part of The Cottage's extended plot for much of its history. Notwithstanding the 21st century changes to The Cottage's fabric and typology, the tall trees on the appeal site provide an attractive backdrop when approaching from the west. However, although the appeal site makes a visual contribution to The Cottage's rural setting, which

contributes to the character and appearance of the CA, I am satisfied that the site makes a limited contribution only to the setting of this listed building.

11. The significance of The Cottage is derived from its spatial relationship with the underlying building pattern as this reflects the settlement's evolution. There is also some historic value to be derived from the remnants of the former carriage drive.

Woodland Order

12. The appeal site, together with the plots on each side, is part of a woodland Tree Preservation Order (TPO) which nests within the CA. The purpose of a woodland order is to safeguard woodland as a whole. Planning Practice Guidance (PPG) states that whilst some trees may lack individual merit, all trees within the woodland merit protection. A woodland order also includes any trees that regenerate naturally or are planted and as such promotes regeneration and sustainability.
13. The Council's concerns appear to be not only the direct removal of vegetation to accommodate construction, but that pressure may be brought to bear in the future to remove or severely prune more trees in order to ameliorate living conditions for future occupiers. BS5837:2012¹ notes that development should achieve a harmonious relationship between trees and structures, that can be sustained in the long term. Where the relationship between trees and a development is not adequately considered, this can lead to harm to root systems, the decline of previously healthy trees, trees needing pruning to accommodate the building and construction, and pressure to remove or severely prune specimens to allow light and daylight into rooms and across amenity areas. Based on my experience, I see no reason to disagree with these presumptions.

Proposals and effects

14. The development would comprise a large dormer style bungalow and detached garage. These would be located on rising ground beyond the stream that crosses the site near the road boundary. The development requires the creation of a road access in the existing roadside hedgerow and the vehicular access would traverse an area of overlapping Root Protection Zones (RPZs) associated with trees in the northern half of the site. There would also need to be a vehicular bridge over the stream.
15. The building's principal elevation and overall typology would sit comfortably within the prevailing building pattern. However, the creation of a new entrance and associated visibility splays would remove a long section of existing roadside hedgerow which currently contributes to the overt rural and informal setting.
16. The construction of the dwelling and garage would require the felling of a large multi-stemmed sycamore as well as two birch trees, and an area of mixed shrubs, described as mixed box and cotoneaster in the tree survey but which also appears to contain saplings too small to be picked up in the tree survey. The sycamore to be removed has an expected life expectancy of 40+ years. It may be partially obscured in views from the road, but nonetheless it is a dominant tree within the site. I also noticed that group G1, and other trees

¹ Trees in relation to design, demolition and construction - Recommendations

along the eastern boundary beside the stream appear to have some low growing branches. Ground clearances are not given in the tree survey, but it appeared to me that lower branches would need to be removed in order to provide access.

17. The tree report sets out a very comprehensive plan for mitigating damage which includes the use of cellular construction and piling. Nonetheless, the extent of the area available for construction, which will include significant excavations to the rear of the dwelling, along with storage, appears very tight and impractical and is not entirely convincing. Moreover, even if the constraints of available layout could be adhered to, my concern with regard to pruning of canopies to provide clearance for large vehicles and construction activity remains.
18. As such, whilst I acknowledge that the removal of trees or pruning to accommodate the development would be a small proportion of the total trees within the site, I am unable to conclude that there would not be damage to the retained trees for the reasons set out above.
19. It is also likely that there would be more intensive maintenance across a proportion of the site which would preclude the establishment of new areas of woodland or the establishment of natural seedlings. My reasoning in this regard is reinforced by the habitat management proposals set out in the Biodiversity Net Gain (BNG) report.
20. Moreover, my experience is that many people occupy dwellings in proximity to protected trees without being fully aware of the implications. I appreciate that there may be potential occupiers who wish to live in shady conditions and my previous experience of people who are intolerant of the proximity of trees or shade may be unrepresentative. Nonetheless, the additional maintenance associated with leaf litter, debris and moss growth and having inadequate light in the dwelling or amenity areas is not always welcomed or accepted. Moreover, the movement of trees in stormy weather, particularly when they may not be in prime condition, or have been exposed to more wind stress as a consequence of other trees being removed, may lead to anxiety regarding their stability and additional pressure to fell. Over time those concerns can outweigh the perceived advantages of a wooded setting.
21. In this case, the dwelling's principal elevation would be a few metres from the canopies of Sycamore (12) and Hornbeam (G11), located to the north-west. Both of these trees are shown on the tree survey to be considerably higher than the proposed dwelling's ridge height which could be perceived as overbearing, particularly in stormy weather. The principal elevation would also face slightly to the west of north which would limit light entry even in the absence of nearby trees. The presence of these trees would exacerbate light loss within the dwelling.
22. To the dwelling's rear, the ground rises towards the plot boundary and the overshadowing effect of a very large sycamore (G18), up to 20 metres tall, on this boundary would be aggravated by its elevated position. Moreover, sycamores have dense foliage and this tree alone would be likely to cast extensive afternoon shade over the sunken rear terrace and the dwelling's southern projection at least for part of the year.

23. As such, notwithstanding there would be few trees requiring immediate removal, I am unable to conclude that either in the long or the short term there would not be further works. Even if trees were just pruned, this could have an adverse effect on future health and longevity as a consequence of pathogen entry from pruning wounds and also increase exposure to wind throw for individual specimens, particularly given the condition of individual specimens. Moreover, at least some of the site would be likely to be domesticated to a greater intensity than is now the case and this would be likely to preclude natural regeneration. This would conflict with the purposes of the woodland order. The development would also fail to accord with the guidance set out in the Landscape Character Assessment SPD (LCA SPD), which states for the Hornead Wooded Plateau designation that conflicts with competing uses and activities in woodland areas should be avoided or resolved.
24. The tree report sets out that the development would be obscured from the road by the retained trees. Notwithstanding that the trees within the site appear to be predominantly deciduous, the TPO covers the entire site. In any case, at my visit it was apparent that the tree cover allows glimpsed views across the site's full depth. Moreover, the photograph that illustrates that the site would be screened from the road appears to have been taken from the within The Cottage's plot and looks towards the east, across the site, rather than southwards into the site from the road frontage, as suggested. Moreover, it is the trees in the site's northern half and along its western boundary that are identified as important in the CA Appraisal and that are most likely to be affected by pruning to facilitate access and potential conflict with construction and living conditions.
25. I appreciate that the development would include a further tree planting along the road boundary to compensate for the proposed losses, but it is the spread of trees across the site that gives the CA its sylvan character.
26. I do not dispute that the mosaic of managed and informal vegetation, along with some fruit trees and ornamental shrubs gives the site a garden appearance in some areas and it does not present as a typical woodland. Nonetheless it appears that this was the case when the TPO was made and in any case, the observations in this regard does not alter its protected status or its contribution to the CA.
27. It is also the case that the plots of The Cottage and Bridge House have a very distinct garden appearance but this does not warrant the loss of trees or regeneration potential in an area that is currently less used or developed.
28. The appeal statement sets out that there was no objection from the Council's Conservation Officer (CO). However, the CO's final comments state that *the information provided has not addressed the C&UD concerns and therefore the previously issued comments are still relevant.*
29. It seems highly likely that the development would result in the direct and future indirect loss and degradation of tree cover within the plot, which are identified as important contributors to the character and appearance of the CA. It also seems likely that opportunities for natural woodland regeneration would be reduced. This would diminish the significance of the CA, amounting to less than substantial harm.

Listed building

30. The development would relocate the eastern gate to the Cottage's carriage drive within the visibility splay. The former relationship between The Cottage and the road is not particularly apparent as the full length of the former carriage drive does not appear to be in active use. I conclude that the development would have a neutral effect on the setting of The Cottage.

Mitigation

31. The appeal statement sets out that the development would result in a significant gain in hedgerow units. However, this appears to be based on the presumption that the roadside hedgerow would be enhanced rather than removed and replanted behind the visibility splay. The metric shows only 4 linear metres of hedgerow to be lost which appears incorrect. As such the BNG figures may not accurately reflect the proposed situation.
32. The argument is advanced that the roadside hedge is largely sycamore which has lesser value than the proposed native hedge. However, the ecology report notes that the roadside hedge contains hawthorn, sycamore, elder and ivy, and the BNG report describes it as a native hedge. Whilst I appreciate that sycamore is likely to have been introduced in the 16th century, and is not strictly a native species, this does not negate the contribution the sycamore component makes to local diversity or visual contribution to the CA.
33. As such, I am unable to conclude that the development would enhance biodiversity to the extent suggested as a consequence of my concerns in relation to the BNG calculation as well as the likely future loss of trees, and adverse impacts on their future health. Moreover, the intensification of disturbance and activity in a previously lesser used site would be likely to have an adverse impact on the local wildlife populations. I am unable to conclude that this would be outweighed by the addition of trees along the road boundary. In any case, the visual contribution to the CA is made by trees across the site.

Heritage Balance

34. Where there is less than substantial harm to the significance of a heritage asset, Paragraph 208 of the National Planning Policy Framework (the Framework) requires that that harm is weighed against the public benefits of the proposal, including securing where appropriate, its optimum viable use. Paragraph 205 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
35. The building of a family home would have a small public benefit, which weighs in favour of the appeal. However, this would not outweigh the harm arising to the CA as a consequence of the likely loss of tree cover and reduction of key characteristics contributing to the significance of the CA. Moreover, the map regression shows that the appeal site has been undeveloped and seemingly part of Hormead Cottage's extended plot for at least part of its history. I see no reason why its undeveloped state should not be its optimum viable use.
36. I conclude that the development would fail to preserve or enhance the character or appearance of the CA, particularly with regard to protected woodland. This would be contrary to S72 of the Planning (Listed Buildings and

Conservation Areas Act) 1990 (the Act). It would also be contrary to Policy DES2 of the Local Plan which requires development to demonstrate that it conserves, enhances or strengthens the character and distinctive features of the district's landscape, having regard to the LCA SPD where relevant. It would also conflict with LP Policies HA1 and HA4 which taken together require the preservation and enhancement of heritage assets, character and appearance, including having regard to local conservation area appraisals.

37. In relation to biodiversity, I am unable to conclude that the development would enhance biodiversity, or safeguard trees, as required by LP Policy NE3 for the reasons set out above.

Other Matters

38. The appeal statement has indicated that the dwelling would be self-build. However, there is no mechanism before me to ensure that the development would fall within the requirements for self-build housing and consequently this carries very little weight in my reasoning. The argument is also advanced that there is a local need for family housing, but there is no supporting evidence.
39. There is no requirement for the Council's landscape officer to consider the heritage impact of the development. Statutory consultees present their findings to the officer who balances those responses in the overall recommendation.
40. I acknowledge that there would be fewer trees removed than proposed in previous applications, but I have determined the appeal before me. In any case, as set out above, woodland orders are not concerned solely with the protection and retention of existing trees but the protection of the woodland cycle for long term sustainability.
41. PPG sets out that it would be inappropriate for a woodland order to be made on a garden. Nonetheless the order is made and as such the woodland is protected. I note that I do not have a copy of the confirmation before me but given the site's long planning history, which has revolved around the TPO at least in part, it seems to me that if the TPO had not been confirmed this would have been revealed before now. In any case, even if the woodland was not protected by the TPO, my reasoning with regard to the CA, and the great weight required to be attached to the conservation of heritage assets would lead me to the same conclusion.
42. Interested parties have raised other concerns, including the unauthorised removal of trees and highway safety. However, as I have found harm in relation to the main issues it is not necessary for me to consider these issues further.

Planning Balance and Conclusion

43. The Council does not have a five year housing land supply. Paragraph 11d) of the Framework sets out that where the policies which are the most important for determining the application are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or the application of policies in the Framework provides a clear reason for refusal, particularly in relation to designated heritage assets.
44. In this case, the policies that are most important for determining the application, are LP Policy DES2 which is concerned with good design and local

distinctiveness, and LP Policies HA1 and HA4 which are concerned with heritage assets. There is nothing before me to indicate that these policies are inconsistent with the Framework and therefore in accordance with Paragraph 225 of the Framework, I conclude that they are not out-of-date and that they carry full weight.

45. Moreover, even if I gave these policies lesser or no weight, the guidance in the Framework gives clear reason for refusal with regard to designated heritage assets.
46. Although the development would contribute one dwelling to local housing supply, I have concluded that this is insufficient to outweigh the harm to the CA. The development would therefore be contrary to the Act, the local development plan and the Framework and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR