



# The Planning Inspectorate

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Your Ref: RH/CHES/LB/APP

Our Ref: T/APP/A1910/E/99/1031677/P8  
T/APP/A1910/A/99/1031680/P8

Date:

17 MAR 2000

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
SECTION 20 AND SCHEDULE 3  
APPEALS BY MR AND MRS P CHESTERS  
APPLICATION NOS: 4/00931/99/LBC AND 4100930/99/FHA**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeals. These appeals are against the decisions of the Dacorum Borough Council (1) to refuse an application for planning permission for a replacement garage and a single storey side extension and (2) to refuse an application for listed building consent for demolition of a garage and construction of a replacement, a single storey side extension to the cottage, and alterations to a garden wall, at Brickwall Cottage, Frithsden Gardens, Frithsden, Hemel Hempstead. I have considered all the written representations together with all other material submitted to me. I inspected the site on 1 March 2000.

2. Brickwall Cottage is a listed building situated in a rural location within the Chilterns Area of Outstanding Natural Beauty. Its plot includes part of the historic garden of Ashridge, which is included in the Register of English gardens of special historic interest. The old garden wall of the historic garden, which crosses the appeal site, is also listed as being of special architectural or historic interest.

3. From the representations made and from my inspection of the site and its surroundings I consider that the main issues in appeal (1), which relates to the planning application, are the effect which the proposed development would have on the appearance of the Area of Outstanding Natural Beauty, its effect on the listed building and its setting, and its effect on the listed wall. In appeal (2), which relates to the application for listed building consent, I consider that the main issues are the effect which the proposed works would have on the listed building and its setting, and its effect on the listed wall. In dealing with these issues I have had regard to sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. With regard to relevant policies of the development plan, policy 38 of the Hertfordshire Structure Plan Review seeks among other things to protect the Chilterns Area of Outstanding

Natural Beauty, gardens registered as being of special historic interest, and listed buildings and their settings from being harmed by development. Policy 42 of the structure plan deals specifically with the Area of Outstanding Natural Beauty and provides that development proposals which would adversely affect its special character, appearance and conservation will not be permitted. Policy 90 of the adopted Dacorum Borough Local Plan 1995 closely reflects the aims of policy 42 of the structure plan, and policy 20 seeks to protect the character of the countryside by limiting house extensions to compact additions, limited in size, which are well related to the existing building in terms of their design, scale and materials, and which are not visually intrusive. Policy 109 aims to protect listed buildings and their settings and provides that extensions must be appropriate to the scale, proportions and appearance of the listed building itself. Similarly, the local plan's environmental guidelines state that extensions to listed buildings must not adversely affect their character, appearance or setting.

5. I have also had regard to national policy regarding historic buildings as set out in Planning Policy Guidance 15. This document acknowledges that many listed buildings can sustain some degree of sensitive alteration to accommodate continuing uses and paragraph 3.15 emphasises the need for flexibility and imagination to be applied in this context. Annex C deals specifically with modern extensions to listed buildings, and states that these should not dominate the existing building in either scale, material or situation. It advises that successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail.

6. Brickwall Cottage forms part of an open-hall house dating from the 16<sup>th</sup> century. It is situated within a partly wooded valley set within the open countryside of the Area of Outstanding Natural Beauty and which has a scattering of houses and outbuildings set alongside the road which runs along the valley floor. The original part of Brickwall Cottage, is a very small scale structure, but this has been extended in recent times, so that the floorspace has been doubled and the present dwelling takes the form of a small house having 3 bedrooms and an attic room, a living room, dining room and kitchen.

7. The proposed extension would be added to the west side of the house to provide a new kitchen/breakfast room, together with a porch and a covered outdoor area. The proposed garage would be located in the same position as the existing garage, but sited parallel to the garden wall. In terms of the effect of the extension on the overall rural character of the area, it seems to me that its limitation to a single storey structure would prevent it appearing as an overly obtrusive feature within the attractive open landscape of the valley, bearing in mind that it would not occupy an elevated or prominent position. Indeed, I agree with you that the extension would be rather less obtrusive in appearance than the detached elevated annex which stands in the back garden of Brickwall Cottage.

8. However, I consider that the relationship of the proposed extension to the listed building itself would be unsatisfactory. The extension would have a length somewhat greater than the existing modern wing which has been built on to the 16<sup>th</sup> century structure, and would have the same width as the existing wing. Taking into account the proposed porch on the south side, it seems to me that the extension would have a bulky form and would represent a substantial new addition to the listed building. Taken together with what I consider to be the significant amount of modern work already attached to the original building, I take the view that the proposed extension would have the effect of dominating the small 16<sup>th</sup> century

structure, such that it would appear dominated by modern additions in terms of views from the south and west.

9. It also seems to me that the extension would comprise an insensitive form of development with regard to the historic garden to the west of Brickwall Cottage. Your clients' proposal would mean the removal of part of the listed garden wall which, even in its incomplete form, serves to delineate and enclose the historic garden. Furthermore, the proposal would result in the incursion of a new building across the site of the enclosing wall into the open grounds of the historic garden itself, so that to my mind the scheme clearly implies the destruction of elements of these historic features. I therefore take the view that while the proposed addition might not be so very large or obtrusive as to detract materially from the overall appearance of the countryside with the Area of Outstanding Natural Beauty, it would harm rather than preserve the setting of the listed building, and harm rather than preserve the listed garden wall and the historic garden.

10. Turning to the replacement garage, the proposed building would only be a little larger in terms of its site coverage than the existing garage, while its roof would be in the order of 1 metre taller than the existing roof. Although the proposed building would not therefore be significantly greater in size or volume than the building it would replace, it nevertheless seems to me that when seen together with the bulky extension proposed for the house, its taller and bulkier form would lead to the west side of the listed building being dominated by these two new structures.

11. These considerations lend me to conclude that the proposed development would be poorly related to the original house and its immediate setting. Thus, the proposal conflicts with the provisions of policy 20 of the adopted local plan regarding domestic extensions in the countryside, as well as with the terms of policy 23 of the deposit draft Dacorum Borough Local Plan which aims to restrict extensions to rural dwellings to a maximum size of 50% over and above the floor area of the original dwelling. The seriously harmful effect which I find that the scheme would have on the setting of the listed house and on the listed wall and historic garden also means that the proposals conflict with the aims of the relevant legislation and planning policies regarding the preservation of listed buildings and historic gardens.

12. I have taken account of all other matters raised including the various preliminary schemes produced by your clients' Chartered Surveyor, but I do not find these to be of such weight as to override the considerations which have led to my conclusion.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

Yours faithfully

*Terence N Povey*

**TERENCE N POVEY BA BArch MA FRTPI RIBA MIMgt**  
Inspector



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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00930/99/FHA

BRICKWALL COTTAGE, FRITHSDEN GARDENS, FRITHSDEN, HEMEL  
HEMPSTEAD, HERTS, HP1 3DE  
REPLACEMENT GARAGE & SINGLE STOREY SIDE EXTENSION

Your application for full planning permission (householder) dated 17 May 1999 and received on 21 May 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 27 August 1999

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00930/99/FHA**

Date of Decision: 27 August 1999

1. The property lies within the rural area beyond the Green Belt wherein policy 20 of the adopted Dacorum Borough Local Plan and policy 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft restricts the size of extensions in order to safeguard the character of the countryside. This property has already benefitted from sizable extensions and the further addition of the single storey side extension would result in the dwelling having been extended by 177% which is clearly contrary to these policies and if permitted would have a detrimental effect on the open countryside.

2. The site lies within the Chilterns Area of Outstanding Natural Beauty wherein the prime planning consideration is the preservation of the beauty of the area. The proposed extension and replacement garage, due to their size and design would be detrimental to the beauty and openness of the Chilterns Area of Outstanding Natural Beauty.