



# Appeal Decision

Site visit made on 5 July 2023

**by R Gee BA (Hons) Dip TP PGCert UD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2023**

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**Appeal Ref: APP/X1925/W/22/3307499**

**Land adjacent to 1 Caldecote Road, Newnham, Hertfordshire SG7 5JZ**

- 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 Alex Farr of Brooks Architects Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 22/00606/FP, dated 28 February 2022, was refused by notice dated 31 May 2022.
  - The development proposed is described as erection of detached dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted on 8 November 2022, replacing the saved policies of the North Hertfordshire District Local Plan Second Review with Alterations 1996. An opportunity has been given for the parties to comment on its significance for the appeal. I am required to determine the appeal on the basis of the development plan which is in place at the time of my decision, and I have determined the appeal on this basis.
3. The appeal site lies within the Newnham Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The Council has confirmed that the proposed development would not harm the setting of nearby listed buildings. However, I have a duty under S66(1) of the Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and I deal with this under Other Matters below.
5. The appellant states that the council failed to determine the application and raises concerns about the time taken to process the application. However, the appeal form indicates that the appeal is made against the refusal of the permission. I have dealt with the appeal on that basis.

## Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Newnham CA.

## Reasons

7. The proposed dwelling would be positioned to the southern part of the elongated garden to No1 Caldecote Road, which runs parallel with the highway. The dwelling would be two-storey in height, constructed of brick under a slate roof with white timber windows and doors. Whilst properties in the locality vary in their architectural style, the proposed dwelling would not incorporate characteristics which are prevalent in the CA. Amongst others, this includes forward facing gables, chimneys and dormer windows. The roof design and orientation of the proposed dwelling would be discordant with the character and appearance of nearby dwellings.
8. The CA derives its significance from the rich collection of historic buildings and from its loose-knit and verdant character. Properties along Caldecote Road, in the vicinity of the site, are characterised by substantial properties in spacious plots, set back from the highway, which influences the character of the CA. The recent development adjacent to the appeal site at The Green, including the boundary fence, may have reduced the rural quality of the appeal site, however, as the appeal site is orientated to Caldecote Road it is viewed in a different context which is more loose-knit in appearance than The Green.
9. Whilst the appeal site does not lie within one of the important views highlighted in the Newnham Conservation Area appraisal dated 24 April 2008, nevertheless, the duty for the preservation and enhancement of the CA relates to the whole designation. No1 Caldecote Road contributes positively to the variety in architectural form and appearance found within the locality and the historic environment and its spacious side plot makes a positive contribution to the verdant character of the road.
10. The proposed development would occupy much of the appeal site, and due to its shallow depth and its prominent location, the introduction of built development would erode the sense of spaciousness of this part of Caldecote Road. This would result in a cramped form of development which would not sit comfortably between the adjacent buildings. Consequently, the proposed development would be out of character with the prevailing pattern of development in the locality and the CA.
11. As required by paragraph 199 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset is less than substantial. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development.
12. The provision of a single dwelling would make a positive contribution to the housing supply, and that of a smaller unit type, adding to the variety of housing stock. However, due to the scale of the development these benefits would be limited and would not outweigh the great weight to be given to the asset's conservation.
13. For the reasons stated above, I conclude that the proposed development would harm the character and appearance of the area, including the Newnham CA. This would be contrary to Policy HE1 of the NHLP which amongst others, requires development to make a positive contribution to local character or

distinctiveness. The proposal would also conflict with the Framework where it seeks to ensure that development would add to the overall quality of the area and be sympathetic to local character.

### **Other Matters**

14. My attention has been drawn to planning permission<sup>1</sup> for four dwellings adjacent to the appeal site. From the limited information available to me, and as observed on my site visit, the nature of the development and context of the sites differ. In any event, I must consider the appeal scheme on its own merits.
15. The appellant refers to previous concerns of the Council in respect of living conditions. This is no longer a disputed matter between the parties, and I am satisfied that the proposed development would not harm the living conditions of the occupiers of adjacent properties by reason of overlooking. Nevertheless, this is a neutral matter in the determination of the appeal.
16. The Council did not raise concern about the principle of development, and I have no reason to reach a different view on this. However, this does not change my conclusion on the main issue.
17. There are a number of listed buildings within the vicinity of the appeal site which derive their significance from their architectural detailing and their association with the agricultural-based village. Manor Farm and Cherry Holt are seen within the street scene of the appeal site, which is characterised by its verdant character. Given the retention of grass verges and hedging to the frontage of the appeal site there would be no loss to the special interest and setting of these listed buildings. Having regard to S66(1) of the Act I am satisfied that the proposed development would preserve the setting and any features of special architectural or historic interests which the listed buildings possess.
18. The Council confirms that it has a 5-year deliverable housing land supply, which is not contested by the appellant. Even if the Council were not able to demonstrate a 5-year supply, and that it still represented an acute shortfall of 2.2 years, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
19. I note the concerns of the appellant regarding some delays and difficulties in the engagement of the Council in determining the application. However, I can only deal with the planning merits of the case.

### **Conclusion**

20. I conclude that the proposed development would have a harmful impact upon the character and appearance of the area, including the Newnham CA. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, for the reasons given above the appeal is dismissed.

*R Gee*

INSPECTOR

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<sup>1</sup> 20/00970/FP