

Appeal Decision

Site visit made on 19 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2024

Appeal Ref: APP/J1915/W/23/3329066

Hunsdon House Lodge, Church Lane, Hunsdon, Hertfordshire SG12 8PP

- 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 W and J Developments Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0641/FUL dated 29 March 2023 was refused by notice dated 7 July 2023.
 - The development proposed is Conversion of existing residential games room annex into a dwelling, alterations to fenestration and addition of an open sided porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the site affects works within the setting of statutorily listed buildings, I am therefore mindful of my statutory duties in respect of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).

Main Issues

3. The main issues are:

- The effect of the development on the setting of the listed assets of the Grade II listed Hunsdon House Lodge, and the Grade II listed Parish Church of St Dunstan, and the Grade I listed Hunsdon House;
- The effect of the development upon the character and appearance of the local area; and
- The suitability of the site as a location for residential development.

Reasons

Effect on heritage assets

4. The appeal proposal affects the detached annex building associated with Hunsdon House Lodge which is in residential use and Grade II listed. However, there are no works proposed to Hunsdon House Lodge. The annex is a modern building of the 21st Century and was originally built as an indoor

swimming pool and was later converted into a games room for the occupants of the Lodge and sits within the grounds of the Lodge within very close quarters. This proposal seeks to convert the annex building and a small porch extension and exterior alterations to facilitate its use as an independent C3 residential use.

5. With regards to the listed assets of Hunsdon House Lodge, (List entry number 1176041, listed 19 September 1984) its significance and special interest from my observations, is derived from its age and architectural quality. It is a former gate lodge to Hunsdon House built in the mid-19th Century to a Gothic style. It is one and a half storeys built from red and black brick, with tiled roof and bracketed eaves over. It has an elaborate quality to its design, asymmetrical front with three elaborately bracketed two-light cusped lucarne windows, each with tiled gable roof with moulded and pierced barge boards projected on brackets. The large timber porch is also gabled with elaborate carved and mulded bargeboard and bracketed uprights. Windows include single-light cusped windows with Venetian-Gothic gauged arches over, picked out in black. The listing description describes it as a 'striking early 19th Century polychrome Gothic lodge'.
6. In addition, the site is close to the listed asset of the Grade I listed Parish Church of St Dunstan (List entry number 1101973, listed 24 January 1967). Its significance and special interest, as far as I can tell, derives from its historic and architectural interest. The church dates from the early 14th Century with later alterations made to its fabric. It is built from flint rubble with stone dressings and red tiled roof. The north and south chapel and east part of chancel are built in brick. Reset early 14th Century window in north chapel, four-bay original 15th Century nave roof, single framed of scissor braced rafters, collars and ashlar pieces.
7. The church is also group listed as an asset with the Grade I listed Hunsdon House (List entry number 1347687, listed 4 December 1951). Its significance and special interest arise from its historic interest and architectural execution. It was originally built as a brick, tower country house in the 15th Century with moat. It encompasses wide proportions, three storeys with large pointed diagonal buttresses at each corner and built to a castellated form, with later service wing added. The main block has two parallel hipped slate roofs concealed behind an embattled parapet, 19th Century windows have plaster surrounds and two-light or three-light moulded wooden mullioned and transomed windows. Its high Grade I listing status is thus awarded due to its fragmentary remains of one of the most important medieval houses in the county and forms a picturesque historic group with the parish church.
8. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the asset and its surroundings evolve.
9. Although there are garages between the Lodge and the annex building as well as timber fencing, and despite the splayed angle of the Lodge and annex to one another, given its close relationship with Hunsdon House Lodge, it displays the characteristics of being physically and functionally

associated with the Lodge. It is clearly visually experienced within its setting. I consider the annex has had some degree of compromising effect upon the significance of the listed asset of the Lodge.

10. By changing its use to C3 dwellinghouse would significantly change its character, as well as its appearance due to the requirements to domesticate its external appearance. It would become a separate entity away from its close association with the dwelling of the Lodge, within its own separate curtilage. It would no longer have a subservience to it. The annex is closely connected to the main dwelling and is unlikely to have generated vehicles specifically associated with this annex building. Vehicles exclusively associated with this proposed change of use and other independent domestic paraphernalia linked to the living operations of a dwelling would arise, especially as it would be a three bed C3 dwelling.
11. The domestic effects associated with residential living, or a localised containment of them to avoid sprawl, cannot be reasonably controlled through the planning system, and can lead to a sense of 'clutter' to this sensitive location. The existing garages and timber boundary fencing would not act to mitigate the effects of the proposal.
12. In addition, the annex and its grounds would be severed from the Lodge. As a whole, the Lodge is experienced within a large landscaped setting that adds positively to how the asset is experienced, despite the modern buildings and timber boundary treatment. To divide this off would significantly erode the visual relationship between the asset and this wider landscape context.
13. I am therefore of the view that a change of use to a C3 dwelling in this location would not preserve the special interest of the heritage asset.
14. With regards to the effect of the proposal upon the setting of the listed assets of the Parish Church of St Dunstan and the setting of Hunsdon House, given the intervening woodland and separation distance, which is some way from the church, I am not of the view that the proposal would lead to harm arising to the setting of these heritage assets. Therefore, I consider it would preserve the special interest of these heritage assets.

Public benefits

15. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
16. With reference to Paragraphs 205 and 206 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development,

and the degree to which it impacts on the setting of the designated heritage asset, I find the category of harm in this instance to be 'less than substantial'. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

17. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
18. The public benefits advanced by the appellant include one electric charging point, and the building would be converted to a sustainable level to meet Building Control regulations. In terms of these public benefits, very limited information on these measures is before and I can therefore only apportion very limited weight to the sustainability credentials that would arise.
19. The Lodge appeared to be in overall good condition and until recently has been occupied. There is no substantial evidence before me to convince me that by not approving a change of use, would threaten the optimum viable use of the heritage asset.
20. Overall, the weight that I would ascribe to the public benefits that would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. I am not persuaded there is clear and convincing justification for the identified harm to the setting of the heritage asset.
21. On this basis it would not comply with the heritage safeguarding aims of East Herts District Plan policies HA1, HA7 and the broad design and heritage aims of Policy HDD6 of the Hunsdon Neighbourhood Plan, or the same heritage protection aims of the National Planning Policy Framework. Nor would it meet the requirements of the Act.

Main issue - Suitability of the site

22. The site is not well related to Hunsdon and according to Council policy GBR2 is a 'Rural Area Beyond the Greenbelt'. Although the appeal site is located close to other residential uses, it is nevertheless outside the settlement village of Hunsdon, approximately 1.5km away. There are no public transport options close to the site and this is a reasonable distance to travel by foot to Hunsdon. The main road is two-way traffic at 40MPH outside the site with warning signs to advise drivers of sharp bends close to the site. I also noticed mirrors located on the opposite sides of private drives along this part of the road, reinforces its potential danger.
23. As there are no public transport options available for residents to avail from other than closer to Hunsdon with no footpaths or streetlamps until much closer to the main settlement, I am not convinced that accessing the local amenities on foot would be safe for future occupants. These things considered, it would likely encourage the use of the private car. Furthermore, there are limited services available within the settlement and

residents of the proposed development are likely to need to travel to other settlements in order to access all the services and facilities that they may need on a day-to-day basis.

24. I am aware that Council policy TRA1 advocates development within sites that are accessible by sustainable means of transport. The site is not well connected to the settlement and the limitations of the location of this site to public transport options does not weigh in its favour. Therefore, to direct residential use to this location would deviate from the thrust of the local policy.
25. Even if the annex building would be capable of conversion to residential use, that alone does not justify the principle of change of use to residential. Also, in the Council's evidence, they have confirmed that they have an up to date 5-year housing land supply. There is nothing before me that contradicts this.
26. Therefore, to conclude on this main issue, the change of use to residential would represent an unsuitable location for a dwelling. The development, in this regard, would conflict with the broad sustainability objectives of Policies DPS2, GBR2 and TRA1 of the District Plan.

Main issue - Character and appearance

27. Local policy GBR2 reinforces the 'valued countryside resource'. This policy specifies the types of development in the open countryside that are only permitted where it is compatible with the character and appearance of the rural area. The Framework seeks to recognise the intrinsic character and beauty of the countryside. From my assessment, the character of the locality is one of a tranquil and open environment with low density of development surrounded by fields and buildings of historic interest. Even though the building exists, by changing its use, this proposal would alter its appearance and subservient characteristics to better reflect the required domestic characteristics of a dwelling. The resultant comings and goings of vehicles and domestic paraphernalia arising from an independent residential use when taken as a whole, would lead to a domesticising of the site and would erode the distinctive characteristics of the countryside. It would result in an adverse effect upon the character and appearance of the surrounding area.
28. I therefore conclude on this main issue that the proposed development would lead to some harmful erosion to the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies GBR2, and DES4 of the District Plan that aims to protect character and distinctiveness. It would also conflict with the National Planning Policy Framework that seeks to conserve and enhance the natural environment and to achieve well designed places.

Other Matters

29. The absence of harm to the living conditions of local residents and the fact it would meet Council car parking standards is neutral in the overall consideration of things and neither weighs for or against the proposal.
30. The Council refers to other additional designated heritage assets that the appeal proposal would be experienced within their setting. However, I am

not convinced that the proposal would visually affect how these other assets would be experienced given the relationship between the two.

Conclusion

31. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

