



Appeal Decision

Site visit made on 10 September 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/J1915/D/24/3346232

Orchard House, Westmill, Buntingford, SG9 9LL

- 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 D Goodson against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0570/HH.
 - The development proposed is the demolition of garage and erection of double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of double garage at Orchard House, Westmill, Buntingford, SG9 9LL in accordance with the terms of the application, Ref 3/24/0570/HH, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this case are: i) the effect of the proposal on the listed building and the Westmill Conservation Area, and the effect on the character and appearance of the site and that of the surrounding streetscene; and ii) whether the proposal would retain existing landscape features of heritage, amenity and/or biodiversity value, and protect and enhance these features.

Reasons

3. The site is occupied by a two-storey detached dwelling with white rendered elevations, a clay tiled hipped roof having a number of dormers, white timber windows and some exposed brick. The single detached garage follows the same materials palette with a white metal garage door and a dual pitched roof. It is on a generous plot, located within Westmill, in close proximity to the village green. It has front landscaping and hardstanding and rear amenity space. The land levels slope downwards from the highway towards the dwelling. The garage adjoins the detached neighbouring garage at the Grade II Listed Building 'Old Thatch'. Generally the surrounding area is residential in character
4. The proposed garage would be positioned to the opposite side of the site to the existing. It would be positioned forward of the dwelling, on the southern boundary and set back from the front boundary by approximately 4.9 metres. It would be a single-storey structure with a hipped roof with rear catslide. The

proposed garage would be constructed on a low brick plinth, with black feather edge cladding, slate roof and a timber garage door.

5. The site is located within the Westmill Conservation Area. There is a statutory duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to ensure that development proposals preserve or enhance the character or appearance of the Conservation Area. Policies HA1 and HA4 of the East Herts District Plan carry these obligations at the local level. In addition Section 66 of the Act states that the planning authority shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The site is adjacent to two Grade II Listed Buildings at Old Thatch and Archers Hall and is opposite a Grade II Listed K6 Telephone Kiosk on Aspenden Lane.
6. Policy HA1 aims to preserve and where appropriate enhance the historic environment of East Herts. Development proposals that would lead to substantial harm to the significance of the heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve a substantial public benefit that outweighs the loss.' Policy HA4 aims to preserve and enhance the Conservation Area; proposals should be of a scale, proportion, form, height, design and character that compliments the surrounding area and, in the case of extensions, be complementary and sympathetic to the parent building.
7. The Westmill Conservation Area Appraisal (CAA) describes the general character of the Conservation Area: *Westmill's character is particularly defined by small scale open spaces that envelop the historic core and which are separate from the open countryside beyond. Trees predominate with some particularly fine rows and an avenue.'*

The effect of the proposal on the listed building and the Westmill conservation area, and the character and appearance of the site and that of the surrounding streetscene.

8. Orchard House and its setting play an important role within the overall landscape and visual character of the conservation area; its large front façade is prominent within the street scene. Within the boundary of Orchard House, the CAA identifies important trees to be protected. Immediately beyond the south-eastern boundary of the site, there are views towards the adjoining property at Minstrel Cottage, which is of a distinct traditional character and again appears prominent within the conservation area.
9. The demolition of the existing garage would not impact upon the character and appearance of the conservation area. Potentially it's demolition could open up views of the attractive old clay tiling on the sizeable garage building of Old Thatch and would reveal further portions of the listed building's, elevations, and therefore would enhance the character of the conservation area and the setting of the listed building.
10. The proposed new garage would be positioned such that, although set at a lower level, views towards the adjacent Minstrel Cottage would be obstructed when looking across the paved forecourt of Orchard House. However, as progressing south-east towards the open countryside, Minstrel Cottage would immediately be revealed. The materials of the proposed garage would respect

those of Minstrel Cottage, particularly the black brick plinth, slate roof and the black feather edge cladding which would respond to the black exposed timbers of the cottage.

11. Both Orchard House and Minstrel Cottage have no special status as shown on the Westmill CAA. Whilst the garage would be set forward of the house, there are other examples in the area of garages and other outbuildings having a similar relationship to the building that they relate to, and as is quite common in historic villages generally. It does not justify refusing planning permission.
12. Opposite Old Thatch is Sissons, a listed building and opposite Orchard House are the non-listed, but protected from demolition, School Cottages. Between these is the listed telephone kiosk. I consider that the proposed garage would have a neutral effect on the listed buildings and kiosk and their setting, and on the locally identified buildings. Furthermore, it would preserve or enhance the character or appearance of the Conservation Area. There would be a loss of some vegetation on the site, but a condition could require a scheme of planting to offset this. I also consider that it would be seen as subservient to Orchard House, and would soon settle into the streetscene. It would not be harmful to the character and appearance of the site and that of the surrounding streetscene.

Would the proposal retain existing landscape features of heritage, amenity and/or biodiversity value, and protect and enhance these features.

13. The proposed garage would be constructed on an area of soft landscaping where the boundary hedge is currently located. The plans indicate that a section of the hedge would be removed to accommodate the garage. This boundary hedge is an attractive green feature on the site boundary. I have not been provided with any details of existing landscape features of heritage, amenity and/or biodiversity value. I have already noted that a scheme of planting could be required by way of a condition, which could increase landscape and biodiversity value.

Conclusion

14. For the reasons that I have given, the proposed garage would have a neutral effect on the listed buildings and their settings and the character or appearance of Westmill Conservation Area would be preserved or enhanced. In addition, there would be no harmful effect on the character and appearance of the site and that of the surrounding streetscene, subject to a condition for landscape planting. Whilst I have not been provided with existing landscape features of heritage, amenity and/or biodiversity value, I consider that this matter can be dealt with by the condition mentioned. Indeed, the council has suggested landscaping conditions should the appeal be allowed. Having taken account of all matters raised, I conclude that the appeal proposal would be in accordance with the policies that I have referred to above. The appeal will be allowed.

Conditions

15. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. The conditions suggested are to control the details of the materials to be used in the construction of the garage and to

have a landscaping scheme and its implementation carried out. These are necessary to ensure good design and to ensure the establishment and maintenance of a reasonable standard of landscaping.

16. The suggested condition for materials is written in the form of a restriction that only below ground construction works can be commenced before the materials are approved. This is necessary because the details of the above ground materials must be agreed before they begin to be used. This would not prevent the earlier start on the demolition of the existing garage.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
- 3) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to the Local Planning Authority and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

End of Schedule