



## Appeal Decision

Site visit made on 20 October 2017

by **Timothy C King BA(Hons) MRTPI**

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

Decision date: 16 November 2017

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**Appeal Ref: APP/X1925/W/17/3177669**

**Wootton Cottage, Payne End, Sandon, Herts SG9 0QU**

- 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 Georgina Adamson against the decision of North Hertfordshire District Council.
  - The application Ref 16/02890/1, dated 15 November 2016, was refused by notice dated 31 January 2017
  - The development proposed is described as a '*3 bedroom, 1 and 1/2 storey detached dwelling*'.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs Georgina Adamson against North Hertfordshire District Council. This application is the subject of a separate decision.

### Preliminary Matter

3. I note that the design of the intended development has been significantly changed from a scheme previously put forward for a larger dwelling at the site, and the appellant refers to reductions in both width and height made in respect of the dwelling now proposed. Whilst this may be the case I am required to assess the current scheme on its own merits and potential impacts and to reach my decision, accordingly.

### Main Issue

4. The main issue is the proposal's effect on the character and appearance of the surrounding area, with particular regard to its conservation area location, and also the setting of the nearby listed building, Moss Rose Cottage.

### Reasons

5. The appeal site currently comprises side garden space within the curtilage of Wootton Cottage, a two-storey Victorian dwelling in Sandon Village. It is screened from the street by heavy verdure. In common with the other properties on the north side of Payne End and also Moss Rose Cottage, opposite, the site lies within the Sandon Conservation Area. In this regard, I agree with the Council that this designated area is largely characterised by its openness and also the plethora of vegetation within the spaces between

- buildings. Certainly, this is true of the relationship between Wootton Cottage and Micklefield, the nearest dwelling to the west.
6. Moss Rose Cottage is a colour-washed thatched cottage, and enjoys Grade II listed status. It is set off the junction with Payne End and Dark Lane and its garden is demarcated from the highway by a lengthy stretch of mature hedgerow. Land levels rise as one proceeds eastwards along Payne End, and with the dwellings on its north side set back from the street on elevated land, as would be the proposed new dwelling, they are afforded a degree of prominence. In this context the proposed dwelling would directly look down towards Moss Rose Cottage, although I note an intention to retain the shrub and hedgerow to the front of the appeal site.
  7. Policy 7 of the North Hertfordshire District Local Plan No 2 with Alterations (LP) indicates that within selected villages, of which Sandon is one, the Council will normally permit development proposals subject to certain provisos which requires that for sites in conservation areas the scheme would ensure the positive preservation or enhancement of its character. In this particular instance there is little before me to promote the scheme, save for the Design and Access Statement (DAS) submitted along with the application. Indeed, I find the DAS somewhat limited on such information and there is little detail or annotation on the submitted drawings Nos PL203 and PL204 to allow for proper assessment in this regard.
  8. Despite the Conservation Area setting and the site's proximity to the statutorily listed Moss Rose Cottage, opposite, I have not had sight of any Heritage Statement, any description of the significance of the heritage assets affected, the contribution of the setting thereto or, moreover, the impact of the proposal on such significance. The DAS merely mentions that the proposal would complement the Conservation Area and that the setting of the listed building would be preserved and enhanced. Further, the point made in the appellant's Statement that the design ethos was not to stand out and make a major design statement so as not to be in competition with adjacent properties does little to justify the proposal.
  9. The absence of such detail is a clear impediment when applying the statutory tests under both s66 and s72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. In the circumstances, I am not convinced that the appellant has demonstrated the relationship that would result between the proposal and the setting of the nearby listed building, nor how it would preserve or enhance the character or appearance of the Sandon Conservation Area. As regards the latter, although the harm might be less than substantial, there are insufficient public benefits arising from the scheme as to outweigh my findings on this proposal.
  10. The appellant has mentioned that the Council is unable to demonstrate a five year housing supply and also refers to planning permission granted across the street for new residential development. I have not been provided with full details of either but, even so, these points are insufficient in themselves to confirm the acceptability of the development. In light of my findings, consequent upon the limited information and detail before me, I find that the benefits of an additional dwelling would not significantly and demonstrably outweigh the potential harm to the character and appearance of the surrounding area. As regards the Council's approach in determining the

application, and consistency in its decision making, I do not consider that this has any direct bearing on the merits of the proposal before me. As such, I shall deal with this matter in the Costs application letter.

11. I therefore conclude, in the absence of compelling information to the contrary, that the proposal would be potentially harmful to the character or appearance of the Conservation Area and also the setting of the listed building. This would materially conflict with the aims and requirements of LP Policy 7, relevant advice within the National Planning Policy Framework regarding heritage assets and also its design objectives.
12. For the above reasons, and having had regard, to all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR