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# Appeal Decision

Site visit made on 5 August 2024

**by A Hickey MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> September 2024**

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**Appeal Ref: APP/J1915/D/24/3340988**

**9 High Street, Walkern, Hertfordshire SG2 7PD**

- 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 Iain Budge against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/2275/HH.
  - The development proposed is erection of car port/storage incorporating electric charging points.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. At the time of my visit, there was a building to the front of the host property. As this does not reflect the submitted plans, I have considered the appeal as a proposed scheme and on the basis of the submitted drawings.
3. Reference to the proposed development being 'part retrospective' has been removed in the banner above as this is not an act of development.

## Main Issues

4. The main issues are the effect of the development on:
  - the character and appearance of the area including the significance of 9 High Street as a non-designated heritage asset (NDHA) and whether it would preserve or enhance the character or appearance of the Walkern Conservation Area (WCA); and
  - protected trees.

## Reasons

### *Character and appearance and heritage assets*

5. The National Planning Policy Framework (the Framework) requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement is required regarding the scale of any harm and the significance of the heritage asset.
6. 9 High Street (No 9) is a large, detached dwelling constructed of brick with stone features and a slate roof. The property is set back from High Street by a well-sized front garden and driveway, but it sits close to Church End. Despite

being set back from High Street the dwelling occupies a prominent position at the junction on a main route through the village. The significance of No 9 as an NDHA is largely derived from its prominent location within a large fairly open plot to which its surviving historic fabric, pleasing architectural composition, simple detailing and use of traditional materials all positively contribute.

7. The appeal site is located within the WCA. As such, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the WCA, particularly this part in which the appeal site is located, is derived from the historic linear pattern of development along the High Street. Along this route are many listed historic buildings along both sides of the road. Dwellings in the area are commonly set back from the road and footway behind gardens with traditional low front boundaries allowing visually permeable public and private spaces. Consequently, the generally unaltered historic layout and forms of dwellings and buildings in the area add to the architectural interest and character of the WCA.
8. The building would be partially screened by well-established trees and planting but would be visible from short and medium-range views. The carport would not appear overlarge relative to the overall plot size. Nonetheless, the building is of a size that would still be a significant addition in this location.
9. Although it would be set back from High Street, the overall scale and form of the proposed building would be out of character with the established pattern of development in the area. It would compromise the sense of undeveloped open-front gardens within the area. The building's scale, height, and location would result in an incongruous addition in front of the host dwelling. It would thereby compete visually with the existing property, which would harm the setting of No 9 as an NDHA.
10. Furthermore, the prominence of the building in this location would be further emphasised by seasonal leaf fall, gaps and pruning. It therefore follows that the development proposed would erode the contribution the host dwelling as an NDHA makes to the WCA, and as a consequence harm to the significance of the WCA as a designated heritage asset would result.
11. Other detailing, such as the proposed materials, can be found within the area, such as at Manor Farm and Bridgefoot Farm Barns. They would also be sympathetic to the character and appearance of the host dwelling as an NDHA. However, this does not outweigh the harm identified above as a result of scale, height and location of the building close to the host property in the fairly open front garden.
12. While additional landscaping could provide further screening, this would take some time to mature, and it would not be appropriate to condition it. In any event, should additional landscaping be removed, die or become diseased, the building would be highly exposed, resulting in harm to the NDHA and the WCA. Any replacement planting would also take time to mature.
13. For the purposes of the Framework, the WCA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the WCA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.

14. The appellant is seeking to create a carport and storage space for the occupiers of No 9. My attention has been drawn to a carport allowed to the front elevation of the appeal property. While I do not have full details, the evidence indicates it was in a different location, had an alternative orientation and size and is therefore materially different from the appeal scheme. Even if I were to accept vehicles being shielded from view was a public benefit, given the scale of the scheme, the benefit would be small, and as such, the public benefits do not outweigh the identified harm in this case.
15. The appeal site is within the setting of several Grade II listed buildings. Notwithstanding the harm I have already found, the carport would be a sensitive form of development to these surrounding heritage assets, given its size and location away from them. This would match the findings of the Council who have not objected on these grounds.
16. In view of the above, the proposal would have a harmful effect on the significance of No 9 as an NDHA and would not preserve the character and appearance of the WCA or the surrounding area. The development would, therefore, be contrary to East Herts District Plan (DP) Policies HOU11, DES4, GBR2, HA1 and HA4. Amongst other things, these policies seek to ensure new development reflects local distinctiveness, including the character and appearance of the existing dwelling and surrounding area while preserving the historic environment. The proposal would also conflict with the provisions of the Framework in regard to conserving and enhancing the historic environment.

#### *Protected trees*

17. DP Policy DES3 requires, amongst other things, proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value in order to ensure that there is no net loss of such features.
18. There are mature trees within the appeal site close to the appeal building that positively contribute to the area's verdant, somewhat rural character. Due to the trees' substantial size, they likely have an extensive root system. However, no arboricultural survey report or other appropriate form of evidence has been submitted, to determine the root protection areas and any associated mitigation which may be required.
19. During my site visit, I observed that close to the partially constructed building onsite, the roots of a nearby tree were exposed close to the foundations. I also observed what appeared to be lopping to branches on the same tree above the building.
20. Given the proximity of the tree to the appeal scheme, it is not possible for me to conclude that the proposal would not cause damage to the tree roots. Furthermore, the loss of, or work detrimental to, the appearance of this protected tree, which makes a substantial positive contribution, would, in my view, result in harm to this existing landscape feature.
21. In reaching this view, I have taken the appellant's comments into consideration, stating that there has been no adverse impact on the overall root protection area of surrounding trees given the building erected on site. However, I cannot be sure there would be no longer lasting effects on the health of the tree given the exposed roots I observed. Moreover, the proximity

of the appeal scheme may place future pressure on regularly or extensively pruning the nearby trees or having them removed altogether.

22. As there is a degree of uncertainty around the effects of the proposal on the protected trees, the use of conditions would not be appropriate in this case. I therefore conclude that insufficient information has been provided to demonstrate that the proposed development would not cause harm to the protected trees. Accordingly, the proposal would conflict with DP Policy DES3.

### **Other Matters**

23. The proposal is considered acceptable by the Local Planning Authority regarding the lack of harm upon neighbouring properties and nearby listed buildings. The appellant has also stated they have received compliments on the design of the building. Nonetheless, these matters do not outweigh the harms I have found above.
24. My attention has been drawn to a development on the opposite side of High Street from the site. However, these buildings would be located close to and share a similar building line to development found alongside this side of the road.

### **Conclusion**

25. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
26. Therefore, I conclude the appeal should be dismissed.

*A Hickey*

INSPECTOR