



Appeal Decision

Site visit made on 29 May 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/X1925/W/23/3333430

Land Adjacent to 7 Butterfield, Barley, Hertfordshire SG8 8FD

- 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 Herts Council.
 - The application Ref is 23/01967/FP.
 - The development proposed is the construction of a carriage house at Butterfield to create a 1-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs on the application and appeal forms. I have used the site address provided in the latter, as it aligns with the street name shown at the site and is more accurate, therefore.
3. The description of development in the application form is the 'Construction of Carriage House at 7 Butterfield to create a 1-bedroom dwelling'. As the appeal site does not include 7 Butterfield, I have removed reference to that property from the description in the interests of accuracy.
4. Following the Council's decision on the appeal scheme before me, an appeal has been dismissed in respect of similar development on the same site (Ref. APP/X1925/W/23/3327637). That appeal also concerned the construction of a 1-bedroom dwelling, albeit of larger dimensions. Both parties are aware of this appeal decision, and it is relevant to the current appeal. Nevertheless, I have determined the appeal on its own merits.

Main Issues

5. The main issues are the effect of the proposed development on;
 - the character and appearance of the area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Barley Conservation Area (the CA), and;
 - the living conditions of occupiers of 7 Butterfield (No 7) with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site is located on the edge of the settlement of Barley, within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets.
7. The CA incorporates much of the settlement of Barley. Its significance, in relation to the appeal proposals, is in the pattern of development displayed by its layout and in the vernacular style of its buildings.
8. The village centre has several small clusters of historic buildings, largely focussed on Barley High Street. These clusters are separated out from one another by generous spaces, often marked by landscaping.
9. Less historic developments in and near the village centre, typically comprising detached and semidetached 20th century homes, are generally set back from the road and apart from each other in a regular pattern, creating a spacious layout.
10. The outer reaches of the CA align broadly with the edges of the settlement and are recognisable as such. These areas are yet more spaciouly laid out, with significant gaps between buildings offering views of the open countryside beyond.
11. In these ways, the sense of openness increases notably as one moves outwards from the centre of Barley. This pattern of development makes the clusters of historic buildings around Barley High Street identifiable as the core of the settlement, both geographically and historically.
12. Historic buildings in the CA display a range of vernacular forms, styles and materials, offering possible indications of the age and original use of each. The variation in style and materials is a notable characteristic of the CA and is most prominent in Barley High Street.
13. The appeal site is located at the far end of Butterfields, a cul-de-sac serving a modern residential estate built in vernacular styles. The estate is at the edge of Barley; the land beyond is rural and undeveloped.
14. Butterfields has an open, spacious character, created in part by significant gaps between and around buildings. The appeal site provides one such gap; it is a section of undeveloped, verdant land located beyond No 7, the furthest house from the entrance to the cul-de-sac.
15. The appeal site provides a pleasant, green and wooded backdrop to the far end of the estate. It indicates that Butterfields continues no further beyond No 7 and, having been left undeveloped, accords with the generous spatial layout within Butterfields.
16. Alongside the use of vernacular building styles, it is through its open layout that Butterfields adheres to the character of the wider local area and of the CA,

- as described above. The appeal site contributes to the openness of Butterfields, which in turn respects and preserves the character of the area and of the CA.
17. Due to its position at the far end of an open, straight and relatively flat section of Butterfields, the proposal would be prominent when viewed from the road, and from neighbouring front gardens, parking areas and open spaces in the cul-de-sac.
 18. Notwithstanding the use of a half-hipped roof with clipped-gable ends, the proposed dwelling would nevertheless be a substantial building, oriented to present the full width of its ridge towards the rest of Butterfields. The proposal would occupy most of the part of the appeal site that is visible from the road, leaving very little green, wooded, or open space visible.
 19. As a consequence of its location, height and width as described above, the proposed development would significantly erode the current visual openness at the far end of Butterfields, introducing in its place a visually dominant form of development, harmfully at odds with the generous spacing in the estate and in the outer reaches of Barley and the CA. It would constitute an intrusive and discordant presence in the context of the area, therefore.
 20. Given the above I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
 21. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
 22. Paragraph 60 of the Framework sets the objective of significantly boosting the supply of homes. The proposal would make a modest contribution in that respect, and I consider it a moderate benefit, therefore.
 23. The development would create some temporary economic benefits during construction, and some lasting economic benefits upon occupation. Given the scale of the proposal, I afford these further benefits minor weight in favour of the scheme.
 24. The appellant reports a lack of 1 bed properties for sale or rent in Barley as of 29 April 2024. Even if no such properties were available for sale or rent at that time, it does not mean that none have previously been provided within the area, or necessarily demonstrate an unmet need, therefore. Similarly, the reported absence of smaller dwellings within the developments at Butterfields and the former Drayton's Garage site does not mean that none exist in the wider local area. In the absence of more detailed evidence on this point, I have attached very little weight to the proposed dwelling being a 1 bed unit.

25. On balance, given the effect of the proposals on the Barely Conservation Area as set out above, the moderate housing supply and economic benefits attributable to the development would not outweigh the great weight that should be given to the asset's conservation.
26. I acknowledge the detached garages erected at plots 4 and 8 of the Butterfields estate, but neither are comparable in height to the appeal proposals and neither occupies a space forward of its nearest building line. For these reasons, neither garage is comparable in visual prominence to the proposed dwelling, therefore.
27. I appreciate that a previous planning permission (Ref 17/02316/1) included a building in a very similar location to the appeal proposal. Based on the plans supplied (and notwithstanding what appears to be an inaccurate artist's rendering of those plans) this building would have been a simple, open sided double garage far smaller than the appeal proposal, and not directly comparable in effect, therefore.
28. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of Barley Conservation Area. This would fail to satisfy the requirements of the Act, the historic environment protection policies of the Framework and conflict with policy HE1 of the North Hertfordshire Local Plan (the Local Plan) that requires that the public benefits of development proposals leading to less than substantial harm to the significance of designated heritage assets should outweigh that harm.
29. Furthermore, the development would harm the character and appearance of the local area contrary to Policies SP9 and D1 of the Local Plan which require new development to be well designed and located and to respond positively to local context and to the Framework which seeks to achieve well-designed and beautiful places.

Living conditions

30. Number 7 is the last in a terrace of three reasonably substantial residential properties, served by a private off-street parking area directly in front of the house. The main entrance to No 7 is in the centre of the front elevation and is connected to the parking area by a short path. There are two additional parking bays to the side of No 7.
31. There are ground and first floor windows set flush into both the front and rear elevations of No 7, but no openings in the flank wall facing towards the appeal site. The rear and side garden of No 7 is bound by a tall, close boarded fence and gate. The rear windows of No 7 offer no view of the location of the proposed dwelling.
32. The proposed dwelling would be sufficiently modest in height and width and would be set far enough away from the parking area, front door, and front elevation windows of No 7 to avoid any sense of overbearing for occupiers of those parts of that house.

33. Similarly, the appeal proposal would be far enough away that the parts of the proposed dwelling visible over the current garden fence and gate would not be overbearing when viewed from the rear and side garden of No 7. The proposed clipped-gable end roof design, along with the slightly higher ground level of No 7's garden relative to the part of the appeal site to be developed, would contribute to an acceptable relationship in this respect.
34. 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 Policy D3 of the Local Plan which, amongst other matters, requires development proposals not to cause unacceptable harm to living conditions. It would also not conflict with Section 12 of the Framework, which requires the creation of places with a high standard of amenity for existing and future users.

Conclusion

35. Though I recognise that the scale of these appeal proposals is reduced in comparison to those considered in appeal Ref: APP/X1925/W/23/3327637, my findings are nevertheless broadly consistent with those of the Inspector in that appeal.
36. I am satisfied that the development would not harm the living conditions of occupiers of No 7. However, the development would harm the character and appearance of the local area and would fail to preserve or enhance the character or appearance of Barley Conservation Area.
37. For the reasons given above, the proposal would conflict with the development plan when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

A Knight

INSPECTOR