



## Appeal Decision

Site visit made on 15 October 2019 by Darren Ellis MPlan

**Decision by P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9<sup>th</sup> January 2020**

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**Appeal Ref: APP/A1910/W/19/3234508**

**The Grange, 8 High Street, Markyate, AL3 8PD**

- 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 Mrs CJ Holderness against the decision of Dacorum Borough Council.
  - The application Ref 4/00095/18/FUL, dated 11 January 2018, was refused by notice dated 5 June 2019.
  - The development proposed the erection of a single detached dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single detached dwelling at The Grange, 8 High Street, Markyate AL3 8PD, in accordance with the application ref 4/00095/18/FUL, dated 11 January 2018, subject to the conditions in the attached schedule.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the Markyate Conservation Area and on the setting of the Grade II listed building 'The Grange', and consequently whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area and the setting of the listed building.

### Reasons for the Recommendation

4. The appeal site comprises part of the rear garden of The Grange, a Grade II listed building situated on the High Street within the Conservation Area. I have therefore had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal is to erect a two-storey detached dwelling in the rear-most part of the garden, with access from Grange Close. This area of garden straddles the boundary of the Conservation Area, with part of the appeal site falling outside of it.
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5. Paragraph 132 of the National Planning Policy Framework (the Framework) says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. In this case, the character of the Conservation Area is predominantly derived from the distinctive High Street which retains much of its 19<sup>th</sup> century features. Its linear form, narrow streets and traditional buildings, many of which are listed, are significant contributory factors to its character and appearance. The Grange is one of these distinctive buildings and its setting is drawn principally from its location in High Street. The open space provided by the rear garden has been eroded by more recent development that has taken place in Grange Close. The contribution of the rear garden to the setting of The Grange has therefore become less important.
6. The proposed dwelling would be sited to the rear of The Grange and adjacent to the more modern dwellings in Grange Close. Whilst the proposal would encroach into the rear curtilage, a reasonably large garden area would remain. From what I saw, this space would distinguish The Grange from the proposal, and would allow its features and setting to continue to be read. As such, the proposal would have a greater visual correlation with the more modern development in Grange Close. Moreover, the plot / build ratio and the separation from The Grange would ensure that the density of the development remains consistent with its surroundings. The proposal would also include the removal of an unkempt garage that does not contribute positively to the appearance of the area. Fundamentally, the proposal would have no effect on the setting of The Grange insofar as its contribution to the High Street is concerned, and the loss of space to the rear would not adversely affect the setting of The Grange or its contribution to the character or appearance of the area.
7. For these reasons, I find that the proposal would preserve the character and appearance of the Conservation Area and the setting of the listed building causing no harm to the significance of the heritage assets. As such I find no conflict with Policy CS27 of the Dacorum Core Strategy (2013), Saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), or the provisions of the Framework.

### **Other Matters**

8. I have had regard to all other matters raised, including the effect of the development on residents' living conditions and highway safety. However, the proposal would not result in any significant increase in traffic, and there are no objections from the Highway Authority. From what I saw and having regard to the separation distances from other dwellings and the orientation of the development, I am satisfied that there would be no material impacts on residential amenity.

### **Conditions**

9. The Council has suggested several conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance. In some cases I have edited the suggested condition for clarity and enforceability.

10. Conditions 1 and 2 in the schedule below would ensure the compliance with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and specify the plans that are approved and that the development shall be undertaken in accordance with these unless further modified by any condition set out below.
11. Suggested conditions 3, 4 and 5 relate to enabling development and the associated restoration works to The Grange. However, as the proposal would have no adverse effects on the Conservation Area or the setting of the listed building, enabling development is not necessary and consequently these suggested conditions are also not necessary.
12. An assessment of any potential ground contamination, and any subsequent remediation measures, would be required by suggested conditions 7 and 8. However, no evidence has been provided that suggests any ground contamination exists, and therefore these suggested conditions are not necessary.
13. Suggested condition 13 would remove permitted development rights. However, there should be clear justification for restricting permitted development rights and such conditions should only be imposed in exceptional circumstances. The Council have not provided such justification and I have no reason to believe that any permitted development would cause any detrimental impact to the Conservation Area or listed building. As such suggested condition 13 is not necessary.
14. The proposal would be in the vicinity of trees that contribute positively towards the character and appearance of the area, and as such it is necessary to ensure that damage does not occur to the trees during building operations.
15. To ensure the proposal continues to have no adverse effect on the listed building and the surrounding area, it is necessary for details of the retaining walls and finished levels, exterior materials and landscaping details to be agreed with the Council.

### **Conclusion**

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and planning permission granted subject to the conditions in the attached schedule.

*Darren Ellis*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions in the attached schedule.

*P J Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no.2217 L1; Proposed Site Layout drawing no.2217 L3C; Proposed Floor Plan drawing no.2217 P1K; Proposed Elevations drawing no.2217 P2M; Site Section drawing no.2217 P3G; Tree Survey & Protection Plan drawing no.TPP TG 01.
- 3) The trees shown for retention on the approved Tree Protection Plan (prepared by C.A.T Landscape Consultancy drawing number TPP TG 01) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention.
- 4) The development hereby permitted shall not commence until metrically scaled details of the retaining walls and finished levels of the site and building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The dwelling shall not be occupied until hard and soft landscape works have been implemented in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include:
  - hard surfacing materials;
  - location, height and materials of boundary treatments;
  - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
  - details and plans showing the position of bird nesting boxes and bat boxes.
- 7) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.