



Appeal Decision

Site visit made on 10 January 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/X1925/W/23/3325934

The Old George, 41 Arlesey Road, Ickleford, Hitchin SG5 3UX

- 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 TOG (Ickleford) Limited against the decision of North Herts Council.
 - The application Ref 22/02644/FP, dated 19 October 2022, was refused by notice dated 31 March 2023.
 - The development proposed is the retention of the stretch tent within the curtilage of The Old George Public House for a temporary period of ten years.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the proposed development had been erected.

Main Issues

3. The main issues are:
 - The effect of the development on the character or appearance of the Ickleford Conservation Area (CA), the setting of the Grade II listed Old George Public House and the Grade I listed Church of St Katharine; and
 - the effect of the development on the amenity of neighbouring occupiers, particularly in relation to noise.

Reasons

Character or Appearance of the CA and the Setting of Listed Buildings

4. The Old George is located within the setting of the Church of St Katherine and within the Ickleford Conservation Area. I am therefore mindful of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the statutory duty 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. Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. Originally a 16th century house, turned public house, the Old George is an open hall comprising a timber frame on a brick sill with render on the ground floor,

- with exposed frames on the first floor with infill panels. The architecture of the Public House, its prominent location and central role within the CA contribute to its significance as a community hub, and to the significance of the CA as a landmark building in turn.
6. The Church of St Katharine is a 12th century parish church located to the North-East of the appeal site. Fronting the Church is a graveyard which benefits from the substantial leafy foliage of tall trees. Additionally, a low height red brick wall with a timber entrance gateway front onto Arlesey Road and the Public House carpark. A footpath runs along the boundary of the graveyard, with residential properties facing onto it. These aspects contribute to the setting of the listed building, as does its interrelationship with the Old George in forming the nucleus of the settlement.
 7. The CA is in part defined by open or tree covered green spaces along Arlesey Road. These spaces contribute to creating a strong rural village character. Traditional buildings create a strong village street scene.
 8. The tent occupies a location tucked to the rear of the public house, on a modern tarmac car park and set against the backdrop of modern housing. The site of the tent is therefore of negligible heritage value and makes a neutral contribution to the significance of the Church, the Pub and the CA. Although large, the tent reads as a low, innocuous, and lightweight structure which, owing also to its discreet location, defers submissively to the public house, the nearby church, and the wider street scene within CA. The overall effect on all three designated heritage assets is neutral.
 9. As such, I find that the stretch tent has not caused harm to the character and appearance of the CA. I further find that the development does not lead to harm to the significance of the Grade II listed Public House or the Grade I listed Church of St Katharine.
 10. Accordingly, I conclude on this issue that the development has had an acceptable effect on the character or appearance of the Ickleford Conservation Area (CA), the setting of the Grade II listed Old George Public House and the Grade I listed Church of St Katharine. It accords with Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 (LP). This policy seeks to preserve the significance of heritage assets, incorporate a palette of materials that make a positive contribution to local character. The development accords with the provisions of the National Planning Policy Framework (the Framework).

Noise

11. The tent is located adjacent to the rear boundary of the Public House carpark. Located adjacent to this boundary are the neighbouring dwellings of 27 Boswell Drive and 7 and 8 Green Man Close. The rear private amenity space, and the openings to the rear elevations of these properties are in close proximity to this boundary and therefore the stretch tent.
12. The development offers users a fully covered and substantial shelter. During my visit, I noted apparatus such as heat lamps which increase its offer in wet or cold weather. It is not unreasonable to presume that it would be occupied to a greater extent than the beer garden located adjacent to it, especially in adverse conditions. The canvas material is likely to have a negligible effect on reducing any sound of its users. Due to the proximity of the structure to

neighbouring dwellings, its material type and the number of users who could occupy this significant space, I conclude that the stretch tent would be a generator of intrusive noise. No mitigation strategy to potentially alleviate the effects of noise has been provided.

13. The appellant suggests that the outside use of the public house has taken place over many years before the existence of the dwellings which are near it. Whilst this is the case, it is not unreasonable to presume that the outside activity residents would have typically experienced would be limited to warm and dry weather days, as it is unlikely that users would remain outside in cold or wet weather prior to the introduction of the tent.
14. The Councils Environmental Health Officer do not object to the tent. The appellant also provides a commentary on their management of complaints during the course the structures history. However, due to the proximity of the stretch tent to the boundary of neighbouring properties, its lack of capacity to reduce sound and with no satisfactory mitigation strategy, I find that the proposal would create noise which would be apparent and is capable of causing a significant loss to the amenity to the occupants of neighbouring properties, particularly 27 Boswell Drive 7 and 8 Green Man Close. Whilst a condition could preclude the use of the tent during more antisocial hours, this would not resolve issues that are likely to arise outside of these times.
15. Accordingly, I find that the development has had an unacceptable effect on the amenity of neighbouring occupiers, particularly in relation to noise. I find that the erected structure would be contrary to Policy D3 of the LP. Policy D3 does not permit development where the living conditions of an existing development would be affected by a proposed use.

Conclusion

16. The proposal conflicts with the development plan when read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.
17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR