

Appeal Decision

Site visit made on 17 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 3rd February 2017

Appeal Ref: APP/X1925/W/16/3160028

The Windmill, Charlton Road, Hitchin, Herts SG5 2AE

- 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 Miss Rebeca Macian against the decision of North Hertfordshire District Council.
 - The application Ref 16/00359/1, dated 11 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is described on the application form as "retention of front porch and single storey side extension".
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Decision

1. The appeal is allowed and planning permission is granted for a front porch and single storey side extension and patio doors on front and side elevations and re-siting of storage shed at The Windmill, Charlton Road, Hitchin, Herts SG5 2AE in accordance with the terms of the application, Ref 16/00359/1, dated 11 February 2016 and the plans submitted with it.

Procedural Matters

2. The description on the original application form only refers to the front porch and single storey side extension. The Council's decision notice also refers to patio doors on the front and side elevation and the re-siting of a storage shed. For clarity and completeness, I have used the Council's description in the formal decision above, which is also the description used on the appeal form.
3. The appeal seeks retrospective planning permission for development already implemented. Permission is sought merely for the retention of the development described above, rather than for any change of use of the building or land. I have assessed the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular reference to Charlton Conservation Area.

Reasons

5. The appeal site is located within the Green Belt as well as within Charlton Conservation Area. The Council states that given the limited extent of development, it does not result in a disproportionate addition over and above the size of the original building and so is not inappropriate development in the Green Belt. I have no reason to disagree.
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6. The significance of Charlton Conservation Area is greatly informed by its rural character and appearance as a small village with a number of historic buildings and areas of green space surrounded by countryside. Most buildings in the village are constructed from red brick, with some painted or timber clad, and make a positive contribution to the overall character and appearance and significance of the conservation area.
7. The appeal site comprises The Windmill, a public house that is currently vacant and closed for business. It lies immediately to the east of Charlton House, which is a listed building. The Windmill is undergoing refurbishment including the development that is the subject of this appeal. From the evidence before me, even before the refurbishment, the building was of limited architectural merit due to a number of alterations and additions in the 1960s, including the use of modern materials. I note that the 1960s works took place before the conservation area was designated, but they form part of the current building and conservation area. Thus, the building's contribution to the appearance of the conservation area and its effect on the setting of Charlton House is limited.
8. I accept that its use as a public house contributes significantly to the character of the conservation area. I note that it was listed as an Asset of Community Value (ACV) by the Council in July 2015. ACV status for a public house does not remove all permitted development rights from a building. In planning terms, it primarily controls its change of use and demolition works, but nevertheless I have been mindful of the building's status in my assessment.
9. The installed porch is not oversized for the scale and footprint of the building. It does not block windows either side in any significant manner and so views to the countryside from within the building are not unduly harmed. A porch is not an uncommon feature on many public houses, and the structure does not prevent the building from continuing to operate as a public house. The porch does prevent the previous use of an awning over the front door, but does not restrict the display of awnings in other locations or prevent signage relating to a public house use.
10. The patio doors are modern in terms of design, colour and materials but are muted and unobtrusive. Such doors are not an uncommon feature on a public house to provide access to a beer garden or similar outdoor space. Although it appears to have resulted in internal changes to the pub, I can see no reason why the doors prevent the building from operating as a public house. I recognise that the doors may require a ramp in order to provide step-free access to the building, with the porch too narrow for wheelchairs, but such a feature would not need to be overly large and would not result in a significant loss of outdoor space.
11. The single storey side extension between the building and Charlton Road is very small and largely screened by boundary fencing. Although it has a flat roof with basic roofing materials, it has an unobtrusive appearance given its scale and location. I have been unable to verify what this extension is used for, but it does not cause any harm to the area's character and appearance.
12. The Council has not objected to the re-siting of the storage shed, although some interested parties have raised concerns. The garden surrounding the building is quite secluded and so the moving of the shed has no material visual effect. The garden is also not particularly large and so the re-siting does not prevent it from being used as storage for the public house.

13. Individually and cumulatively, the works to The Windmill that comprise this appeal are consistent with earlier alterations and additions to the building in terms of their use of modern design and materials. The works are small in scale and so do not detract from the appearance of the building or surrounding area when viewed close up or from a distance. The building and its grounds still have the overall appearance of a public house. Therefore, the development has a neutral effect on the appearance of the conservation area and does not harm its significance. Likewise, there is also no effect on the setting of the listed Charlton House.
14. I note concerns from many interested parties about the possible change of use of The Windmill from a public house to a dwelling and the considerable value placed on the building's function as a public house. The evidence before me regarding any change of use is inconclusive and I note that a change of use application¹ was withdrawn in November 2015. However, the appeal development in itself does not prevent the building from continuing to operate as a public house. I have had regard to the building's ACV status and am satisfied that the development does not adversely affect this status. The current absence of pub features such as outdoor seating and signage could be easily restored. Thus, the appeal development does not harm the character of the conservation area or its significance in terms of preventing a public house use.
15. Concluding on the main issue, the development has an acceptable effect on the character and appearance of the area, with particular reference to Charlton Conservation Area. Therefore, it accords with Policy 2 of the North Hertfordshire District Local Plan No. 2 with Alterations 1996 which, amongst other things, permits extensions of buildings which are appropriate in the Green Belt and which would not result in significant visual impact. From the evidence before me, there is also no conflict with Policy 16 which seeks to protect archaeological areas.
16. The development also meets the aims of the National Planning Policy Framework which requires good design in Section 7 and the conservation of heritage assets in Section 12. While it is debatable as to whether the works represent an enhancement of the conservation area, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve or enhance the character or appearance of the conservation area. Section 66(1) of the same Act also requires that special regard is had to preserving the setting of listed buildings. Therefore, in avoiding any harm, the development preserves the character and appearance of the conservation area and the setting of Charlton House.

Other Matters

17. Considerable internal works appear to have taken place to the building and have yet to be completed, but they are outside the scope of this appeal which relates to the external development described above. I cannot comment on whether the internal works constitute demolition or require any form of planning approval. This is a matter for the Council to address if necessary. Concerns regarding the safety of the first floor window on the east elevation above the patio doors are likewise beyond the scope of this appeal.

¹ Application Ref 15/01945/1

18. Concerns have also been raised regarding the lack of flood risk assessment for the appeal development, but the development is minor and there are no objections from the Council or the Lead Local Flood Authority on flood risk grounds. Concerns about the effect of the porch on the public bridleway along the northern edge of the site appear to be unfounded, as there remains a large area of hardstanding between the bridleway and the porch and thus no obstruction of this route.

Conditions

19. I have not imposed any conditions. As the development has already been implemented, there is no need for me to impose a time limit for works to commence. However, the formal decision states that the development should be in accordance with the application and the plans submitted with it.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR