
Appeal Decision

Site visit made on 1 December 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th January 2017

Appeal Ref: APP/X1925/W/16/3156223

Pams Cottage, Pams Lane, Kimpton, Hertfordshire, SG4 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Ian Simpson against the decision of North Hertfordshire District Council.
 - The application Ref 16/00249/1, dated 29 January 2016, was refused by notice dated 13 May 2016.
 - The development proposed is to provide a 3 bedroom house in rear part of garden at Pams Cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Kimpton Conservation Area.

Reasons

3. The appeal site is located within the Kimpton Conservation Area, which comprises the historic core of the village. The conservation area is centred on the Parish Church of St. Peter and St. Paul, and mostly comprises of attractive nineteenth century properties, although there are also a number of significantly older buildings. The appeal site is located on the edge of the conservation area, between the properties fronting onto High Street and the open countryside to the south. It currently comprises part of the garden area to Pams Cottage.
 4. The proposed dwelling would be located next to the existing garage and would face out towards the open countryside. It would have a modern, suburban design, and would incorporate a long sloping roof. In terms of its style and use of materials, it would not reflect the pre-dominantly brick-built properties in the conservation area. Its size and style would be at odds with nearby properties fronting High Street, and it would have an unsympathetic and dominant roof profile. In this regard the property has sought to replicate the style and materials of the adjacent garage which lies just outside of the conservation area. However, this is a smaller single storey structure with the character of a rural outbuilding or stable block. In contrast, the proposed dwelling would be a substantial property in an elevated position, which would have a separate
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- character and appearance from the rest of the conservation area. In this regard, I do not consider that the development responds well to its setting.
5. The site has a transitional character between the built edge of the conservation area and the open countryside. Pams Cottage is the last property other than the garage in this direction out of the village. The existing garage is modest in height, is located away from Pams Lane, and has a rural character that does not conflict with the transitional quality of the area. In contrast, the size and positioning of the dwelling would interrupt, and would be contrary to, this character. The use of traditional boundary treatments, and the retention of trees and other landscaping, would not be sufficient to mitigate this harm.
 6. The appellant highlights the lack of a conservation area appraisal for Kimpton, and states that the conservation area boundary does not follow a clear physical feature. However, there is no evidence before me that the conservation area boundary is flawed, or that an alternative boundary would be more appropriate in this location.
 7. Whilst the development site is within the excluded village boundary of Kimpton, and is therefore not in the Green Belt, that does not justify a development with these shortcomings. In addition, whilst the development would not involve any loss of privacy to neighbouring properties, or any loss of trees, this would represent a lack of harm in this regard rather than a positive benefit.
 8. For the above reasons, I conclude that the appeal proposal would fail to preserve the character and appearance of the conservation area. This harm would be 'less than substantial' in the context of paragraphs 133 and 134 of the National Planning Policy Framework ('the Framework'). Set against this, the development would provide a new dwelling in an accessible location that would contribute towards housing supply in the Borough. However, this would be a relatively modest public benefit that would not outweigh the harm to the heritage asset.
 9. In coming to that view, I have had regard to the Council's deficient 5 year housing land supply position. However, I note that footnote 9 to paragraph 14 of the Framework identifies designated heritage assets as being subject to specific policies in the Framework that indicate development should be restricted.
 10. I conclude that the development would be contrary to guidance in the Framework relating to designated heritage assets.

Other Matter

11. The emerging North Hertfordshire District Local Plan 2011 - 2031 currently proposes to adjust the Green Belt boundary to the south of the appeal site. In this regard, Paragraph 216 of the NPPF states that weight may be given to emerging plans according to the stage of preparation they have reached, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the policy to the NPPF. The emerging plan has not yet been submitted to the Secretary of State for examination. In addition, there is no evidence before me regarding the extent of objections to the proposed alteration to the Green Belt boundary. In these circumstances, I can attach only limited weight to the emerging plan.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR