



## Appeal Decision

Site visit made on 19 August 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: Friday, 04 September 2020**

---

### **Appeal Ref: APP/X1925/W/20/3249573 Brick House, Pudding Lane, Barley SG8 8JU**

- 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 Ben Brown against the decision of North Hertfordshire District Council.
  - The application Ref: 19/02404/FP, dated 4 October 2019, was refused by notice dated 28 February 2020.
  - The development proposed is a new four-bedroom dwelling and associated cart shed at land to the rear of Brick House, Pudding Lane, Barley SG8 8JU.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. References have been made to an emerging local plan. Whilst I have had regard to these, the weight that I have been able to attach is reduced by reason of the findings from the examination in public being awaited.

### **Main Issues**

3. The main issues are:
  - the effect of the development upon the character and appearance of the surrounding area, with particular reference to the character and appearance of the Barley Conservation Area (the CA), and
  - the effect of the development upon the setting of nearby listed buildings.

### **Reasons**

#### *Character and appearance*

4. The appeal site is located within the village of Barley, and within the CA. The significance of the CA is, in part, derived from the presence of traditional styles of architecture. Dwellings are typically of smaller proportions and surrounded by landscaping. The existing dwelling is located on a large site, which transitions from a formal garden area to having a more natural appearance. To the rear of the site is a footpath.
5. The proposed dwelling would have a significant footprint, which would encompass a significant proportion of the site's depth. In consequence, the proposed dwelling would appear to be significantly larger than many others

within the surrounding area. The proposed development would also be viewed alongside a substantially sized outbuilding. In consequence, the proposed development would result in a significant increase in the level of built form.

6. As a result of this, the proposed development would erode the general character of the site and the surrounding area owing to the loss of the landscaped area that is currently to the rear of the existing dwelling. This is particularly concerning owing to the prominence of the appeal site as the proposed development would be visible from parts of Pudding Lane, the junction of Pudding Lane with Church End, and the footpath that runs adjacent to the rear of the appeal site.
7. The appeal site is currently garden and some of this would be retained to serve the proposed dwelling. However, there would be a notable increase in the level of built form at the appeal site, which would generate the adverse effects on the character and appearance of the surrounding area, including the CA. Whilst planting is present on the boundaries of the site, views into the site remain possible.
8. The proposed development would be constructed from a traditional palette of materials. Whilst this is of some note, it would not outweigh the harm arising from the adverse effects on the character and appearance of the surrounding area, including the CA.
9. Whilst I note that the appeal proposal includes some new landscaping, by reason of the scale of the proposed development and its siting, the screening effect would only be partial. Furthermore, any such landscaping would potentially take some time to become established. Accordingly, the presence of landscaping would not overcome my previous concerns.
10. Although the appeal site is not within open countryside, it does form an important transitional space between the more built up form of the settlement and the countryside beyond the settlement's boundaries. By reason of the scale and proportions of the proposed dwelling, this role would be eroded.
11. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area, including the CA. The development, in this regard, fails to comply with Policy 6 of the North Hertfordshire District Local Plan (1996) (the Local Plan); and the National Planning Policy Framework (the Framework). These, amongst other matters, seek to ensure that new developments do not have any other adverse impact on the local environment; and that the character and appearance of Conservation Areas are either preserved or enhanced.

#### *Setting of listed buildings*

12. Dwellings in the immediate vicinity of the appeal site are typically of smaller proportions, which ensure that they are complimentary towards the surrounding landscaping. On the opposite side of Pudding Lane are the listed buildings of Poplar Cottage, Roly Poly Cottage, and Pye Corner. These buildings reflect the previously described pattern of development. The appeal site is also near to listed building at Church Cottage.
13. As the nearby listed buildings in Pudding Lane can be characterised by the presence of low roofs, with correspondingly low eaves, the proposed dwelling would make a significant contrast owing to its much larger proportions and

smaller amounts of landscaping that would surround it. In consequence, the increase in built form in proximity to these listed buildings would result in a detrimental effect upon their setting.

14. This adverse effect would be exacerbated by the appeal site being located on land that is higher than the listed buildings in Pudding Lane. The result of this is that the greater massing and form of the appeal proposal would be emphasised leading to a greater detrimental effect on the setting of the listed buildings in Pudding Lane.
15. I have considered the effects of the development upon Church Cottage. This is a building that is immediately adjacent to the highway, with a garden to the rear and close to several other buildings. However, by reason of the relative position of this building to the appeal site, combined with its different form and relationship with neighbouring dwellings means that the proposal would not have an adverse effect upon the setting of this Listed Building.
16. Whilst I have not identified any harm to the setting of Church Cottage, this is outweighed by the adverse effect on the setting of the listed buildings in Pudding Lane.
17. I therefore conclude that the proposed development would have an adverse effect on the setting of listed buildings, and specifically those in Pudding Lane. The development, in this regard, fails to comply with Policy 6 of the Local Plan; and the Framework. These, amongst other matters, seek to ensure that new developments do not have any other adverse impact on the local environment; and that the character and setting of listed buildings are either preserved or enhanced.

### **Other Matter**

18. The evidence before me indicates that the proposed development would not have an adverse effect on ecology; the highway system; and the living conditions of neighbouring properties. Whilst these are matters of note, they do not overcome the harm that I have identified in respect of the Main Issues.

### **Planning balance and conclusion**

19. The harm that would occur to the character and appearance of the CA and the setting of the listed buildings would not be severe, and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal. Any public benefits are likely to be limited to an increase in the local housing supply of a single dwelling and a positive economic effect during the construction process and support of services within the vicinity once the dwelling is occupied. By reason of the scale of the development, such benefits are likely to be comparatively small-scale, in some cases temporary, and localised in impact.
20. Thus, when giving considerable importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA and the setting of the listed buildings, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have a clear and convincing justification.

21. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR