



Appeal Decision

Site visit made on 31 October 2017

by R A Exton Dip URP MRTPI

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

Decision date: 9th November 2017

Appeal Ref: APP/X1925/W/17/3178886

Kestrels, Church End, Barley, Hertfordshire SG8 8JN

- 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 Profit against the decision of North Hertfordshire District Council.
 - The application Ref 16/03141/1, dated 15 December 2016, was refused by notice dated 11 April 2017.
 - The development proposed is described as replacement dwelling and demolition of existing 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - i. the Barley Conservation Area, having special regard to the desirability of preserving or enhancing its character or appearance;
 - ii. the grade II listed Fox and Hounds public house, having special regard to the desirability of preserving its setting. ; and
 - iii. the living conditions of occupiers of No 2 Church End.

Reasons

Conservation area and listed building.

3. Kestrels is a modern chalet style bungalow situated on the northern side of Church End, within the Barley Conservation Area ('the BCA'). It is set back from the road in a substantial plot containing many mature trees and other vegetation. Nearby development forms the central area of the village.
4. Whilst trees and vegetation provide a degree of screening, there are clear views of Kestrels from both the western end of Church End, and from High Street, across the car park to the Fox and Hounds Public House ('the FHPH'). In the case of the latter, Kestrels is viewed in the same context as the FHPH. Due to its siting and the degree of screening I consider that Kestrels has a neutral effect on the character and appearance of the BCA and the setting of the FHPH.

5. The proposal would be sited closer to Church End than Kestrels and would also be around 1.9m taller to its highest point. Even taking account of the existing trees and vegetation and the presence of the permitted dwelling in the car park of the FHPH, the proposal would appear much more prominent than Kestrels in views described above.
6. An individual contemporary design is proposed for the dwelling. It would incorporate innovative use of materials including large areas of glazing and vertical thatch. Although the National Planning Policy Framework ('the Framework') states that planning decisions should not stifle innovation, originality or initiative, it does recognise it is proper to seek to promote or reinforce local distinctiveness. In this case it is the character and appearance of the BCA and the setting of the FHPH that forms the local distinctiveness.
7. Elements of the proposal, including use of a steeply pitched roof, dark coloured gables and thatch are evident elsewhere in the village. However their combination and scale within the proposal would not reflect the character and appearance of the surrounding BCA. As a result, from the view points on Church End and High Street where the proposal would be highly prominent, it would not integrate well with existing development. Taking account of the weathering of the thatch over time described by the appellants would not make a significant difference to the effect. As such it would fail to preserve the character and appearance of the BCA.
8. When viewed in the same context as the FHPH, the proposal would also be highly prominent for the same reasons described above. It would sit uncomfortably within the same view as the more traditional appearance of the FHPH and as a result adversely affect its setting.
9. As the proposal would fail to preserve character and appearance and harm setting, but not result in the total loss of heritage assets, I consider the harm would be less than substantial. In this instance the Framework requires that the harm should be weighed against the public benefits of the proposal. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that substantial weight is given to the presumption in favour of preservation of character and appearance in respect of the BCA and setting in respect of the FHPH.
10. Whilst the proposal would result in a more energy efficient home, this would not outweigh the lack of preservation of character and appearance and harm to setting I have identified. No other public benefits have been identified.
11. In light of the above I conclude that the proposal would fail to comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 7 and 12 of the Framework.

Living conditions

12. Whilst the proposal would not be sited significantly closer to the shared boundary with No 2 Church End than Kestrels, it would be sited closer to Church End. As such it would cover a large proportion the area of garden immediately to the rear of No 2. Although the appeal site sits at a lower level than No 2, the greater height of the proposal, compared to Kestrels, and its siting with ridge parallel to the shared boundary would result in an overbearing effect on the occupiers of No2.

13. Although the siting of the proposal may also result in some reduction in the level of light received to the garden area immediately to the rear of No2h, I consider this would not be significantly greater than that caused by Kestrels and existing trees and vegetation.
14. On the issue of living conditions I conclude that the proposal would conflict with Policy 57 of the North Hertfordshire District Local Plan No 2 with Alterations adopted 1996 ('the Local Plan'). This requires new housing development to relate to its surroundings. Policy 30 of the Local Plan relates to dwellings in the countryside and so does not appear to be relevant. In respect of effect on living conditions set out in the Council's second reason for refusal I find no conflict with paragraph 64 of the Framework which relates to the requirement for good design. I do however find conflict with paragraph 17 of the Framework which requires a good standard of amenity for all existing occupiers of land and buildings.

Other matters

15. I note interested parties, including Barley Parish Council's concerns including those relating to flood risk, parking and highway safety issues. However, given my conclusion, it is not necessary for me to consider these further.

Conclusion

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

Richard Exton

INSPECTOR