



Appeal Decision

Site visit made on 23 September 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/X1925/W/22/3290344

The Cottage, High Street, Hinxworth SG7 5HH

- 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 Dr Linda Hadley against the decision of North Herts Council.
- The application Ref: 20/01026/FPH, dated 9 May 2020, was refused by notice dated 21 October 2021.
- The development proposed is single storey rear extension and detached single garage.

Decision

1. The appeal is dismissed insofar as it relates to the detached single garage.
2. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for single storey rear extension at The Cottage, High Street, Hinxworth SG7 5HH in accordance with the terms of the application, Ref 20/01026/FPH, dated 9 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan Unique plan reference: #00472343-9429DE; Block Plan; Floor plan; and revised proposed single storey rear extension August 2021.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

3. I note the description of development as stated on the application form. Since there were amendments to the scheme during the application process, I have used the description from the decision notice in the header above as it more accurately reflects the scheme that was determined by the Council.
4. The Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 was submitted by the Council during the course of the appeal. It concludes that with the recommended main modifications set out in the Appendix to the report, the North Hertfordshire Local Plan 2011 – 2031 is sound. I have had regard to the Appellant's comments in response to the report in my assessment.

5. Given the conclusions of the Inspector noted above, I attribute significant weight to Policy HE1 of the Proposed Submission Local Plan Incorporating The Proposed Main Modifications (PSLP).
6. As the proposal affects the setting of listed buildings and is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. The Council has issued a 'split decision' granting planning permission for the single storey extension and refusing planning permission for the detached garage. However, the whole proposal is before me and I will assess the appeal on this basis.
8. From the evidence the single storey extension would be modest in scale and would be sited to the rear of the existing building. As such it would have a neutral effect on the significance and special interest of the listed buildings, The Cottage and Gordon's Cottage and a neutral effect on the significance and character and appearance of Hinxworth Conservation Area (HCA). Accordingly, this part of the proposal would not conflict with the development plan and would not conflict with the Act. Therefore, this aspect of the proposal should be allowed. Conditions regarding time limits and specifying plans are necessary in the interests of certainty. While I note that materials are indicated on the application form, a condition regarding matching materials is necessary as the drawings do not provide such an indication.

Main Issue

9. The main issue is the effect of the proposed detached garage on the setting of nearby grade II listed buildings and character or appearance of HCA.

Reasons

10. The Cottage and Gordon's Cottage are both historic rural vernacular dwellings. The Cottage is single storey with accommodation in the roof space, has a plain tile pitched roof and roughcast walls with two gabled attic dormers. Gordon's Cottage is also single storey but with thatched roof and is orientated perpendicular to the street.
11. As such, the special interest of these listed buildings, insofar as they relate to the appeal, lie in the evidence of modest historic rural vernacular architecture.
12. The proposed garage would be sited between the two listed buildings. I note the evidence regarding previous structures on the site. Currently, there is a modest shed which is sited behind a fence and given its modest height, form and siting, is not prominent from the street. As such, the space between the listed buildings appears largely undeveloped and this sense of spaciousness provides a positive contribution to the rural setting and significance of the listed buildings.
13. The proposed garage would occupy the majority of the width of the space between the listed buildings. Its height and form would result in a massing that would significantly reduce the spaciousness between the buildings particularly when viewed from the street. As such, although the garage would not be sited directly adjacent to the historic fabric of Gordon's Cottage, the garage would diminish the rural setting of the listed buildings, thereby eroding their significance.

14. I note the evidence regarding the Old Bakery. However, that scheme appears to be sited in a different location near to a different listed building such that it is not directly comparable to the appeal scheme. I also acknowledge the evidence regarding the garage and extensions relating to Gordon's Cottage. Since those structures differ in their siting and size compared with the proposal, they too are not directly relevant to the appeal scheme. In any event, limited further details are before me regarding those circumstances and the appeal must be determined on its individual merits.
15. The site lies in the historic core of HCA, the significance of which lies in the way its range of buildings of various ages and styles reflect the historic evolution of this rural settlement. The proposal would diminish the sense of separation between the two listed buildings and reduce the spaciousness of the vicinity that contributes to the semi-rural feel of HCA. Therefore, the proposed garage would harm the character of HCA, thereby eroding its significance.
16. Consequently, the proposed detached garage would harm the significance of the nearby Grade II listed buildings and would harm the character and appearance, and thereby the significance of, the HCA.
17. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. The appellant has noted the need for storage. However, this is a private benefit. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the HCA.
19. The detached garage would harm the significance of the Grade II listed buildings by reason of its impact on their setting and would harm the character and appearance of the HCA. In the absence of any public benefits to outweigh this harm it would fail to satisfy the requirements of the Act and the Framework. It would also conflict with PSLP Policy HE1 which relates to designated heritage assets and to which I attribute significant weight.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the single storey rear extension but dismissed insofar as it relates to the detached garage.

R. Sabu INSPECTOR