



Appeal Decision

Site visit made on 19 January 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/X1925/W/23/3327637

The Gables, High Street, Barley SG8 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bampleton Properties Ltd against the decision of North Hertfordshire District Council.
 - The application Ref is 23/01088/FP, dated 3 May 2023, was refused by notice dated 26 July 2023.
 - The development proposed is construction of Carriage House at 7 Butterfield to create a 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework') which was published on 20 December 2023, and I have sought the parties' comments upon it. Accordingly, no party has been prejudiced by me doing so.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area, including Barley Conservation Area ('the CA'), and;
 - the effect of the proposal upon the living conditions of occupiers of 7 Butterfield ('No 7') with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is an area of grassland, shrubbery, trees and hardstanding located at the southern edge of a modern development of eight properties. Although the development is modern, it has a vernacular character. The western edge of the development, including the appeal site, forms the western edge of Barley, with open countryside beyond.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.

6. The CA includes much of the village, including the appeal site. Its significance, insofar as it relates to this appeal, is derived from the loose organic grain of the settlement, interspersed with areas of mature trees and landscaping, along with the number of buildings of vernacular design and materials. This loose grain means that the settlement has an open character, with gaps evident between many buildings.
7. The proposal would introduce an additional dwelling to a modern housing development which wraps around two sides of a central paddock which contains a large tree. The appeal site is located at the end of the access road to this development.
8. The design of the proposed dwelling would be similar to examples of outbuildings and converted barns within the village and would make use of vernacular design and traditional materials. In this sense, it would assimilate with its surroundings.
9. However, although the appeal site is located away from the historic core of the village, the wider housing development reflects the character of the village inasmuch as the gaps between and around buildings within it are noticeable and represent a continuation of the loose grain of the settlement.
10. The appeal site currently provides a modest buffer between the wider development and other dwellings around it, and allows views between them, as well as limited views over open countryside to the west. As well as maintaining a sense of openness, this assists in integrating the more modern development into its surroundings.
11. The introduction of the proposed dwelling in a location at the end of the access road of the wider development would lead to the area having a less open character and it would effectively book-end the modern development. Therefore, despite its design and appearance as a converted outbuilding, the proposal would lead to the wider development having a more contained character than at present, and as a result would erode the existing sense of openness of the CA.
12. Therefore, the proposal would lead to less than substantial harm to the significance of the heritage asset. Paragraph 208 of the Framework states that where a development would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The proposal would represent a modest contribution towards the supply of deliverable housing sites in the area. Having regard to Paragraph 60 of the Framework, which sets out the Government's objective of significantly boosting the supply of homes, this is a moderate benefit of the scheme. Although the appellant has highlighted that the proposal would provide a modest home within a village where there is a shortage of small dwellings, there is no substantive evidence before me to support this. I therefore afford this little weight in favour of the scheme.
14. Additionally, the proposal would lead to some temporary economic benefits during the period of construction, along with longer term economic benefits upon occupation. Given the scale of the proposal, I afford these further benefits minor weight in favour of the scheme. The use of energy efficient construction methods is a further benefit of the scheme, but as there is only limited

evidence before me in relation to how this would be achieved, I afford it very minor weight in favour of the proposal.

15. Weighed against these benefits, is the harm that I have identified to the character and appearance of the CA. Paragraph 205 of the Framework states that great weight should be given to the conservation of heritage assets. Accordingly, I conclude that the benefits of the proposal would not outweigh this harm.
16. The proposal would conflict with Policies HE1, SP9 and D1 of the North Hertfordshire Local Plan (NHLP) which together, and amongst other matters, state that new development should be well designed and located and respond positively to its context, and that the benefits of development proposals that would lead to less than substantial harm to the significance of designated heritage assets should be weighed against such harm. It would also conflict with Chapters 12 and 16 of the Framework, which highlight the importance of high-quality buildings and places and that great weight should be given to the conservation of heritage assets.

Living Conditions

17. The appeal site is slightly raised in comparison to 7 Butterfield which presents a gable elevation to the appeal site. The proposed dwelling would be set towards the eastern extent of the appeal, and would present a front elevation which would be viewed across the front gardens and driveways of 7 Butterfield and its attached neighbours. The garden area of the proposal would be adjacent to the rear garden of 7 Butterfield.
18. The proposal is designed such that it would not be a large building, and even taking account of the minor difference in levels, it would not appear as an excessively large structure in comparison to No 7. Additionally, the areas to the front of the proposal would be retained as visitor parking and part of the road serving the development. This would provide a degree of stand-off between the proposal and the front garden and driveway of No 7. The proposed dwelling would not appear as overbearing or lead to a sense of enclosure when viewed from the areas to the front and side of No 7.
19. The garden area of the proposal would have a closer relationship with the rear garden of No 7. However, again having regard to the levels within the appeal site, I nevertheless conclude that the minor differences in levels and the overall generous size of the garden of No 7 mean that this relationship would also not appear as overbearing such that it would lead to an unacceptable loss of outlook.
20. The proposal would not harm the living conditions of the occupiers of no 7 with particular regard to outlook. It would therefore be in accordance with NHLP Policy D3, which amongst other matters, states that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions. It would also conflict with Chapter 12 of the Framework, which states that planning decisions should create places that have a high standard of amenity for existing and future users.

Other Matters

21. I have been referred to an approval¹ for new residential development elsewhere within Barley, adjacent to a listed building. However, I have been provided with no details of this proposal or the circumstances of its approval. Furthermore, from the evidence which is before me, the circumstances of the two proposals would appear to differ in terms of context. Accordingly, this is not a determinative factor in reaching my decision.
22. The Council has not raised objections relating to the effect of the proposal upon the occupiers of nearby properties which specific regard to privacy, effects on parking or with regard to landscaping. Even if I were to agree that the proposal was acceptable in these regards, the absence of harm weighs neither for, nor against the proposal.
23. I have had regard to the representations of interested parties, however as I am dismissing the appeal in any event, it has not been necessary for me to address them further within my decision.

Conclusion

24. Although I have concluded that the proposal would not lead to harm to the living conditions of occupiers of nearby residential properties, the proposal would lead to less than substantial harm to a designated heritage asset. For the reasons given above, it would conflict with the development plan when read as a whole.
25. Having regard to all matters raised, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.
26. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR

¹ 18/03295/FP