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## Appeal Decision

Site visit made on 28 January 2020

**by K A Taylor MSC URP MRTPI**

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

**Decision date: Thursday, 13 February 2020**

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**Appeal Ref: APP/X1925/D/19/3241280**  
**15 Deards End Lane, Knebworth SG3 6NL**

- 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 Mrs Sarah Hendricks against the decision of North Hertfordshire District Council.
  - The application Ref 19/01289/FPH, dated 29 May 2019, was refused by notice dated 17 October 2019.
  - The development proposed is to install a pair of gates on the edge of our property to improve the security of the property.
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### Decision

1. The appeal is dismissed.

### Procedural Issue

2. The Council has cited policy, HE1 of the North Hertfordshire Local Plan 2011-2013 (Proposed Main Modifications November 2018) in the refusal reason. As this plan has yet to be adopted, I give this policy only limited weight in this appeal decision.

### Main Issue

3. The main issue is whether the proposal would preserve the setting of a grade II listed building, and whether it would preserve or enhance the character or appearance of the conservation area.

### Reasons

4. The appeal site is a detached dwelling within relatively large grounds and is located along a cul-de-sac. The appeal property is a grade II listed building (LB) and is identified as being within the designated Deards End Lane, Knebworth conservation area (CA).
5. The appeal property is also known as Beacon House, and the significance of the it being a LB is that it forms one of three structures that were erected on the lane as part of the scheme for Knebworth garden village, it was designed by Sir Edwin Lutyens, and it fuses elements of Neo-Georgian style with arts and crafts devices. It is a large detached house of red brick with lighter brick dressings with steeply hipped pantile roof dated from 1912. The CA was designated in 1984 and has the character and appearance of a garden village, whilst identified within the Council's character statement that houses on Deards End

Lane are approached along driveways, which are typically not gated from the public highways and those that are, introduce a 'hard edge to an otherwise 'soft' boundary treatment common on the lane.

6. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
8. The proposal would involve the erection of a pair of metal gates to each of the vehicular entrances of the property fronting Deards Lane, these are currently free of built development. Whilst, a large hedgerow fronts the site, contributing to the open nature and soft boundary appearance of the lane itself. Both sets of metal gates would be of substantial width and over two metres in height, supported by metal posts, but marginally setback from the highway.
9. As I saw at the time of my site visit, the majority of properties within the area had open frontages with soft boundary treatments, this was particularly visible along Deards Lane. Those that had gates were generally set back by long driveways and were not prominent within the street scene. Although, the design of the ornate metal gates is not necessarily out of keeping with the context of the style of the dwelling, they would enclose the property, be prominent within the setting of the lane, whilst creating an imposing suburban addition to the area. This would be at odds with the prevailing character of the CA which is of a garden village and of predominantly non-gated frontages.
10. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area and fail to preserve that of the CA, and cause harm to the setting of LB.
11. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
12. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I note the appellant considers, the proposals would prevent and preserve the property from a security point of view, however these would only benefit the appellant. Therefore, there would be little public benefit to outweigh the harm found to the significance of the LB and CA.
13. The proposed development would be contrary to Section 16 of the Framework as it would not conserve the heritage assets in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

### **Other Matters**

14. I note that the highway authority has not raised any objections on highway safety issues, to the appeal site or impact on nearby roads provided the gates would be set back at least 6 metres. The Council have advised this could be

achievable, I have therefore no reason to disagree with their findings. However, this does not outweigh the harm I have identified.

15. In support of the appeal, my attention was drawn to other properties in the area that have already been altered in a similar manner to the proposal. I saw that these are very much in the minority and without information about the individual circumstances relating to other gates in the area I am unable to give significant weight to the issue of precedent. In event, those that I saw served to confirm that such alterations do reduce the soft boundaries within the area, change the nature of the relationship between the appearance and prevailing character of a garden village, all to the detriment of the character and appearance of the area.

### **Conclusion**

16. I have found that the proposals would cause harm to the identified heritage assets and therefore it would not accord with the statutory duty, it would fail to preserve the character and appearance of the Deards Lane, Knebworth conservation area and cause harm to the setting of the grade II listed building, this is sufficient reason to dismiss the appeal.
17. For the reasons given above and taking all other matters into consideration I conclude that the appeal should be dismissed.

*KA Taylor*

INSPECTOR