



Appeal Decision

Site visit made on 13 February 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20th February 2018

Appeal Ref: APP/X1925/W/17/3183909

Ashwell Pharmacy, Unit 2, 22 High Street, Ashwell, Hertfordshire, SG7 5NW

- 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 Brian Deal against the decision of North Hertfordshire District Council.
 - The application Ref 17/00322/1, dated 7 February 2017, was refused by notice dated 24 May 2017.
 - The development proposed is Excavate site to required levels and erect a 2 bedroom single storey dwelling to the rear of 22 High Street Ashwell (Hodwell).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area including the Ashwell Conservation Area (CA) and the setting of listed buildings.

Procedural Matter

3. My attention has been drawn to the North Hertfordshire District Council Local Plan Proposed Submission (October 2016). However, as far as I am aware this remains unexamined and un-adopted and as such the weight I can attach to this is limited.

Reasons

4. Ashwell is a large village which comprises of a rich variety of buildings of different periods. It is understood that Ashwell was an important Anglo-Saxon Borough. The medieval village was likely centred around High Street. Buildings including the medieval parish Church (grade I Listed) as well as 15th and 16th Century timber framed buildings, including grade II* listed Forrester's Cottages (Nos 14-18 High Street), as well as Georgian, Victorian and later developments. These are indicative of the development and prosperity of the settlement over time. The majority of Ashwell is designated as a CA.
5. The appeal site forms part of the rear garden area serving No 22 High Street, a 2-storey building in buff brick. No 22 has a large rear garden area which runs down to Hodwell, a small road. To the ground floor are shop units with residential accommodation above. To the east is Vine Cottage (No 20), a grade

II listed building dating from the late 17th/early 18th Century, which was later altered during the 19th Century.

6. High Street is the main road through Ashwell and comprises of commercial properties as well as residential dwellings running along its length, typically located at the edge of the pavement. No 22 forms part of a row of Victorian buildings which front onto High Street. Development here is of a relatively high density, and while buildings are diverse in their age, materials and character, there is a harmonious and robust street frontage befitting of the village centre and historic settlement core.
7. The character of Hodwell is markedly different as this area is loose-knit in character as a peaceful back land away from the hustle and bustle of High Street. The gardens serving 18-26 are bounded by a tall wall running along, providing enclosure to the southern side of Hodwell. Although the grounds behind the wall are largely hidden by this structure, there is an appreciable sense of openness due to the length of the rear garden areas serving these properties which stretch back from High Street. Some infill development of rear gardens has taken place to the western end of Hodwell and there is a modern garage block behind No 14 and 16, to the eastern end.
8. Properties to the north side of Hodwell are generally larger and set in substantial plots with limited or low boundary treatments, including the c1830 Rectory, a grade II listed building. The fine stone and flint Church which dates from the 14th Century is also accessed from Hodwell, to the north west of the appeal site. The church yard, as well as a river and open fields are visible beyond.
9. I consider that the spaciousness afforded by the rear garden areas of Nos 18-26, makes an important contribution to the character of the CA as part of the transition between the high density developments along High Street and the semi-rural character and tranquillity of Hodwell and the north of the village. In addition, I consider that this forms an important part of the special interest and setting of the grade II* listed Forrester's Cottages and grade II listed Vine Cottage.
10. I find that the subdivision of the rear garden serving No 22 and the erection of a dwelling would have an urbanising effect. While I note that the proposed dwelling would be single storey, the erection of a dwelling in this location would erode the open and spacious character, causing harm to the character of the CA.
11. I also consider that in this particular location, due to the site being adjacent to listed buildings, the development of the site for a dwelling would also affect the special interest of the listed buildings, as derived from their setting.
12. This effect would be compounded by the design of the development. The dwelling would be located at right angles to Hodwell, with a gabled frontage and would have a bulky footprint with a wide frontage and relatively shallow pitched roof. While efforts have been made in terms of using materials to match No 22, with buff bricks and slate, the general form, positioning and proportions of the dwelling would not be sympathetic to any of the building types in the area. The chimney adds to the incongruity of the development.

13. I accept that the rear wall to No 22 is in a poor condition, with parts of its coping missing. I note from my site visit that it would appear that this was damage by Ivy growth. However, the condition of this would not justify the erection of a dwelling in this location and the harm I have identified above. As made clear in the Council's decision notice and Officer Report, their concern relates to more than the breaching of this boundary wall.
14. Development has taken place at Nos 28 and No 36, including the creation of accesses from Hodwell. However, details of the circumstances that led to those proposals being accepted have not been provided. In any case, those examples have served to confirm the urbanising effect of development to the south side of Hodwell. As stated above, the openness as experienced through the undeveloped nature of the rear garden areas of Nos 18-26 forms an important part of the character of the CA as well as the special interest of the listed buildings at Nos 14-18 and No 20. Accordingly, the presence of development further to the west of Hodwell, would not, in my view, set an irresistible precedent for development to the rear of No 22.
15. In respect of objections from neighbouring residents, I note that the appeal site slopes downwards towards Hodwell and the development would also involve the excavation of the site. This would necessitate the erection of retaining structures for the existing boundary wall at Vine House. The level differences appear to be around 1m in height.
16. In light of the grade II listed status of Vine House, and without any evidence to the contrary, I consider it reasonable to surmise that this structure would also fall under that listing, in line with Section 1(5) (b) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA). I have not been provided with any structural information nor any details of the necessary works to the wall. Accordingly, I am also concerned that the excavation could adversely affect this structure.
17. The decision notice also makes reference to the effect of the development upon the setting of the grade II listed Village Lock Up. This is a small 19th Century square building of stone construction with a slate pyramid roof used to detain criminals. It is located within the rear garden of No 20, to the eastern end of Hodwell. Due to its positioning and distance away from the appeal site, I find no harm to the special interest of this building.
18. In terms of the National Planning Policy Framework (the Framework) the harm caused to the significance of the designated heritage assets would be less than substantial. Paragraph 134 of the Framework states that in such instances, that harm should be weighed against the public benefits of the proposal.
19. It is understood that there is a need for single storey accommodation, suitable for the elderly or less able bodied people, in a central village location with good accessibility to local shops and services. These factors would offer public benefits which weigh in favour of the proposed development. I also appreciate the efforts of the appellant and the negotiations that have taken place in terms of the design which aims to balance the requirements in respect of highways, conservation as well as comments made by the Parish Council.
20. However, in light of the harm I have identified and the statutory tests as imposed by the PLBCAA, I do not consider that these matters would outweigh the harm caused by the development.

21. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm. Having carefully considered all the evidence, I therefore conclude that the works would fail to preserve or enhance the character and appearance of the CA or the setting of the grade II listed Vine Cottage and grade II* listed Forresters Cottages. The development would conflict with the expectations of paragraphs 17 and 132 of the Framework which seek to conserve heritage assets so that they can be enjoyed by this and future generations, and requiring that great weight to this is given.

Conclusion

22. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson

INSPECTOR