



Appeal Decision

Site visit made on 22 July 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/J1915/D/24/3342719
8 Moat Side Anstey Buntingford SG9 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Bullen against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0155/HH.
 - The development proposed is Removal of rear canopy roof and conversion of loft to habitable space with 2 rear dormer windows and 2 front rooflights..
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Decision

1. The appeal is dismissed.

Application for costs

2. 1. An application for costs was made by Mr C Bullen against East Hertfordshire District Council and this is the subject of a separate Decision.

Main Issues

3. The main issue is the effect of the development on the living conditions of future occupiers of the host dwelling and upon the Anstey Conservation Area and Red Stack which are designated heritage assets.

Reasons

4. Anstey is a small village dating from the medieval period that, despite subsequent insertions of housing groups, largely retains a quiet rural character with hedged boundaries and treed verges. No.8 Moatside (No.8) is a one-bedroomed semi-detached bungalow dating from the mid-late twentieth century which sits within a group of 3 similar bungalow pairs. These are arranged in an L-shape around a open grass area and abut the shared boundary with Red Stack, a listed detached dwelling.
5. The proposal would incorporate the existing roof void of No.8 into the living space; a bathroom and an additional bedroom, involving the introduction of two dormer windows into the rear roof slope which abuts a shared boundary with Red Stack. The proposal is similar to a previous refused proposal¹ but with two main changes; the specification of non-openable obscured glazing to both of the proposed rear facing dormers to prevent overlooking of the neighbouring garden and the insertion of two rooflights to the front roof slope to mitigate the effect of that change.

¹ 3/23/2214/HH

6. The rooflights, which were not proposed in the preceding application, would provide ventilation to the bedroom and a view of (at least) sky overhead such that the bedroom dormer need not have openable lights. Although obscured glazing does not transmit light as efficiently as clear glass, there would nevertheless be ample daylight and acceptable outlook available to users of the bedroom.
7. In addition No.8 has two main rooms at ground level which enjoy adequate outlook, and that would be improved by the insertion of full height opening doors. As I have found there to be adequate provision in that regard there would be no conflict with the development plan or national guidance; and living conditions for occupiers would not be unacceptable.
8. Turning to the effect of the proposal on designated heritage assets, almost all of the village, including Moatside and the surrounding properties fall within the Anstey Conservation Area (ACA). However, the 2019 ACA character appraisal does not express reasons for the inclusion of Moatside in the ACA. I consider that the part of the ACA which includes the appeal site and its neighbours have a character and appearance that is anomalous to, but well separated from, the surrounding parts of the ACA notwithstanding its location between a scheduled monument to the south-west and Red Stack to its north-east, a Grade II listed 17th century timber-framed private house with a large private garden.
9. The Council suggest that the flat-roofed design would have a harmful effect upon the ACA and the setting of Red Stack. Whilst my observations of the appeal site and its setting outlined above are that minor alterations such as (but not necessarily limited to) those proposed would be unlikely to be harmful to the overall character and appearance of the ACA, that is not my conclusion with regard to the effect of the proposals upon Red Stack. I noted from my inspection that its spacious, well-enclosed garden provides a setting that tends to isolate this heritage asset from the remainder of the village and conclude that this sense of seclusion and separation is an important contributor to its significance as a historic building.
10. Although the existing brown concrete pantile roof of No.8 can be seen from the rear garden of Red Stack, the subdued colour means it has little visual impact due to its position within the treed boundary, however, the proposed flat-roofed dormer window(s) would introduce an intrusive architectural element, by virtue of colour, shape and, at night, a potential light source in an otherwise dark environment. I acknowledge that the appellant suggests the intervening distance and vegetation points to the impact of the dormer not being significant however that does not account for the intrusive impact of the proposal upon an otherwise separate and secluded setting. Notwithstanding the measures to prevent overlooking, the presence of windows themselves would generate a perception of intrusion into the near-absolute seclusion of this historic building which would undermine its appreciation as a remnant of rural settlement patterns.
11. Although altered, Red Stack is plainly a building of significant age and evident historic value which contributes to the understanding of a settlement pattern with medieval origins. I consider, whilst the insertion of the dormers proposed might be of little importance in other circumstances, in this case there would be a minor degree of harm to the significance of this heritage asset by introducing an awareness of more recent development within the Conservation

Area that would otherwise not be evident when experiencing this heritage asset in its primary setting. I therefore find conflict with Policy HA7 of the of the East Herts District Plan 2018 (EHDP) which seeks that development proposals should not have any adverse effect on the architectural and historic character of a listed building or its setting.

12. Although I have found no planning harm arises in relation to the first part of the refusal reason² nor have I found harm to the character and appearance of the ACA, this does not outweigh the harm identified and the proposal would conflict with the provisions of the development plan as a whole. The proposal would provide additional accommodation and make the existing one-bedroom accommodation potentially more suitable for a small family rather than one or two people. This stands as a benefit to be weighed in favour of the proposal. However, it is apparent that benefit could be achieved in other ways without the introduction of dormers on the rear roof slope. Consequently, although the matter is finely balanced I have identified that the proposal would cause less than substantial harm to the setting of Red Stack which is a designated heritage asset and in accordance with the general duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990³ this attracts considerable importance and weight against the proposal that is not outweighed by any public or other benefit. For these reasons, having considered all matters raised, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

² Living conditions for occupiers of No.8

³ Specifically at Section 66