



Appeal Decision

Site visit made on 26 July 2021

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021.

Appeal Ref: APP/X1925/W/21/3271157

The Gables, High Street, Barley, Royston, Hertfordshire, SG8 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs J Winstanley.
 - The application Ref 20/03072/S73 is dated 24 December 2020.
 - The application sought planning permission for residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' without complying with a condition attached to planning permission Ref 18/03349/S73 dated 15 March 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.
 - The reason given for the condition is: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The original approval for the site was Ref 17/02316/1, issued 30 May 2018. The council's report sets out that the development approved was described as Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'.
 3. The above permission was varied by application Ref 18/03349/S73, dated 15 March 2019. A section 73 Application does not change the description of development. That consent therefore retains the original description but imposed a revised condition 2.
 4. This proposal is to amend permission Ref 18/03349/S73 dated 15 March 2019. I have retained the original description of development in the banner above.
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The proposal seeks the relocation of parking at plots 5 and 6, to change the external materials at plot 5 and to vary the dwelling type, scale and appearance of plots 3 and 8 by amending condition 2.

5. Although the council did not determine the application before the appeal was lodged, they subsequently considered the matter at their planning committee. The council resolved that had it been able to reach a decision, it would have been to refuse the application. The council's main concern is the changes in terms of the increased scale and bulk of the revised dwellings at plots 3 and 8, notwithstanding that it acknowledges that there would be some benefit to the removal of parking from the central green area.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barley Conservation Area and the setting of the Grade II Listed building known as White Posts, having particular regard to the changes proposed to plots 3 and 8.

Reasons

7. Although the application is for a new permission for the entire development, of relevance to this appeal is that the proposal seeks the relocation of parking at plots 5 and 6, a change of external materials at plot 5 and variations to the dwelling type, scale and appearance of plots 3 and 8. Concerns have only been raised with regard to the changes to plots 3 and 8 and I have considered the proposal on this basis.
8. The approved plans for plot 8 illustrate a two storey property with a large single storey addition to the rear. This plot is to the rear of the curtilage of White Posts which is a Grade II listed building. The approved arrangement ensures that the listed property maintains a relatively open setting despite the scale of development that is approved to the west. This is a similar arrangement to that considered by the inspector in relation to application 18/02299/FP for ten units which was dismissed on 24 September 2019 under Ref APP/X1925/W/19/3228265. The current proposal for plot 8 would extend the rear of the dwelling further to the south, creating a greater built overlap with the rear garden of White Posts. The design would include twin rear facing gables above a further single storey addition.
9. The previous inspector found that given the separation distance and the intervening landscaping that would be retained, the development would have a neutral impact on the setting of the designated heritage asset. The landscaping to be retained is within the grounds of the listed building and new planting is proposed which would form a further buffer between the properties. However, I consider that the increased depth of two storey development in particular, would extend further into the previously retained open aspect to the rear of the listed property. The openness of the land to the rear of White Posts contributes to the significance of this historic building and this further encroachment would be sufficient to result in harm to its setting.
10. The approved plot 8 dwelling has a relatively narrow floorplan with a two storey addition to the front which extends across approximately half of the width of the house. The proposed larger house would be almost square with regard to

its first floor plan which would result in it having side elevations of substantial bulk and depth. These would be dominant in views when entering the site, above the adjacent proposed garage; and from the greenspace at the centre of the site. Rather than only the first floor front wing extending towards the front boundary, the entirety of the wider frontage would be set only marginally back from the access road. This would significantly increase its prominence and reduce the perceived openness of the plot. It would also restrict views towards the greenspace when approaching from the east and would reduce the plot's contribution to the openness of the layout in general. The reduction in the greenspace to accommodate the parking for plot 8 would further erode the perception of openness.

11. Plot 3, as approved, would sit forward of the adjacent pair of semi-detached houses but would have a relatively narrow floorplan with the rear two storey addition stepped back from the side elevation. The appeal statement illustratively suggests that it would have a marginally narrower frontage than the approved, but this does not appear to be the case when comparing elevation details. The overlay drawing appears to be more accurate. The revised dwelling would have a much lower roof form but it would be set slightly further forward in the plot. It would be perceived as having a deeper plan form.
12. The proposed lower side facing gables would help to reduce the perceived scale of the side elevation when viewed from the east, in front of the neighbouring properties. Although marginal, the forward position would reduce the openness of the development overall, but this too would be balanced, to some extent, by the lower height of the house; and the removal of parking from the greenspace opposite. Its corner position would reduce the impact of the greater bulk of its western flank, but I am not satisfied that the scale and detail of this relatively unrelieved elevation would represent a design standard commensurate with the other elevations, or the house designs more generally within the site.
13. Overall, the proposed revised layout would reduce the perceived openness of the site. Despite the reduced height of plot 3, development would be more dominant. Whilst the removal of parking from the greenspace would be a benefit in relation to that particular corner, the loss of greenspace to the curtilage of plot 8 and the greater dominance of the side facing elevation would be less satisfactory than the approved plans. The greater prominence of plot 8 and the harm to the setting of White Posts, together with the reduced quality with regard to design and layout generally, would result in more harm than the approved scheme.
14. As reported by the previous inspector, the level of built development would suburbanise the site resulting in an enclave of dwellings that would fail to provide a sense of openness that would enable the development to assimilate into the wider context of the conservation area. It was found that the level of development at the site would seek to compete with, rather than complement, the open and spacious character of this part of the village, which in turn would fail to preserve or enhance the conservation area. Those findings related to a ten house scheme. However, the approved eight house scheme would have a similar impact, although the level of harm would be reduced as it would result in a more spacious layout, set around a significantly larger and more open area of greenspace. Similarly, the lack of two storey development at depth within plot 8 and the openness of the greenspace would assist in preserving the

- setting of White Posts. This proposal, particularly but not limited to plot 8, would increase the prominence of development and would erode the open character.
15. Although the changes to the significance of the conservation area would be small, they would be negative, thereby increasing the harm. The proposal would continue to result in less than substantial harm to the conservation area. Furthermore, the proposal would also result in less than substantial harm to the setting of the listed property, when previously the impact was considered to be neutral.
 16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72(1) requires that in making decisions on planning applications and appeals within a conservation area, special attention be paid to the desirability of preserving or enhancing the character and appearance of the area.
 17. The benefits of the permitted schemes have been well rehearsed during the considerations of previous applications and the appeal. I have had full regard to these benefits, particularly having regard to the provision of new houses. This proposal would bring similar benefits from the same number of houses. I accept however that the provision of self-build housing provides additional benefits as described by the appellant and set out in paragraph 62 and footnote 28 of the National Planning Policy Framework 2021. However, even if I accepted that self-build housing would not come forward unless larger houses were accepted, which is not an argument that has been persuasively made, given the harm to the setting of the listed building, the benefits would not outweigh the great weight that the Framework requires to be given to the conservation of heritage assets. The additional harm to the conservation area provides further weight against the proposal.
 18. The proposal would conflict with the character and heritage requirements of policies 6 and 57 of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007; and the requirements of the Framework. There would also be conflict with the design and heritage aspirations of policies SP9, SP13, D1 and HE1 of the emerging North Hertfordshire Local Plan 2011-2031. Given the progress towards adoption and the conformity of these policies with the Framework, they can be afforded moderate weight.
 19. As with the previous appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the Framework is clear that as the policies relevant to the designated heritage assets, as set out in the footnote to paragraph 11, provide a clear reason for refusing the development, the requirement of paragraph 11(d) to grant permission does not apply. For the reasons set out above, the appeal is dismissed.

Peter Eggleton

INSPECTOR