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# Appeal Decision

Site visit made on 29 October 2024

**by L C Hughes BA (Hons) MTP MRTPI**

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

**Decision date: 3 December 2024**

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**Appeal Ref: APP/A1910/W/24/3341878**

**Martlets, The Common, Chipperfield, Hertfordshire WD4 9BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Remus Nistorel against the decision of Dacorum Borough Council.
  - The application Ref is 23/01533/ROC.
  - The application sought planning permission for part single, part two storey side and rear extension and conversion of the dwelling into two cottages without complying with a condition attached to planning permission Ref 20/00887/FUL dated 1 September 2020.
  - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 256 pa2.05 B, 256 pa2.06, 256 pa2.07. 256 pa2.08 and 256.pa2.09.
  - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site lies within the Metropolitan Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) states that one of the exceptions to inappropriate development in the Green Belt is the alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. There is no dispute between the parties that the proposed amendments would be minimal and would therefore not be inappropriate development in the Green Belt. From the evidence before me and my observations on site I see no reason to disagree.

## Background

3. Planning Permission 20/00887/FUL was granted in September 2020 for the extension and conversion of the property, Martlets, into two dwellings. This appeal is in relation to the Council's refusal to grant consent made under application ref: 23/01533/ROC to vary Condition 2 of the original permission, which would substitute the approved plans with revised plans relating to the approved dormer windows on the side elevation of the building.

## **Main Issue**

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Chipperfield Conservation Area (CA) and its effect on the significance of a non-designated heritage asset (NDHA).

## **Reasons**

5. The appeal property lies within the Chipperfield CA. The range of buildings and spaces in the CA reflects the evolution of the village from agricultural farmsteads around the Common, a dominant historic feature at the heart of the village. The significance of the CA, as far as it relates to this appeal, derives from the setting of historic properties primarily fronting onto the Common.
6. The two-storey appeal premises forms part of a terrace of cottages, which are constructed in flint and brick with slate roofs which contain brick stacks. The appeal building is a locally listed building and a NDHA. I consider that the significance of the building as a NDHA, lies partly in its historic past uses, its aesthetic quality, and its prominent position set back from the Common. Its historic form, design and materials make a positive contribution to the CA.
7. The proposed amendments to the approved scheme would allow for two dormers with sash style windows within the flank roof slope, with taller sash style windows and dormers than originally approved.
8. The proposed dormer windows would be set down from the main ridge, and like the dormers from the approved scheme their design with pitched roofs and glazing bars would be sympathetic to the host property. However, unlike the approved scheme, the windows within the taller dormers would not align with the head height of the other first floor windows along the elevation. Whilst there are larger windows at the rear of the building, the approved windows are more comparable in size and head height with the fenestration on the front and side elevations of the wider terrace. The uniformity of the terrace's fenestration is an attractive architectural feature within the street scene. The taller dormer windows would undermine the rhythm of the building's fenestration and detract from the host property. They would appear as over dominant and inharmonious and would not suitably respect the appearance of the host building.
9. Although the proposed dormers would be on the side elevation of the property which is set back from the Common, the proposal would be visible from public vantage points, including the adjacent village hall. The taller dormer windows would be a prominent and visually jarring addition to the NDHA which would harm its character. On balance, I consider that they would cause modest harm to the significance of the NDHA and the positive contribution that it makes to the CA.
10. My attention has been drawn to other relatively tall windows on side elevations of buildings within the CA, which are different to windows on their front elevations. However, there are differences between these examples and the appeal scheme. For example, the windows highlighted along The Street do not have adjacent windows along their side elevation and the window along Queen Street appears as a standalone feature. As such they do not appear as

misaligned. The dormer window highlighted at Chapel Croft is the only window at that level within the elevation. The window at the property at The Common aligns well with the windows of the front elevation. Whilst there is a taller window in the side elevation of the Village Hall, it forms a distinct pattern with the adjoining windows, which adds to rather than detracts from the character of the host property. I have considered the appeal scheme on its individual merits, and the proposed windows would detract from the character and appearance of the CA, notwithstanding the variety of window styles within it.

11. As the appeal site is located within the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. The proposed dormers would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.
12. Paragraph 208 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. Any benefits from the proposal would be private, and I have not been presented with any substantial evidence to indicate any public benefits that would arise from it.
13. As such, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA and would harm the significance of the NDHA, thus failing to satisfy the requirements of the Act and the Framework. Condition 2 is therefore necessary and should be retained unaltered. The proposal would be in conflict with Policies CS12 and CS27 of the Dacorum Core Strategy (2006-2031) (2013) which seek to ensure that development integrates with the streetscape character and protects heritage assets.

### **Other Matters**

14. In November 2022 the Council approved a mitigation strategy regarding the Chiltern Beechwoods Special Area of Conservation (SAC). The appeal site falls within the zone of influence of the SAC. There is a dispute between the parties as to whether the proposal would require an Appropriate Assessment and whether it would be reasonable and appropriate to secure mitigation in respect of effects on the SAC.
15. As I am dismissing the appeal for another reason there is no need for me to carry out an assessment on the likely significant effects of the proposal on the SAC or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required, as such a finding would not have affected my overall conclusion on this appeal. Consequently, I have not considered this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

### **Conclusion**

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*L C Hughes*      INSPECTOR