

Location: **Land Between Cherry Holt And 2
Caldecote Road
Newnham
Hertfordshire**

Applicant: **Mr Andy Bartlett**

Proposal: **Erection of a detached one 3-bed dwelling and erection
of detached workshop/shed following demolition of
existing workshop/shed on adjacent owned land**

Ref. No: **22/00346/FP**

Officer: **Alex Howard**

Date of expiry of statutory period: 4th April 2022

Extension of statutory period:

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called in by Cllr Tyson on the basis that the applicant believes that:

- The application complies with national and local planning policies.
- There is no reason to disengage the tilted balance in favour of development as suggested by the Conservation Officer.
- The development would bring significant positive benefits.
- The Conservation Officer's objection in principle to development on the site is unfounded.

The Cllr believes a committee decision would be in the public interest due to the level of concern expressed by the applicant and others about what they view as inconsistent decision-making by the planning authority with regard to development in the Conservation Area in Newnham.

1.0 **Site History**

1.1 21/02566/PRE - Erection of one detached dwelling.

1.2 20/02313/PRE - Erection of one dwelling.

1.3 19/01509/FP - Proposed 4-bedroom dwelling with detached garage, new accesses, landscaping and associated works.

Refused

1.4 05/00873/1 - Erection of a three-bedroom dwelling with integral garage and associated landscaping.

Refused

1.5 04/01492/1 - Erection of one four-bedroom dwelling with associated landscaping (as amended by plans received on 14/10/2004)

Withdrawn

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 6: Rural Areas beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

2.2 **National Planning Policy Framework (July 2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.3 **Emerging North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

The Emerging Local Plan (ELP) has now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed, and he does not intend to hold any further hearings. The further main modifications were received from the Inspector in March and presented to the Council's Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Following this, public consultation was held on the further main modifications in May and June, with the responses received from this published in July. The Council now hopes to receive the Inspectors final report in Summer 2022. Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE1: Landscape
Policy NEx: Biodiversity and Geological Sites
Policy HE11: Contaminated Land
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** - Representations received from Cherry Holt, Newnham Hall Cottage and another resident of Newnham. All responses support the proposed development, with respect to design, position and use of eco-friendly materials.
- 3.2 **Hertfordshire Highways** – No objection subject to informatives.
- 3.3 **Caldecote and Newnham Parish Council** – No objection.
- 3.4 **Environmental Health (Air Quality)** – No objection subject to condition.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to condition.
- 3.6 **Environmental Health (Noise)** – No objection subject to informatives.
- 3.7 **Archaeological Implications** – No comment received.
- 3.8 **Waste and Recycling** – No objections.
- 3.9 **Conservation Officer** – Objects to the proposal on several grounds.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a small parcel of land currently associated with 2 Caldecote Road, which is neighboured by Cherry Holt (grade II listed building) to the north – see list entry below:

House, probably late C17. Timber frame, rendered. Close studding and brick nogging exposed on extensions to right of road frontage. Steeply pitched pantile roof, originally thatched. Central axial brick stack with oversailing courses. Original entrance possibly on present rear elevation. 1 bay to left of stack, 2 to right. Scattered 2,3 and 4 light diamond paned wooden casements. Single

dormer to right of stack. Exposed purlins in bargeboarded gables. Lean-to outshut to right of road front with entrance on right return wall; plank and muntin door. Larger lean-to extension leading back from right gable wall with timber frame on brick plinth. Two storey extension to rear behind stack. Back-to-back inglenook fireplaces with staircase on same axis. Original timber frame visible internally.

The site is within the Newnham Conservation Area and the Rural Area beyond the Green Belt (RAGB) as allocated in the local plan. Newnham is a 'Category B' settlement in the Emerging Local Plan._

4.2 Proposal

4.2.1 Planning permission is sought for the erection of a part single/part two storey detached dwelling on the east side of Caldecote Road, Newnham. The scheme incorporates landscaping, parking (using existing access) and is stated in the supplementary documents to be built to achieve very low energy and sustainability standards. Furthermore, this proposal also incorporates the re-development of the rear section of the detached garage in the neighbouring listed property, Cherry Holt._

4.2.2 The application is supported by the following documents:

- Plans and Elevations:
E2311 001-A Location Plan, E2311 002-A Block Plan, E2311 010-C Proposed Site Plan, E2311 011-A Proposed Floor Plans, E2311 012-B Proposed Elevations, E2311 013 Existing Garage and Store Plans, E2311 014-A Proposed Garage and Store Plans.
- Planning Statement
- Heritage Statement
- Flood Map and Other Details

4.3 Key Issues

4.3.1 The key issues for consideration are the

- Principle of development
- Planning history
- Impact on Designated Heritage Assets
- Design
- Impact on neighbouring dwellings
- Landscaping
- Parking
- Other Matters

Principle of Development

4.3.2 Newnham is designated as a Category B settlement within Policy SP2 of the Emerging Local Plan (ELP), where ***“infilling development which does not extend the built core of the village will be allowed”***. This settlement does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the ELP, where there is a general presumption against development. Newnham is not a selected village as per the Saved Local Plan (SLP) and therefore, Saved Policy 6

is relevant and states that development in these areas will be allowed if ***“it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement”***. Emerging Policy CGB1 also states that permission will be granted for ***“infilling development which does not extend within the built core of a Category B village”***.

4.3.3 It is considered that although the application site is located between a pair of semi-detached properties and a singular detached listed property, the village of Newnham is verdant and open in nature, which must be maintained in accordance with the aforementioned policies. Newnham does not have a defined settlement boundary in either the Saved or Emerging Local Plan, therefore an objective view is necessary to consider whether this site is within the built core of the settlement. In my opinion, due to the small size of this settlement and the proximity of the site to other residential properties, the proposed development would be considered within the 'built core' of Newnham. The proposal would be classed as small infill development which will not extend the built core of the settlement, which is considered compliant with Emerging Policies SP2 and CGB1 in their entirety. This should be given significant weight in the planning balance.

4.3.4 Notwithstanding the above, Paragraph 11 of the NPPF states that for decision making:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.3.5 National and local planning policies seek to increase housing densities where appropriate, as far as this is consistent with the principles of good design and place making. At the time of writing the Councils five-year land supply is 1.47 years, which is a significant shortfall. Therefore, the presumption in favour of sustainable development is engaged in accordance with paragraph 11(d) of the NPPF, where permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In line with paragraph 11(i), footnote 7 states that consideration must be given to protect areas/assets of particular importance, which in this case is the Newnham Conservation Area and Cherry Holt. The application of policies which protect heritage assets must give a clear reason for refusal in order to dis-engage the tilted balance. This will be addressed later on in the report. In any case, it is considered that the contribution that these types of developments make to the District's housing supply is important. Therefore, in my view there is no objection to the general principle of development in this instance, with respect to Saved and Emerging Local Plan Policy compliance.

Planning History

4.3.6 This site has an extensive planning history, with 2 applications for new dwellings refused in 2005 and 2019 and 2 recent pre-application submissions for an eco-style dwelling on this plot. The 2 refused permissions were done so on the basis of harm to the Newnham Conservation Area, sustainability, and general policy non-compliance. These decisions were not appealed to the Planning Inspector and are summarised below:

4.3.7 19/01509/FP - Proposed 4-bedroom dwelling with detached garage, new accesses, landscaping, and associated works. Refused on two reasons:

“The applicant describes the site as ‘modest’ whilst the Council’s adopted Character Statement describes Caldecote Road as a “verdant country lane with loose-knit development” and refers to this road as significantly contrasting with that of Ashwell Road. Although no longer a side garden to no.2 Caldecote Road, this modest gap reads as the side garden to this property, particularly bearing in mind that it does not enjoy a separate site access. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement’s agreed loose-knit, verdant character. Accordingly, a dwelling on this site would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018). The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not, in my opinion, outweighed by public benefits of the development”.

“It would appear that Cherry Holt (grade II listed) has enjoyed an ‘open’, edge-of-countryside setting from the late C17 through to the construction of nos.1 & 2 Caldecote Road to the south. The two other buildings on this side of the road being St Vincent’s Church (grade II) and the former Vicarage (BLI), both to the north. Presently, the space between Cherry Holt (grade II listed) and no.2 Caldecote Road makes a positive contribution to the setting of both properties by ensuring that a verdant gap is retained between the two. Although rendered with a slate roof and echoing the properties at nos. 1 & 2 Caldecote Road, the dwelling would, nonetheless, be located immediately to the south of Cherry Holt (grade II listed) and the long gabled ‘wing’ (approximately 12m deep) would present a plain and rather dominant north elevation facing towards the listed building and would not make a positive contribution to the appearance of the conservation area. The harm occasioned to the setting of Cherry Holt, would harm this building’s significance and fail to satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018). The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Cherry Holt) and this harm is not outweighed by public benefits of the development”.*

4.3.8 05/00873/1 - Erection of a three-bedroom dwelling with integral garage and associated landscaping. Refused on three reasons:

“The proposed dwelling, by reason of its design relative to the individual buildings which make up the character of the settlement and siting in the garden of No 2 Caldecote Road, would erode the pattern and character of the Newnham Conservation Area contrary to the intentions of Policy 20 of the North Hertfordshire District Local Plan No 2 with Alterations 1996”.

“The character of Caldecote Road is of widely spaced buildings as the village opens out into the countryside, and as such this site could not be considered as being located within the built core of the village. Development on this site would therefore be contrary to Policy 6 of the North Hertfordshire District Local Plan No 2 with Alterations 1996”.

“The occupiers of the proposed dwelling would be heavily dependent on services provided outside of the settlement, giving rise to a significant reliance on trips by car contrary to the sustainability criteria embodied in Policy 1 of the County Structure Plan Review”.

4.3.9 In my opinion, the sustainability and policy non-compliance reasons for refusal as set out in the 2005 application are no longer relevant to this current application. It is acknowledged that the potential occupiers of this dwelling would rely on private vehicles for access to services as stated in the 3rd reason for refusal; however, the emergence of Policies SP2 and CGB1 in the ELP state that Newnham is a Category B village that can accommodate limited development and as such, the location is deemed sustainable. As for the 2nd reason for refusal, this plot can be considered as within the built core of the village, given that built form exists on either side and opposite.

4.3.10 Reason for refusal 1 of the 2005 application and reason for refusal 1 and 2 of the 2019 application are all centred around the impact of the development upon designated heritage assets. These reasons for refusal are still considered wholly applicable to this current application and an assessment on such grounds will be completed below.

4.3.11 It is important to note that there is consistency of view between the former Principal Conservation Officer’s view in 2004/2005 and that of the current Conservation Officer on the more recent applications. The reason for citing withdrawn application ref: 04/01492/1 is that it is in relation to this application that the first assessment was made by the former Principal Conservation Officer of the application site and the character of this part of the conservation area, stating that:

“..... The existing character of Caldecote Road is of widely spaced buildings as the village opens out into the countryside. On the basis of this current character, the existing open space between Cherry Holt and 1 & 2 Caldecote Road forms an integral part of the character of layout in this part of the village and its conservation area. The closer spacing of buildings that would result from development of the application site would not be typical of Caldecote Road. As such, the principle of building on this site would not preserve or enhance the character or appearance of this part of the conservation area.”

Consistency of professional officer advice (in this case, conservation advice) is seen as an important attribute of the Development Management Team and this is the case here even though the views given were delivered 17 years apart.

Impact on Designated Heritage Assets

4.3.12 Given the location of this site within the Newnham Conservation area and within close proximity to a neighbouring listed building, Cherry Holt, the Council's Conservation Officer (CO) was consulted on the proposed development. The CO had been consulted on the 2019 application and provided the reasons for refusal. Furthermore, the CO had also been consulted on the two recent pre-application submissions. The conclusion as per the CO's memo is shown below:

*"Paragraph 199 of the NPPF requires that "... **great weight** should be given to the asset's conservation....". Paragraph 200 says that "... Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require **clear and convincing justification**".*

*In addition, parts a) and c) of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 2031 (Proposed Main Modifications November 2018) are relevant where it states that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they "enable the heritage asset to be used in a manner that secures its conservation and **preserves its significance**" and "will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is **outweighed by the public benefits** of the development, including securing the asset's optimum viable use". I am unconvinced that the proposed development would enhance or better reveal the significance of the CA or nearby listed buildings.*

The architectural quality of the existing buildings notwithstanding, it is the spaces between these buildings which, in my view, represents a significant feature of the conservation area in this part of the village. The space around buildings affords views into the gardens of properties and contributes significantly to a sense of pastoral openness. The erosion of a gap in this frontage, by infilling with a dwelling, would constitute harm to the conservation area in my judgement, albeit I would concede that this harm would be 'less than substantial'. The proposal would be injurious to the prevailing character of the Newnham Conservation Area which is verdant and 'loose knit'.

*I consider that the space between Cherry Holt and 2 Caldecote Road is important to the character of the Newnham Conservation Area even though not given a specific designation. This modest gap between no.2 Caldecote Road and Cherry Holt reads as the side garden to the former, particularly bearing in mind that it does not enjoy a separate site access. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character with parking very much towards the front of the site. I raise an **OBJECTION** to a dwelling on this site on the basis that this would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018). The proposal will lead to less than substantial harm to the significance of the designated heritage asset*

(Newnham Conservation Area) and this harm is not, in my opinion, outweighed by public benefits of the development.

It would appear that Cherry Holt (grade II listed) has enjoyed an 'open', edge-of-countryside setting from the late C17 through to the construction of nos.1 & 2 Caldecote Road to the south. The two other buildings on this side of the road being St Vincent's Church (grade II) and the former Vicarage (BLI), both to the north. Presently, the space between Cherry Holt (grade II listed) and no.2 Caldecote Road makes a positive contribution to the setting of both properties by ensuring that a verdant gap is retained between the two. In my opinion, a new dwelling located immediately to the south of Cherry Holt (grade II listed) would not make a positive contribution to its setting or the character and appearance of the Newnham Conservation Area. The harm occasioned to the setting of Cherry Holt, would harm this building's significance and for this reason, I raise an **OBJECTION** on the basis that this would fail to satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and the aims of Policy HE1 of the emerging North Hertfordshire Local Plan 2011-2031 Incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021)".*

4.3.13 As such, in line with the above, the CO states that the proposed dwelling in this location would occasion less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and would not make a positive contribution to the setting of Cherry Holt, the significance of which is not just that it is timber-framed and probably late C17 but that it has enjoyed an 'open', edge-of-countryside setting from the late C17 through to the construction of nos.1 & 2 Caldecote Road to the south.

4.3.14 This assessment on Conservation grounds that the site has enjoyed an 'open', edge-of-countryside setting from the late C17, is very similar to the consideration of the applications for a new dwelling on the side garden of 1 Caldecote Road (under refs: 22/00606/FP and 21/02890/FP). These applications were refused on very similar grounds to the assessment of this application by the Conservation Officer, in that this pair of semi-detached dwellings are regarded as positive buildings and their garden areas to either side contribute to this sense of rural idyll. As such, it is considered that the LPA has been wholly consistent in its approach to potential development in this location.

4.3.15 This is consistent with the advice given in both pre-application submissions and the 2019 refused planning application. Therefore, the proposal is deemed contrary to the aims of Section 16 of the NPPF and Policy HE1 of the ELP, which provides a clear reason for refusing development. Therefore, given that the application of footnote 7 policies affecting designated heritage assets provides a clear reason for refusal, the tilted balance is dis-engaged, and the neutral balance is applied to all matters. _

4.3.16 Paragraph 202 of the NPPF sets out the neutral test, stating:

Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public

benefits of the proposal including, where appropriate, securing its optimum viable use.

4.3.17 Unlike the situation where a site is not within a conservation area, development which would affect a designated heritage asset is not assessed on the basis that the harm must significantly and demonstrably outweigh benefits to warrant refusal. Instead, because of the two designated heritage assets the neutral test is engaged, and the public benefits must outweigh the harm. The neutral balance will be undertaken at the end of this report.

Design

4.3.18 The dwelling is proposed in an 'L' shape with some single and 1.5 story elements, that has been designed with materials and characteristics that resemble an agrarian barn style, that are also highly efficient and ecological. The dwelling would feature a front facing gable end with two catslide dormer cheeks, a rear facing gable and a dual-pitched single storey rear addition. The dwelling would incorporate triple glazed fenestration on most elevations at ground and first floor, with three rooflights.

4.3.19 In general design terms, the proposed development is considered acceptable in my view, seeing as it has been designed to resemble a barn within a rural setting. The use of natural sawn timber weatherboarding and fascia with red/multi brickwork corner piers, is considered an unobjectionable choice of palette for the external elevations in planning terms.

4.3.20 The CO did briefly consider the design of the proposed development within his memo, with the relevant part stated below:

"I appreciate that the black line work of the gable end in the drawing below may be seeking to emphasis the gable's proportions and its potential presence in the streetscene but the grey outline of the rearward single-storey side projection and the two catslide dormers should not be understated. Furthermore, the fenestration will be a notable change to a village character devoid of buildings of a contemporary appearance".

4.3.21 Moreover, the CO has expressed concern that the use of brick quoin detailing, size, and method of opening of the glazed openings and elongated catslide dormers with lead cheeks are not barn-like at all. Therefore, it would be reasonable to conclude that the CO has some concerns with respect to the dwelling's design, in relation to the differing roof forms and fenestration on the principle elevation. That's said, the CO did not refer to the dwelling's design within his reasons for refusal.

4.3.22 The proposed dwelling would result in a marked change to the character and appearance of the street scene, given its infill nature and the absence of built form on this plot at present. The CO has made a robust argument regarding the impact of this proposal upon the character of the Conservation Area, which is implicit within the street scene, as it contributes to its character.

4.3.23 As such, it is my considered view that the design of the proposed development is unobjectionable in planning terms, seeing as the proposal would utilise sympathetic

materials appropriate for its rural setting, whilst also being of the highest ecological and environmental standards. This would be in accordance with Section 12 of the NPPF and Policy D1 of the ELP.

Impact on Neighbours

- 4.3.24 It is accepted that the proposed development will have some impact upon the outlook and amenities of neighbouring dwellings, due to its scale and nature as built form on a site where there is currently no existing.
- 4.3.25 That said, the dwelling has been positioned so as to be behind the building line of No.2 Caldecote Road and Cherry Holt, which would reduce but not completely avoid it from having an impact. Given the dwelling's 1.5 storey nature and relatively modest eave/ridge heights, the proposal would not occasion any material harm to neighbour with respect to over dominance in my view.
- 4.3.26 All first-floor windows on side elevations with the ability to overlook are proposed to be obscured glazed, which will limit any loss of privacy towards the neighbours either side in my opinion. Moreover, the spacing between the proposed dwelling and the immediate neighbours, coupled with the shallow pitched roof forms, will not give rise to any adverse impacts upon daylight/sunlight levels.
- 4.3.27 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Emerging Policy D3.

Landscaping

- 4.3.28 The proposed development would look to make some changes to the landscape features on the area in front of the proposed dwelling. This would incorporate the retention of an existing hedgerow to the rear of the ditch, the boundary with Cherry Holt and an existing tree on site, as well as additional planting of hedgerows and trees on this space to strengthen the landscape. This is welcomed by the LPA. The existing access point onto Caldecote Road is to be widened utilising compacted granular material, which is considered acceptable in my opinion.
- 4.3.29 As such, I have no issues with the landscaping measures proposed within this application.

Parking

- 4.3.30 The proposed dwelling has 3 bedrooms and is proposing a driveway capable of accommodating 3 private vehicles. This will provide ample car parking in accordance with the Vehicle Parking at New Developments SPD and Emerging Policy T2. It is understood that nos.1 & 2 Caldecote Road were erected as workers cottages and being close to Newnham Manor reinforces the farming link. Although, not identified as such on the Conservation Area Map, these are regarded as positive buildings and the garden areas to either side contribute to this sense of rural idyll. The proposed hardstanding and parking would erode the character of the area yet further, but it is acknowledged that such an area of hardstanding for a similar number of cars could be formed at no.2 under current permitted development rights.

Other Matters

4.3.31 There has been a lot of issue taken with the Conservation Officer's assessment of the proposed development and the comparison taken against his consideration of the terraced dwellings currently under construction on The Green. The suggestion is that the Conservation Officer has not been consistent in his assessment of applications for new housing in Newnham. Although it is acknowledged that the dwellings being built on The Green will have an impact upon the character and appearance of the Conservation Area, the nature of the development on The Green was supported by the Conservation Officer.

4.3.32 Prior to application ref: 20/00970/FP for 'Erection of a terrace of 4 dwellings (2 x 3 bed and 2 x 4 bed) and new vehicular accesses' being determined, the Conservation Officer was consulted and provided comment on application ref: 18/02291/PRE for 'Erection of two detached dwellings and garage with new access to highway with associated landscaping and ancillary works. At the time he stated the following:

"It is considered that any development on this site should be two-storey, preferably with a front gable element and with first floor accommodation placed within the roof space of 1½ storey sections. Had it not been for the curtilage of no.1 Caldecote Road, a terrace of 4 units may have been a workable solution, however, taking the curtilage of no.1 into account and whilst also seeking to maintain the grain of deep front and back gardens, I suggest that a pair of two-storey semis or maybe a terrace of three units may be appropriate towards the front of the site and on a similar alignment as that of the southern unit in the pre-app proposal. If designed as a pair of semis then a central 'shared' gable may be a potential design approach or, if three is also manageable, then perhaps gables at either end with a dormer(s) in the middle section of roof could be another way forward. In either case, red plain tiles and white render is to be encouraged".

4.3.33 The Conservation Officer was consulted on 20/00970/FP but provided no comment. However, the Area Planning Officer at the time robustly addressed conservation area matters in his officer report in light of the Conservation Officer's considerations in the previous pre-app in 2018. In my view, this clarification reinforces that each application is taken on its merits and notwithstanding the impact of the dwellings on The Green, the proposed development on this site has not been assessed inconsistently and is unacceptable on Conservation grounds.

4.4 Conclusion

4.4.1 Neutral Balance

4.4.2 At the time of writing the Councils five-year land supply is 1.47 years, which is a significant shortfall. Therefore, the presumption in favour of sustainable development is engaged in accordance with paragraph 11(d) of the NPPF, where permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The significant five-year land supply shortfall and the location of the site are all favourable considerations for the principle of this development. The site is located within a Category B village and Rural Area beyond the Green Belt within the Saved and Emerging Local Plans, where infill development is acceptable where it does not extend the built core of a village. The settlement has suitable services to accommodate limited growth and increased housing numbers. The scheme would be a modest addition to the Districts housing supply shortfall and have limited social/economic benefits locally, which should be afforded modest weight in my opinion. The dwelling has been designed to an unobjectionable form whilst utilising eco-friendly materials, which are welcomed by the LPA, and would not have an adverse impact upon the reasonable living conditions and well-being of neighbours.

That said, the site is located within the Newnham Conservation Area and is within close proximity to a neighbouring listed building, Cherry Holt. The consultation response from the Conservation Officer offers a convincing view that the proposed dwelling in this location would occasion less than substantial harm to the significance of the designated Newnham Conservation Area and would not make a positive contribution to the setting of Cherry Holt (both Designated Heritage Assets). This is deemed contrary to the aims of Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy HE1 of the Emerging Local Plan, providing a clear reason for refusing development on Heritage grounds, which should be attributed significant weight in the planning balance. Therefore, given that the application of footnote 7 policies identifies a clear reason for refusal, the tilted balance is disengaged, and the neutral balance is engaged, where it is still necessary for the decision taker to weigh up all other considerations and the benefits of the proposal must outweigh the harm._

Taking the aforementioned benefits of the proposed development into consideration, it is my professional view that in line with the Conservation Officer's comments, the scheme would lead to harm, albeit less than substantial, to the character and appearance of the Newnham Conservation Area and to the significance of Cherry Holt by developing within its immediate setting, which is an environmental impact. Given the significant and combined weight of the environmental harm to the Newnham Conservation Area and the setting of the nearby listed building Cherry Holt, in my opinion the harm caused by the proposal would not be outweighed by the relatively modest public benefits of 1 dwelling towards the housing supply shortfall, the acceptable design and eco-nature of the proposal and the improvements to Cherry Holt's outbuilding. The application of NPPF policies designed to protect designated heritage assets awards a clear reason for refusal in this case, in accordance with paragraph 11(d)(i) of the NPPF.

4.5 Alternative Options

4.5.1 N/A

4.6 Pre-Commencement Conditions

4.6.1 N/A

4.7 Climate Change Mitigation Measures

4.7.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The space between Cherry Holt and 2 Caldecote Road is important to the character of the Newnham Conservation Area even though not given a specific designation. This modest gap between no.2 Caldecote Road and Cherry Holt reads as the side garden to the former, particularly bearing in mind that it does not enjoy a separate site access. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character with parking very much towards the front of the site. I raise an OBJECTION to a dwelling on this site on the basis that this would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018). The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not, in my opinion, outweighed by public benefits of the development.
2. It would appear that Cherry Holt (grade II listed) has enjoyed an 'open', edge-of-countryside setting from the late C17 through to the construction of nos.1 & 2 Caldecote Road to the south. The two other buildings on this side of the road being St Vincent's Church (grade II*) and the former Vicarage (BLI), both to the north. Presently, the space between Cherry Holt (grade II listed) and no.2 Caldecote Road makes a positive contribution to the setting of both properties by ensuring that a verdant gap is retained between the two. In my opinion, a new dwelling located immediately to the south of Cherry Holt (grade II listed) would not make a positive contribution to its setting or the character and appearance of the Newnham Conservation Area. The harm occasioned to the setting of Cherry Holt, would harm this building's significance and for this reason, I raise an OBJECTION on the basis that this would fail to satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and the aims of Policy HE1 of the emerging North Hertfordshire Local Plan 2011-2031 Incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021)".

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

