



Appeal Decision

Site visit made on 21 August 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th September 2018

Appeal Ref: APP/X1925/W/18/3195832

Land rear of 9 High Street, Barkway SG8 8EA

- 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 Richard Vines against the decision of North Hertfordshire District Council.
 - The application Ref 17/0245/1, dated 26 September 2017, was refused by notice dated 8 December 2017.
 - The development proposed is demolition of existing building and construction of single new dwelling on the resultant plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.
3. Both main parties refer to draft policies of the North Hertfordshire District Council Local Plan 2011-2031 Proposed Submission October 2016. In accordance with paragraph 48 of the Framework weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of these policies has not yet concluded I have attached limited weight to them. In any event those draft policies are not so materially different to the relevant adopted policies such that taking this position has not influenced the outcome of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Barkway Conservation Area and within the settings of the grade II listed Nos. 7 and 9 High Street and the Barkway Chapel Congregational Church a non-designated heritage asset.

Reasons

5. The proposed dwelling would replace an existing outbuilding set back from High Street to the rear of the grade II listed Nos. 7 and 9 High Street (Nos 7 & 9) and the Barkway Chapel Congregational Church (the Church) a non-designated heritage asset. It would be within the Barkway Conservation Area (CA).
6. In accordance with the duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving the setting of listed buildings or any features of special architectural or historic interest. Furthermore, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Moreover, paragraph 197 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The CA is characterised by traditional buildings of a variety of styles mainly gathered around High Street and historical farmsteads. In my view the significance of the CA is derived from the traditional architectural character and layout of the buildings within it and its agricultural setting in a rural landscape.
8. As such the grade II listed Nos 7 & 9 are a pair of dwellings adjacent to the road constructed from flint and red brick with attractive architectural detailing including gable end parapets and chimneys and formally arranged sash windows. In my view the significance of Nos 7 & 9 derives from their traditional architectural detailing and positioning within the CA as part of a group of traditional buildings which extend along the High Street frontage.
9. Furthermore, the Church is set a short distance back from High Street behind a small green area and low brick wall. It has an imposing red brick gable front elevation which incorporates decorative stonework. In my view its significance derives from its use as a religious building, its attractive architectural detailing and positioning in relation to the adjacent buildings on the east side of High Street.
10. The Council granted planning permission¹ for the extension and conversion of the existing outbuilding to form a new dwelling. That permission is extant. I note the Council's evidence with regard to whether or not that building is curtilage listed. However, even if it is curtilage listed there is no substantive evidence to suggest that should listed building consent be required to implement the approved scheme that consent would not be granted. Thus, on the basis of the evidence before me, should the appeal fail, I find there is more than a theoretical possibility that the approved scheme would be implemented. The fall-back position is therefore material and I have compared its effects with the appeal scheme below.
11. The proposed dwelling would be in a similar position to the approved scheme, although slightly taller the proposed front elevation would be set further back from High Street than the front elevation of the fall-back scheme. Thus when

¹ Council Reference 16/00555/1

- viewed from High Street, the proposed dwelling would not appear larger than the fall-back dwelling.
12. Furthermore, although the proposed dwelling would extend deeper into the plot than the fall-back scheme I find that when viewed from the surrounding countryside due to intervening vegetation and with the wider built up part of the village in the background the appeal proposal would appear no more visually prominent in the rural landscape than the fall-back scheme. Thus even though part of the scheme would be outside of the defined Selected Village Boundary the proposed dwelling would appear very much as part of the main built up area of the village.
 13. However, when viewed from High Street the proposed front elevation would be distinctively different in character to that of the fall-back scheme. It would have two large openings at ground floor level directly in-line with two conservation style roof lights whereas the fall-back scheme would have smaller less uniform openings.
 14. In my view the fall-back scheme would retain its character as a rural outbuilding and appear well related and subordinate to the properties which extend along the High Street frontage, thus leading to no conflict with the pattern of development in the CA or the setting of the adjacent heritage assets.
 15. In contrast, the proposed dwelling would very much appear as a new modern dwelling of highly domesticated appearance unrelated in character and uncharacteristically positioned to the rear of the traditional buildings either side of it. Furthermore, the significantly larger building so close to Nos 7 & 9 with its elongated domesticated appearance would appear in conflict and insubordinate to Nos 7 & 9.
 16. For these reasons, even taking into account the fall-back scheme, the proposal would be harmful and would therefore fail to preserve the character, appearance and significance of the CA. Furthermore, it would also harm and fail to preserve both the settings and significance of Nos 7 & 9 and the Church. The proposal would therefore be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraphs 193 and 197 of the Framework.
 17. For the same reasons the proposal would not accord with the development plan. It would be in specific conflict with saved Policies 6 and 7 of the North Hertfordshire District Council District Local Plan No. 2 with Alterations Originally adopted April 1996 which among other things seek to achieve good design and ensure that new development does not have an adverse impact on the local environment and ensure the preservation or enhancement of the character of conservation areas.
 18. In reaching these conclusions I have noted the various examples of development behind buildings with road frontages in the CA. However, none of these are in the same context as the appeal proposal. Furthermore, whilst I note the existing landscaping associated with the Church would soften the development it would not screen it. Moreover, additional landscaping intended to screen the development would take some time to become established. In any event I am not convinced it would overcome the harm I have identified.

19. That said, in the context of the significance of the heritage assets as a whole, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 195 and 196 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.
20. There would indeed be some public benefits, such as the construction of a new dwelling suitable for a range of occupants. I note the additional and more spacious living space which would be provided when compared with the fall-back scheme. I also note the proposed dwelling would be more energy efficient than the fall-back scheme. There may also be economic benefits associated with construction. However, these combined benefits are modest, and do not outweigh the great weight I must attach to the harm I have identified to the designated heritage assets and their settings.
21. In reaching these overall conclusions I acknowledge the Council is unable to demonstrate a five year housing land supply. However, I have found harm to the character and appearance of the area and designated heritage assets to which I must attach great weight. Whilst a new dwelling would contribute towards meeting the housing shortfall, even with the tilted balance engaged, the modest benefits are significantly and demonstrably outweighed by the environmental harm I have identified.

Conclusion

22. For the reasons set out above having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR