



Appeal Decision

Site visit made on 30 November 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/X1925/W/21/3273864

16 Deards End Lane, Knebworth, Hertfordshire 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 Mr A Mitchell against the decision of North Hertfordshire District Council.
 - The application Ref 20/02706/FP, dated 20 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is for the erection of detached dwelling with new vehicle entrance and replacement crossover.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have inserted 'Hertfordshire' into the address in the banner heading above, as it is listed on the Council's decision notice.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework). The main parties have had an opportunity to comment on the significance of the changes.
4. The appeal site is located within the Deards End Lane Conservation Area (the DELCA). In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issues

5. The main issues of this appeal is the effect of the proposed development on the character and appearance of No 16 and whether the proposal would preserve or enhance the character or appearance of the DELCA.

Reasons

6. The appeal site currently comprises part of the garden to No 16, which in turn forms a generous plot in the DELCA, and is identified as a 'Positive Building'. The proposed development seeks to sub-divide this plot and create a new residential unit, which would be accessed from Stobarts Close, to the rear of the site. The proposed dwelling would be detached in form and would have a contemporary appearance, with accommodation located over 2no. floors, incorporating a subterranean basement and terrace.
7. Policy HE1 of the emerging North Hertfordshire District Council Local Plan 2011-2031 (the emerging LP) has been cited on the Council's decision notice,

which concerns designated heritage assets. Given the stage of preparation, the lack of any associated objections or modifications and the degree of consistency with the Framework, I attach significant weight to this emerging policy. Paragraph 197 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.

8. The main parties have drawn my attention to a previous application (12/02637/1), which was refused by the Council and then dismissed at appeal. However, little detail has been provided regarding the particular planning background surrounding this scheme, or what was before the previous Inspector. Without such information a full and detailed comparison between this development and the case before me cannot be drawn. Although, I accept that the evidence indicates the proposed development now includes a subterranean element within its design and the proposed access will not interrupt the 'Important Hedgerow'.
9. Nonetheless, it remains that the plot serving No 16 would be subdivided. The subdivision of the existing plot would result in 2 no. plots that would appear significantly smaller than the surrounding properties in the DELCA. Whilst I note some smaller plots when compared to No 16 within the DELCA, the majority of its properties, including those surrounding the appeal site are situated in generous plots, with large rear gardens and positioned in an orderly arrangement. This gives a distinct sense of spaciousness and ordered pattern of development to the immediate surroundings. These generous plot sizes contribute to a regular rhythm of development, making a positive contribution to the DELCA, forming an essential part of its significance.
10. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 202 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. The proposed development would add a dwelling to the Council's housing supply and there would be economic and social benefits associated with the construction and subsequent occupation of the property, albeit modest. I also accept that there would be an absence of other harm. However, in this instance, I find that the public benefits of the proposed development would not outweigh the harm to the significance of the DELCA.
11. For the above reasons, I therefore conclude that the proposed development would be harmful to the character and appearance of No 16, and it would also fail to preserve or enhance the character and appearance of the DELCA, and would adversely affect the significance of this designated heritage asset. This is contrary to the heritage aims of the emerging LP Policy HE1 and would conflict with the requirements of the Framework.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR