

Design & Access Statement

Erection of Self-Build Dwelling +
Landscape & Ecological Enhancements +
Associated Works

Walled Garden, Hitchin Road,
Preston, Hertfordshire, SG4 7TZ

JULY 2024

(This document should be printed on A3)

1.0 INTRODUCTION

- 1.1 The proposal, the subject of this Planning Application, is fully described below and within the accompanying plans, documents and reports. It is important that this Design & Access Statement is read in conjunction with all the submitted information to understand the proposal in its entirety.
- 1.2 By way of introduction and overall summary, the proposal embraces the erection of a new dwelling within a derelict walled garden within the Temple Dinsley Registered Park & Garden (RPG). A key component of the scheme is the creation of an attractive landscape setting for the house and walled garden reflecting its historic use and significantly enhancing its character and appearance. The landscape strategy draws upon the recommendations and advice of the ecology survey and the heritage report, securing enhancements to nature conservation interests and an overall enhancement of the visual and environmental quality of the site within an historic setting.
- 1.3 The site is within the Green Belt. The new dwelling would comprise an inappropriate form of development as it does not fit squarely into any of the seven exceptions listed in paragraph 154 of the NPPF (December 2023). However, the proposal is specifically promulgated on the basis that the benefits of the scheme, taken as a whole, are sufficiently unique and in sufficient quantum to amount to “very special circumstances”. The benefits arising from the proposal far outweighs the limited harm to the openness of the Green Belt.
- 1.4 The proposed new dwelling is designed to an outstanding standard. It would be seen in conjunction with the proposed landscape conservation and enhancement works which are integral to the scheme. They seek to conserve and enhance the site’s historic, landscape and nature conservation value through the conservation

of the site as a walled garden, the creation of an outstanding new dwelling, and new landscape features and natural habitats drawing upon the defining characteristics of the site and surrounding area. The application advances that the outstanding design quality and sustainability of the proposed dwelling, together with significant landscape and ecological enhancements and enhancements to heritage assets, should - in combination - be regarded as a very special circumstances case that is difficult to replicate and of sufficiently substantial merit to clearly outweigh any harm arising from the proposal to the Green Belt. The application also demonstrates that there will be other economic, social, and environmental benefits that would accrue from the proposal that would further contribute to the very special circumstances.

DESIGN TEAM

- 1.5 The development proposals have been formulated by a team of experts in the architecture, landscape, heritage and planning fields with the singular objective of creating an inspiring and outstanding new dwelling within an enhanced historic environmental setting.

Modern Architecture Workshop	-	Project Architects
Angus Thompson Design	-	Landscape Consultant
MESH Energy	-	Energy & Building Services
Nimbus Engineering	-	Civil Engineering
Hughes Planning	-	Planning Consultant
Bourne Heritage	-	Heritage Consultant
Priory Heritage	-	Historic Buildings Consultant
Abrams Archaeology	-	Archaeology Consultant
ArbTech	-	Ecology Consultant
Pegasus	-	Landscape Visual Consultant
Strenger	-	Lighting Impact Assessor

2.0 PRE-APPLICATION ENGAGEMENT

- 2.1 The proposed development has been the subject of extended pre-application engagement with **Historic England** (HE) given the significance of the site in heritage terms. This embraced a site visit held on 15th February 2023, information provided and discussed at a virtual meeting held on 9th March 2023, virtual meetings held on 18th and 26th January 2024, a virtual meeting on 4th March 2024, a site visit to discuss the replacement of the walled garden walls on 8th March 2024, and review of draft landscape and heritage reports circulated on 3rd April 2024.
- 2.2 In response to the above, HE issued two letters, the first dated 7th July 2023 and the second dated 3rd May 2024. The letters are submitted to accompany the application. Historic England's position on the proposed development is set out in both letters. In its opinion, the conservation-led approach adopted in the design for the proposed development would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements. HE concluded that they would not raise any objection on heritage grounds at application stage.
- 2.3 In addition, the design team has engaged with Margaret Trinder, the Chairman of **Preston Parish Council**, and Kate Harwood and Diana Kingham of the **Hertfordshire Gardens Trust**.



3.0 THE APPLICATION SITE

- 3.1 The Application Site lies within the administrative jurisdiction of North Herts Council, which in turn lies within the County of East Hertfordshire. North Herts Council is the relevant Local Planning Authority (LPA) for the purposes of an application for planning permission for a single dwelling in this area.
- 3.2 The Application Site extends to approximately 1.2 acres and comprises a walled garden of rectangular shape situated to the northeast of Dower House. The wall is in a very poor state of repair with partial collapse along the site's southeast boundary and total loss along the southwest boundary. A short section of wall has been rebuilt in relatively recent times (circa 2020) along the northwest boundary, adjacent to the vehicular access to the site and Dower House. The site lies on the periphery of the settlement of Preston and its Conservation Area in which there are a number of notable buildings designed by Sir Edward Lutyens. The site lies outside of the Settlement Boundary of Preston and within the countryside for planning policy purposes. The site also lies within the Green Belt and forms part of the Temple Dinsley Registered Park & Garden. Dower House is a grade II Listed Building. The walled garden is a non-designated heritage asset. The edge of the Preston Conservation Area adjoins the site's south-western boundary. The substantive part of the ancient 'Wain Wood' to the northwest of the site, on the opposite side of Hitchin Road, is a Site of Special Scientific Interest (SSSI).
- 3.3 Dower House has been converted into several dwelling units and shares the same vehicular access as the walled garden. The most important building within the locale is Princess Helena College, a grade II* listed building of which the Dower House and walled garden historically formed a part (now all in separate ownership).



Relevant Planning History

- 3.4 There have been two previous planning applications for residential development within the walled garden, submitted in 1990 and 2007. The 1990 application (**90/01016/1**) was for four detached dwellings and garages. It was refused by the LPA at the time, and further dismissed at appeal. The 2007 application (**07/00263/1**) was for two detached five-bedroom dwellings with integral garage and one five bedroom dwelling with detached garage. This application was withdrawn prior to determination.
- 3.5 There have been a number of applications submitted between 2017 and 2021 for which consent has been granted for the conversion and extension of Dower House from a school dormitory to flats (**17/02800/1**, **17/02801/1LB**, **18/03124/LBC**, **20/00302/LBC** & **21/03239/LBC**). The conversion of the listed building also involved the provision of the current gated access to Dower House and the walled garden, as well as re-landscaping of the area in front of the latter. The installation of the electricity substation in the walled garden was granted consent in 2019 as part of the re-development of Dower House (**19/00172/SU**). The most recent grant of planning consent in the vicinity of the walled garden was for the single storey rear extension, associated external and internal alterations to and part-demolition of the curtilage-listed barn to the east of Dower House in order to convert it into a single dwelling (**20/01539/FP**).



4.0 THE PROPOSAL

4.1 Full planning permission is sought for the erection of self-build dwelling + landscape & ecological enhancements and associated works (“the Proposed Development”) on site at Walled Garden, Hitchin Road, Preston, Hertfordshire, SG4 7TZ (“the Application Site”).

4.2 In addition to this *Design and Access Statement*, the plans and documentation that comprise this detailed application are as follows:

- Application Form (inc. Certificate B)
- Site Location Plan
- Plans and elevations
- Phase II Contamination Assessment (October 2022)
- Brick Walls Condition Inspection Report (April 2023)
- Historic England Letters (7 July 2023 & 3 May 2024)
- Archaeological Report (June 2024)
- Architectural Design Statement (July 2024)
- Heritage Impact Assessment (July 2024)
- Landscape Design Statement (July 2024)
- Landscape and Visual Appraisal (July 2024)
- Preliminary Ecological Appraisal (April 2024)
- Botanical Walkover and Condition Assessment (July 2024)
- Biodiversity Net Gain Assessment (July 2024)
- Statutory Biodiversity Metric Calculation Tool (July 2024)
- Flood Risk Assessment & SuDS Strategy (July 2024)
- Energy & Sustainability Statement (July 2024)
- Lighting Assessment (July 2024)
- Photo-realistic Visuals

4.3 The proposal comprises the erection of a new dwelling within the derelict walled garden. The immediate setting of the dwelling is to be enhanced through sensitive landscaping, embracing ecological enhancements. The existing walls are beyond the point of repair with total loss in some locations, and a crucial component of the scheme, and the key to its success, is the faithful rebuilding of the walls following existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible, which Historic England support.

4.4 The proposal includes a new modern dwelling over two stories (ground floor and lower ground floor) clad in charred timber, with chalk coloured brickwork to reflect the context of the site. This also includes elements of glazing to metal framed sliding doors and external balustrades. In terms of accommodation, the house includes six bedrooms, a study, a cloakroom and a garage at ground floor level. At the lower ground floor level there are kitchen, living and dining spaces as well as leisure spaces that include a cinema, pool, gym and yoga studio, as well as a garaging with space for up to six cars.

4.5 The scheme has evolved in close collaboration with Historic England given the heritage significance of the site and surrounding area, including the non-designated heritage asset status of the walled garden, its setting within the Temple Dinsley Registered Park & Garden, its setting in relation to the Preston Conservation Area and its setting in relation to the grade II listed Dower House.

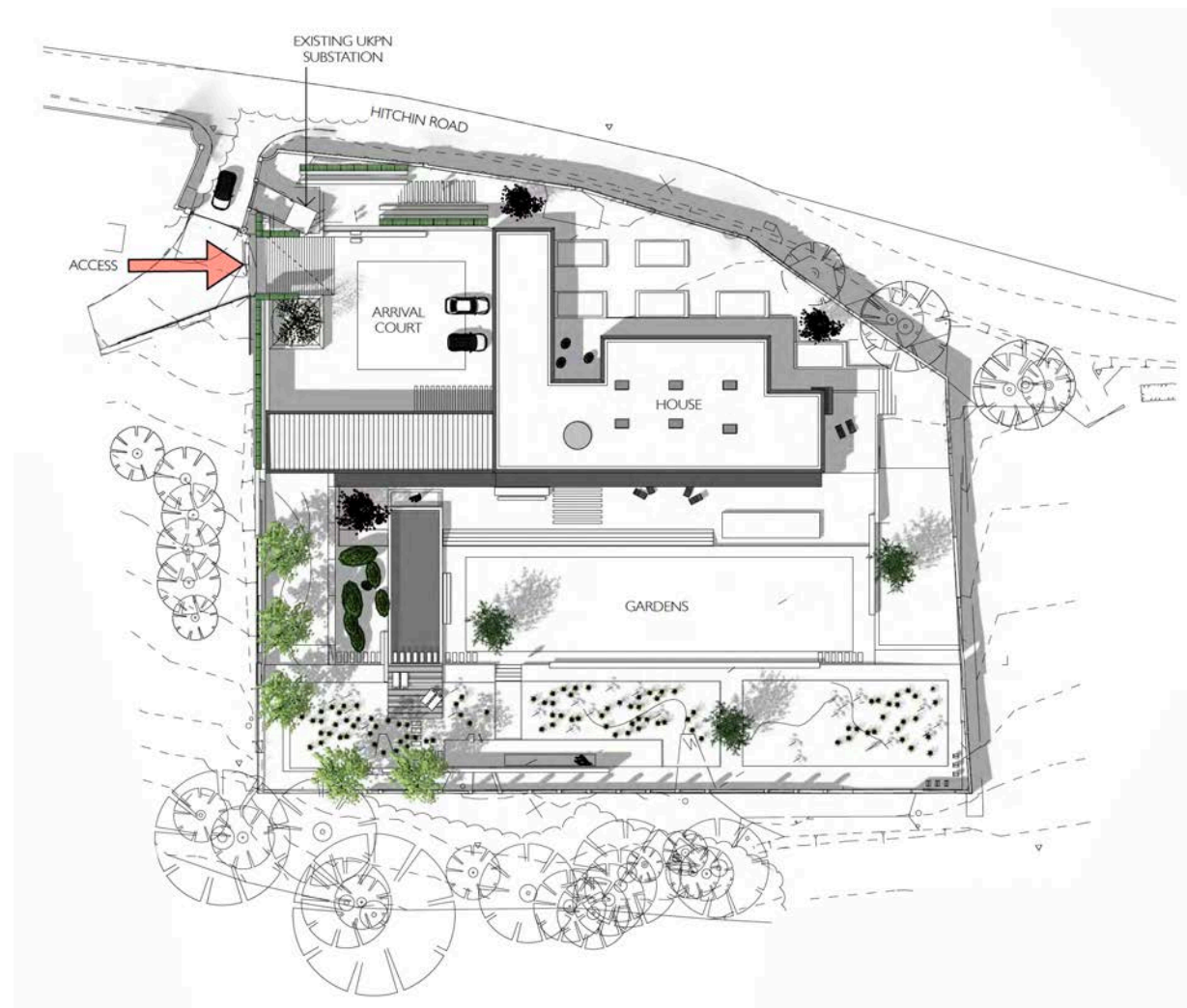
4.6 Key to the success of the scheme and to the very special circumstances case that is being made as a justification for the

proposed development is the conservation-led approach adopted in the design of the proposed development which would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.

- 4.7 The design concept proposes a new dwelling that would form a substantial freestanding structure occupying the northwest portion of the walled garden. Notwithstanding its scale, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure and reflect its historic use as a productive garden.

- 4.8 In liaison with Historic England, a visual impact appraisal of the proposed development, including the use of Verified Views, has been carried out and the findings are presented in the Pegasus Group's Landscape & Visual Appraisal and Bourne Heritage's Heritage Impact Assessment. These assist in demonstrating how the proposed development has evolved in response to potential impacts to the setting of the grade II listed Dower House and Preston Conservation Area, assessing public viewpoints (especially along Hitchin Road) as well as both designed and incidental views at locations within the Temple Dinsley Registered Park and Garden.

- 4.9 The submitted proposals for the domestic garden around the new structure have reduced the amount of organic and curvaceous forms while incorporating a clear line strongly evoking the former path aligned with the arched pedestrian access point on the north-eastern



- 4.10 It is important to acknowledge and recognise that this is not just a proposal for a new dwelling, but a dwelling set within a greatly enhanced historic landscape. The proposal is multi-faceted. The central plank of the development proposal is the creation of a highly sustainable house of outstanding quality of design that will further the Government's design and sustainability objectives by assisting in meeting the challenge of climate change through high quality sustainable design and construction, and significant nature conservation and landscape enhancements, thereby helping to raise the standards of design more generally.
- 4.11 Underpinning the proposals are important landscape conservation and enhancement works that seek to conserve and improve the site's landscape and nature conservation value through the creation of new landscape features and natural habitats drawing upon the site's historic use and the defining characteristics of the local area.
- 4.12 The conservation-led approach adopted in the design for the proposed development would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.
- 4.13 The constituent components of the scheme cannot be disaggregated for the purposes of assessing the overall quality and impact of the development proposals. It is important to have regard to them in combination when reaching an overall conclusion in environmental, heritage, landscape and design terms.



5.0 PLANNING POLICY FRAMEWORK

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the development plan unless material considerations indicate otherwise.

5.2 In this case, the relevant documents that currently have **development plan** status are: -

- North Herts Local Plan 2011-2031 (November 2022)
- Preston Parish Neighbourhood Plan 2018-2031 (December 2019)

5.3 The **other material considerations** that are of relevance in this case comprise: -

- National Planning Policy Framework (December 2023)
- Draft Sustainability SPD (November 2023)
- Design Supplementary Planning Document (July 2011)
- Preston Conservation Area Character Statement (December 2019)

Local Plan Policies Map

5.4 For the purposes of the development plan, the site lies outside of the Settlement Boundary of Preston and within countryside. The site also lies within the Green Belt. The site forms part of the Temple Dinsley Registered Park & Garden and it lies within the setting of the Preston Conservation Area and grade II listed Dower House. Wain Wood to the northwest of the site (on the opposite side of Hitchin Road) is a Site of Special Scientific Interest (SSSI) and parts of it are ancient woodland and a deciduous woodland priority habitat.

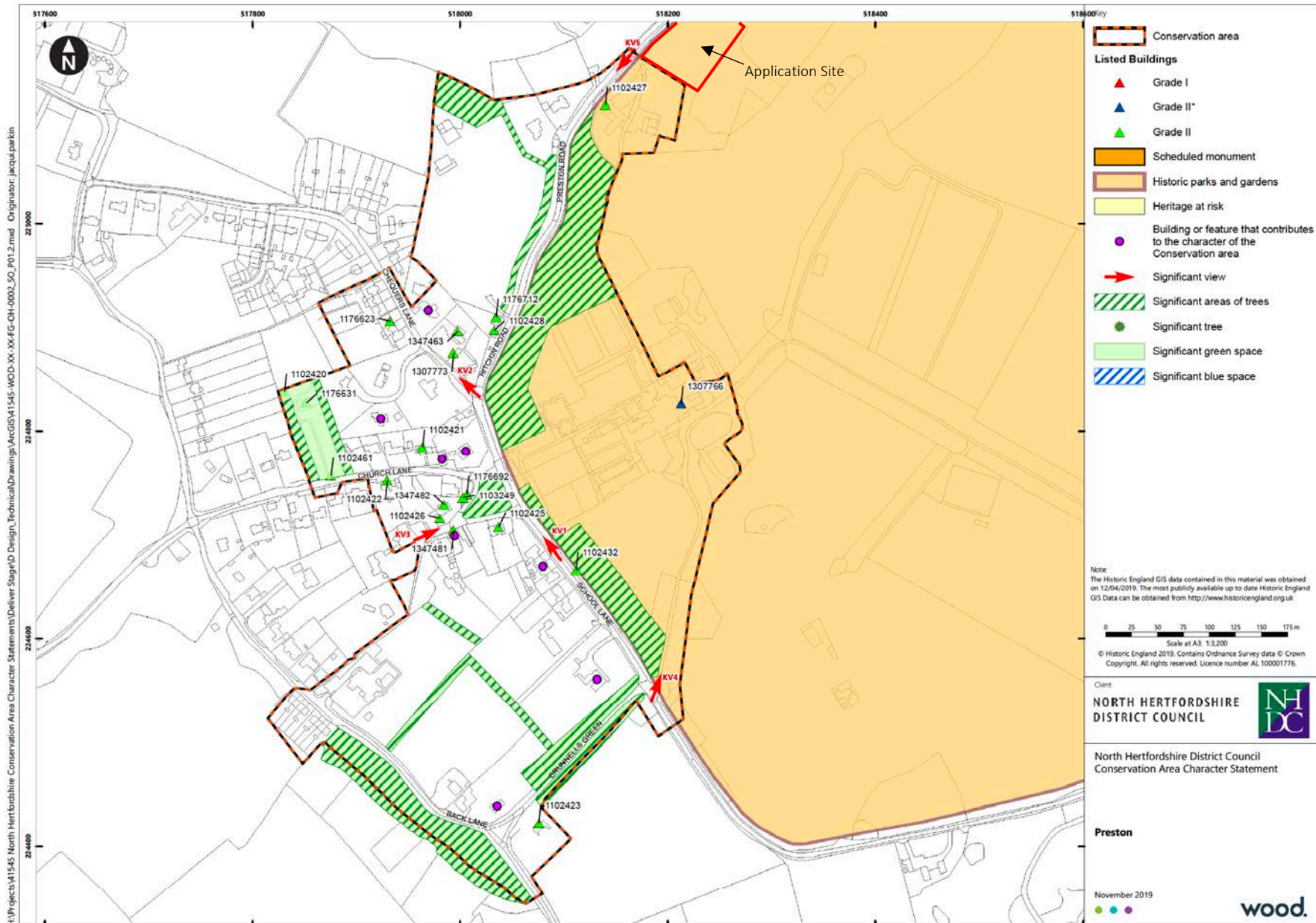
THE DEVELOPMENT PLAN

5.5 The relevant policies of the statutory development plan are contained in the North Herts Local Plan 2011-2031 adopted in November 2022 (“the Local Plan” or “LP”) and the Preston Parish Neighbourhood Plan 2018-2031 adopted in December 2019 (“the Preston Neighbourhood Plan” or “NP”).

North Herts Local Plan (November 2022)

5.6 The following policies are apposite: -

- Policy SP1 (Sustainable Development in North Hertfordshire)
- Policy SP2 (Settlement Hierarchy and Spatial Distribution)
- Policy SP5 (Countryside and Green Belt)
- Policy SP6 (Sustainable Transport)
- Policy SP9 (Design and Sustainability)
- Policy SP12 (Green Infrastructure, Landscape, and Biodiversity)
- Policy SP13 (Historic Environment)
- Policy T1 (Assessment of Transport Matters)
- Policy HS3 (Housing Mix)
- Policy D1 (Sustainable Design)
- Policy D3 (Protecting Living Conditions)
- Policy NE1 (Strategic Green Infrastructure)
- Policy NE2 (Landscape)
- Policy NE4 (Biodiversity and Geological Sites)
- Policy NE8 (Sustainable Drainage Systems)
- Policy NE11 (Contaminated Land)
- Policy HE1 (Designated Heritage Assets)
- Policy HE2 (Heritage at Risk)



Preston Parish Neighbourhood Plan (December 2019)

5.7 The following policies are apposite:

- Policy QL2 (Community Quality of Life)
- Policy QL3 (Local Distinctiveness)
- Policy HD1 (Residential Development)
- Policy HD3 (Housing Types)
- Policy HD5 (Sustainability and Energy Efficiency)
- Policy HD6 (Design)
- Policy HD7 (Gardens)
- Policy HD10 (New Housing Development)
- Policy EH1 (Village Boundary, Rural Character and Setting)
- Policy EH2 (Conservation Areas and Heritage Assets)
- Policy EH3 (Open and Green Spaces)
- Policy EH5 (Tranquillity and Dark Skies)
- Policy EH6 (Views and Vistas)
- Policy EH7 (Protecting and Enhancing the Local and Natural Environment)
- Policy EH8 (Hedgerows, Trees, and Verges)
- Policy TC1 (Safe and Sustainable Transport)

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework (December 2023)

5.8 The latest National Planning Policy Framework (NPPF) was published by the Conservative Government in December 2023 and sets out the government's policies on planning. The NPPF is a material consideration in the assessment of all development proposals. The NPPF 2023 is the sixth iteration of the Government's national planning policy framework.

5.9 At paragraph 2, the NPPF advises that planning law requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

5.10 At paragraphs 7 and 8, the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives to sustainable development: economic, social, and environmental. These overarching objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

5.11 Paragraphs 10 and 11 set out a presumption in favour of sustainable development. Decisions on planning applications should apply a presumption in favour of sustainable development. For decision taking this means either approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.12 With regards to the supply of housing, the NPPF advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.¹
- 5.13 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should seek opportunities through decisions to support small sites to come forward, particularly for self-build and custom-build housing.²
- 5.14 At paragraph 84, we are advised that planning decisions should avoid the development of *isolated* homes in the countryside unless one or more of the circumstances set out in paragraph 84 apply.
- 5.15 With regards to design, the NPPF advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.³
- 5.16 Planning decisions should ensure that developments: (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and

landscape setting, while not preventing or discouraging appropriate innovation or change.⁴

- 5.17 Significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.⁵
- 5.18 The Government's policy approach to development in the Green Belt is set out in section 13 of the NPPF. The Government attaches "great importance" to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.⁶ The purposes of including land in Green Belt are: (i) to check the unrestricted sprawl of large built-up areas; (ii) to prevent neighbouring towns merging into one another; (iii) to assist in safeguarding the countryside from encroachment; (iv) to preserve the setting and special character of historic towns; and (v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.⁷
- 5.19 In Green Belt terms, development effectively falls into one of two types: development that is inappropriate in Green Belt and development that is not inappropriate (or to put it in more simple terms, development that is inappropriate and development that is appropriate). Inappropriate development is by definition harmful to

¹ Paragraph 60 of the NPPF 2023

² Paragraph 70 of the NPPF 2023

³ Paragraph 131 of the NPPF 2023

⁴ Paragraph 135 of the NPPF 2023

⁵ Paragraph 139 of the NPPF 2023

⁶ Paragraph 142 of the NPPF 2023

⁷ Paragraph 143 of the NPPF 2023

the Green Belt and should not be approved except in “very special circumstances”.⁸

- 5.20 Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of Green Belts, such as retaining and enhancing landscapes, visual amenity, and biodiversity.⁹
- 5.21 A local planning authority should regard the construction of all new buildings as inappropriate development in Green Belt. Exceptions to this are set out in paragraph 154 of the NPPF.
- 5.22 The Government’s planning policies on meeting the challenge of climate change are set out in section 14 of the NPPF. The planning system should support the transition to a low carbon future in a changing climate.¹⁰
- 5.23 New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation, and design.¹¹ In determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.¹²
- 5.24 The Government’s planning policies on the conservation and enhancement of the natural environment are set out in section 15 of the NPPF. We are advised that the planning system should contribute to and enhance the natural and local environment by protecting and

⁸ Paragraph 152 of the NPPF 2023

⁹ Paragraph 150 of the NPPF 2023

¹⁰ Paragraph 157 of the NPPF 2023

¹¹ Paragraph 159 of the NPPF 2023

¹² Paragraph 162 of the NPPF 2023

enhancing valued landscapes and sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality in the development plan; recognising the intrinsic character and beauty of the countryside, including the best and most versatile agricultural land, trees and woodland; and minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.¹³ To protect and enhance biodiversity, proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.¹⁴

- 5.25 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.¹⁵
- 5.26 The Government’s planning policies on the conservation and enhancement of the historic environment is set out in section 16 of the NPPF. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.¹⁶

¹³ Paragraph 180 of the NPPF 2023

¹⁴ Paragraph 185 of the NPPF 2023

¹⁵ Paragraph 191 of the NPPF 2023

¹⁶ Paragraph 200 of the NPPF 2023

- 5.27 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.¹⁷
- 5.28 In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.¹⁸
- 5.29 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.¹⁹
- 5.30 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.²⁰

Draft Sustainability SPD (November 2023)

- 5.31 This Supplementary Planning Document (SPD) sets out the standards required to meet the visions, objectives and policies of the North Herts District Local Plan as sustainably as possible. It comes at a critical time in the approach to climate change and the environmental crisis by both local and national government, and after Parliament revised the 2008 Climate Change Act to bring carbon reductions to 100% by 2050.
- 5.32 This document is designed to provide further guidance and to set out what our expectations are for different forms of development when applying the Local Plan policies

Design Supplementary Planning Document (July 2011)

- 5.33 The North Hertfordshire Design SPD has been prepared as part of the North Hertfordshire Local Development Framework. The design SPD expands on the policies in the development plan.
- 5.34 With regards to Preston, we are advised²¹ that Preston is a small, picturesque village adjoining the grounds of Princess Helena College. A characteristic feature of the village is the number of tree-lined and hedged lanes which restrict views and add to its rural character. Preston, located in wooded country south of Hitchin, is spread amongst winding lanes loosely based on a figure '8'. The church is a

¹⁷ Paragraph 201 of the NPPF 2023

¹⁸ Paragraph 203 of the NPPF 2023

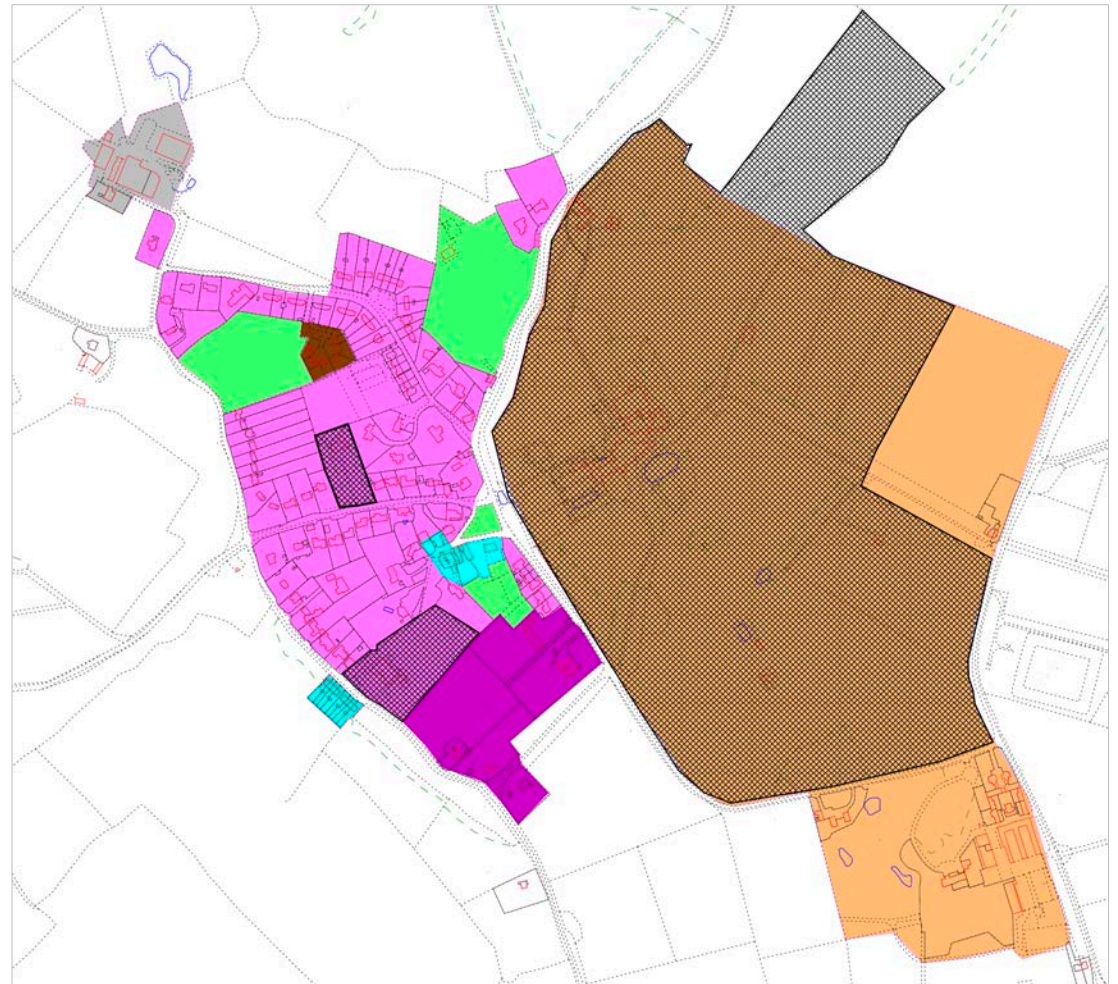
¹⁹ Paragraph 205 of the NPPF 2023

²⁰ Paragraph 209 of the NPPF 2023

²¹ In paragraphs 340 – 347 of the Design SPD

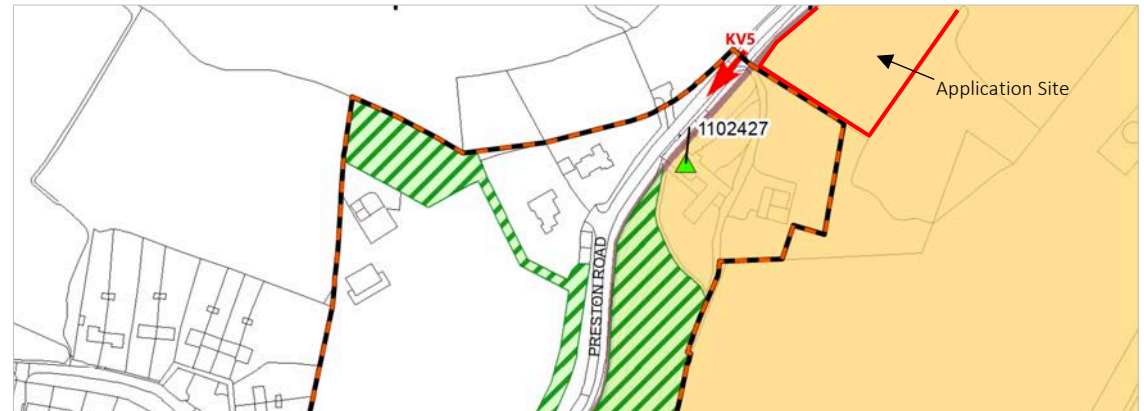
modern building erected in 1900 with a steep roof and pebbledash exterior.

- 5.35 Of particular note is Temple Dinsley, a Georgian House standing on the site of a preceptory of the Knights Templar and extended by Lutyens so that his work is now predominant.
- 5.36 Some of the character of Preston has been preserved by its old buildings particularly around Preston Green which forms the heart of the village. The school is located away from the centre on the western edge of the village. The church lies closer to the centre on Church Lane. The centre of the village, where the pub and village green are situated, is on the eastern edge overlooking the grounds of Princess Helena College. The village pond is on the opposite side of Hitchin Road to the village green. The conservation area covers all these features, incorporating most areas to the north, south and east of the village.
- 5.37 There are limited views in and out of the village due to the abundance of trees and garden vegetation. The village green is an important feature within the village. Many detached buildings mainly brick, set back from the road within gardens. Buildings grouped around the village green otherwise buildings spread out. Preston has a unique sense of place. The amount and quality of the tree and hedge lined lanes within the village create a strong rural character. The contained nature of the settlement also adds to its rural character.
- 5.38 The design principles for Preston are to encourage and maintain the boundary trees and shrubs lining the village lanes. Maintain Preston Green as the village centre and encourage closer ties with the village pond.



Preston Conservation Area Character Statement (December 2019)

- 5.39 Preston Conservation Area was designated in 1970, and its boundary amended in 1984 and 1990. This report has been produced for the purpose of appraising the character of Preston Conservation Area and it includes a character assessment highlighting key features.
- 5.40 Notably, the view of the Dower House, just beyond the Application Site as one approaches the village from the northeast is identified in the Statement as a key view (view KV5). The boundary wall of the Application Site is behind this key view.
- 5.41 The Character Statement explains that the character of the village is very green, with much mature planting, a dominating wide grass verge along the Temple Dinsley boundary, and a lack of pavements, except leading away from the village green to the north and south. A large part of the Conservation Area is within the Registered Park & Garden of the Temple Dinsley grounds. Although this has rendered a significant part of the Conservation Area out of bounds to public access, the estate and its development has played a central role in that of Preston as a whole and it is part of a wider landscape design theme led by Sir Edwin Lutyens.²²



²² Paragraphs 2.2.4 and 2.2.5

6.0 APPRAISAL

- 6.1 The Application Site extends to approximately 1.2 acres and comprises a derelict walled garden of rectangular shape situated to the northeast of Dower House. The wall is in a very poor state of repair with partial collapse along the site's southeast boundary and total loss along its southwest boundary. A short section of wall has been rebuilt in relatively recent times (circa 2020) along the northwest boundary, adjacent to the vehicular access to the site and Dower House.
- 6.2 The site lies on the periphery of the settlement of Preston and its Conservation Area in which there are a number of notable buildings designed by Sir Edward Lutyens. The site lies outside of the Settlement Boundary of Preston and within the countryside for planning policy purposes. The site also lies within the Green Belt and forms part of the Temple Dinsley Registered Park & Garden. Dower House is a grade II Listed Building. The walled garden is a non-designated heritage asset. The edge of the Preston Conservation Area adjoins the site's south-western boundary. The substantive part of the ancient 'Wain Wood' to the northwest of the site, on the opposite side of Hitchin Road, is a Site of Special Scientific Interest (SSSI).
- 6.3 Full planning permission is sought for the erection of self-build dwelling + landscape & ecological enhancements and associated works ("the Proposed Development") on site at Walled Garden, Hitchin Road, Preston, Hertfordshire, SG4 7TZ ("the Application Site").



6.4 The proposal comprises the erection of a new dwelling within the derelict walled garden. The immediate setting of the dwelling is to be enhanced through sensitive landscaping, embracing ecological enhancements. The existing walls are beyond the point of repair with total loss in some locations, and a crucial component of the scheme, and the key to its success, is the faithful rebuilding of the walls following existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible.

6.5 The **main issues** for consideration are, firstly, whether the proposal would be inappropriate development and the effect on the openness of the Green Belt; and if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal. The design quality of the development and its effects on landscape, ecology & biodiversity, and heritage assets are also considered within the main issues.

6.6 Other matters to consider are: -

- i. *Drainage*
- ii. *Light & Noise Pollution*
- iii. *Land Contamination*
- iv. *Residential Amenity*
- v. *Highway safety, access, and parking standards*

CONSIDERATION OF MAIN ISSUES

6.7 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.8 The development plan for the area includes the North Herts Local Plan 2011-2031 adopted in November 2022 (“the Local Plan” or “LP”) and the Preston Parish Neighbourhood Plan 2018-2031 adopted in December 2019 (“the Preston Neighbourhood Plan” or “NP”).

6.9 The other material considerations include the National Planning Policy Framework (December 2023), Draft Sustainability SPD (November 2023), Design Supplementary Planning Document (July 2011) and Preston Conservation Area Character Statement (December 2019).

Green Belt

6.10 LP Policy SP5 (Countryside and Green Belt) supports the principles of the Green Belt and recognises the intrinsic value of the countryside. The LPA will only permit development proposals in the Green Belt where they would not result in inappropriate development **or** where very special circumstances have been demonstrated. The supporting justification for the policy explains that proposals for development within the Green Belt will be considered against national policy.

6.11 Section 13 of the National Planning Policy Framework 2023 (“the NPPF” or “Framework”) sets out the Government’s policy approach to development in Green Belt. The NPPF advises at paragraph 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.12 The NPPF defines inappropriate development in the Green Belt. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are listed in paragraph 154. Certain other forms of development are also not inappropriate in the Green Belt as set out in paragraph 155

provided they preserve its openness and do not conflict with the purposes of including land within it, including material changes in the use of land.

- 6.13 It is clear from the above that the development plan and NPPF are in close alignment regarding the approach to development in the Green Belt.
- 6.14 By virtue that the proposed development involves the erection of a new dwelling on land that is largely undeveloped, it is acknowledged that the proposal would have a greater impact on the openness of the Green Belt than the existing scenario. The proposal does not fall within any of the categories identified in the NPPF as being not inappropriate and it is therefore the case that the proposed development comprises inappropriate development in Green Belt.
- 6.15 It is also accepted that in spatial and visual terms, the proposal would have a demonstrable effect on the openness of the Green Belt by introducing built development into land which is currently undeveloped, save for the brick walls and a small electricity substation. The proposal would therefore have an adverse impact on the spaciousness and openness of the site.
- 6.16 However, in this case, the proposal is specifically promulgated on the basis that the benefits of the scheme, taken as a whole, are sufficiently unique and in sufficient quantum to amount to very special circumstances. The application advances that the outstanding design quality and sustainability of the proposed dwelling, in accord with paragraph 139b of the NPPF 2023, together with landscape and ecological enhancements, and meaningful benefits to heritage assets should be regarded as a very special

circumstances case that is difficult to replicate and of sufficiently substantial merit to clearly outweigh any harm arising from the proposal to the Green Belt. The application also argues that there will be other economic, social, and environmental benefits that would result from this proposal that too would contribute to the very special circumstances.

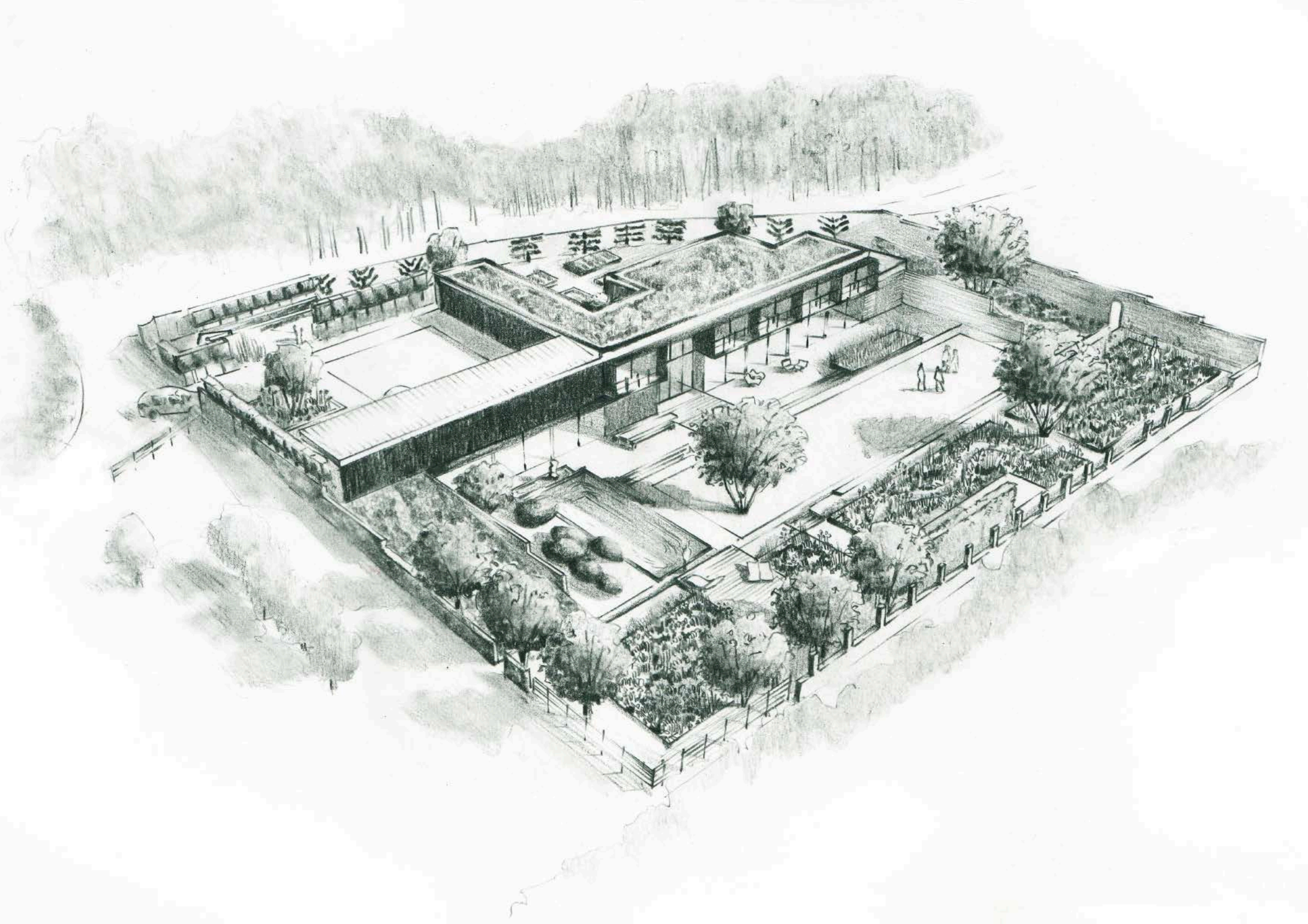
- 6.17 We therefore go on to describe and explain these other material considerations of the development before undertaking the Green Belt and overall planning balance to assist the decision-making process.
- 6.18 The following considerations are advanced in support of the proposal.
- 6.19 It is important to acknowledge and recognise that the proposal is not just a new dwelling, but a new dwelling of outstanding design quality situated within an enhanced landscape and historic setting. The proposal seeks to deliver a legacy project for the district out of the Applicants' genuine desire to design and build something truly special. Unique. Outstanding. It is also important to recognise that the objectives for, and outcomes of, the proposal are to be assessed within the current climate emergency. The Council formally declared a climate emergency in May 2019 and an ecological emergency in July 2023 and committed to setting a goal for the district to reach net zero emissions by 2030 (just six years away).²³ Tackling climate change is crucial for the long-term welfare of the district and its residents, and the Council will champion the movement towards zero-carbon communities.
- 6.20 Planning can and must play a key role.

²³ Draft Sustainability SPD (November 2023)

- 6.21 The proposal comprises the erection of a new dwelling within the walled garden. The immediate setting of the dwelling is to be enhanced through sensitive landscaping, embracing ecological enhancements. The existing walls are beyond the point of repair with total loss in some locations, and a crucial component of the scheme is the faithful rebuilding of the walls following existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible.
- 6.22 Key to the success of the scheme and to the very special circumstances case that is being made as a justification for the application is the conservation-led approach adopted in the design for the proposed development which would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.
- 6.23 The submitted proposals for the domestic garden around the new structure incorporate a clear line strongly evoking the former path aligned with the arched pedestrian access point on the north-eastern wall. In all, the proposed landscaping scheme reflects the ordered character typical of a walled kitchen garden, referring to the historic layout as recorded in historic mapping and aerial photos and including areas of fruit and vegetable production.
- 6.24 It is important to acknowledge and recognise that this is not just a proposal for a new dwelling, but a dwelling set within a greatly enhanced historic landscape. The proposal is multi-faceted. The central plank of the development proposal is the creation of a highly sustainable house of outstanding quality of design that will further the Government's design and sustainability objectives by assisting in

meeting the challenge of climate change through high quality sustainable design and construction, and significant landscape and ecological enhancements, thereby helping to raise the standards of design more generally. Underpinning the proposals are important landscape conservation and enhancement works that seek to conserve and improve the site's landscape and nature conservation value through the creation of new landscape features and natural habitats drawing upon the site's historic use and the defining characteristics of the local area.

- 6.25 The constituent components of the scheme cannot be disaggregated for the purposes of assessing the overall quality and impact of the development proposals. It is important to have regard to them in combination when reaching an overall conclusion in environmental, heritage, and design terms.
- 6.26 The proposals embrace a series of positive elements, including: -
- Outstanding architectural design,
 - Exceptional building performance and energy strategy,
 - Enhancement of landscape character and visual amenity of the site,
 - Enhancement of the site's nature conservation value,
 - Exemplar for high-quality sustainable house design,
 - Securing a positive function and future for the walled garden,
 - Restoring its enclosed form,
 - Sensitively rebuilding the surviving lengths of brick wall,
 - Reflecting historic horticultural activity and interest via the new domestic garden with productive elements, and
 - A sustainable legacy project which could deliver a listed building of the future.

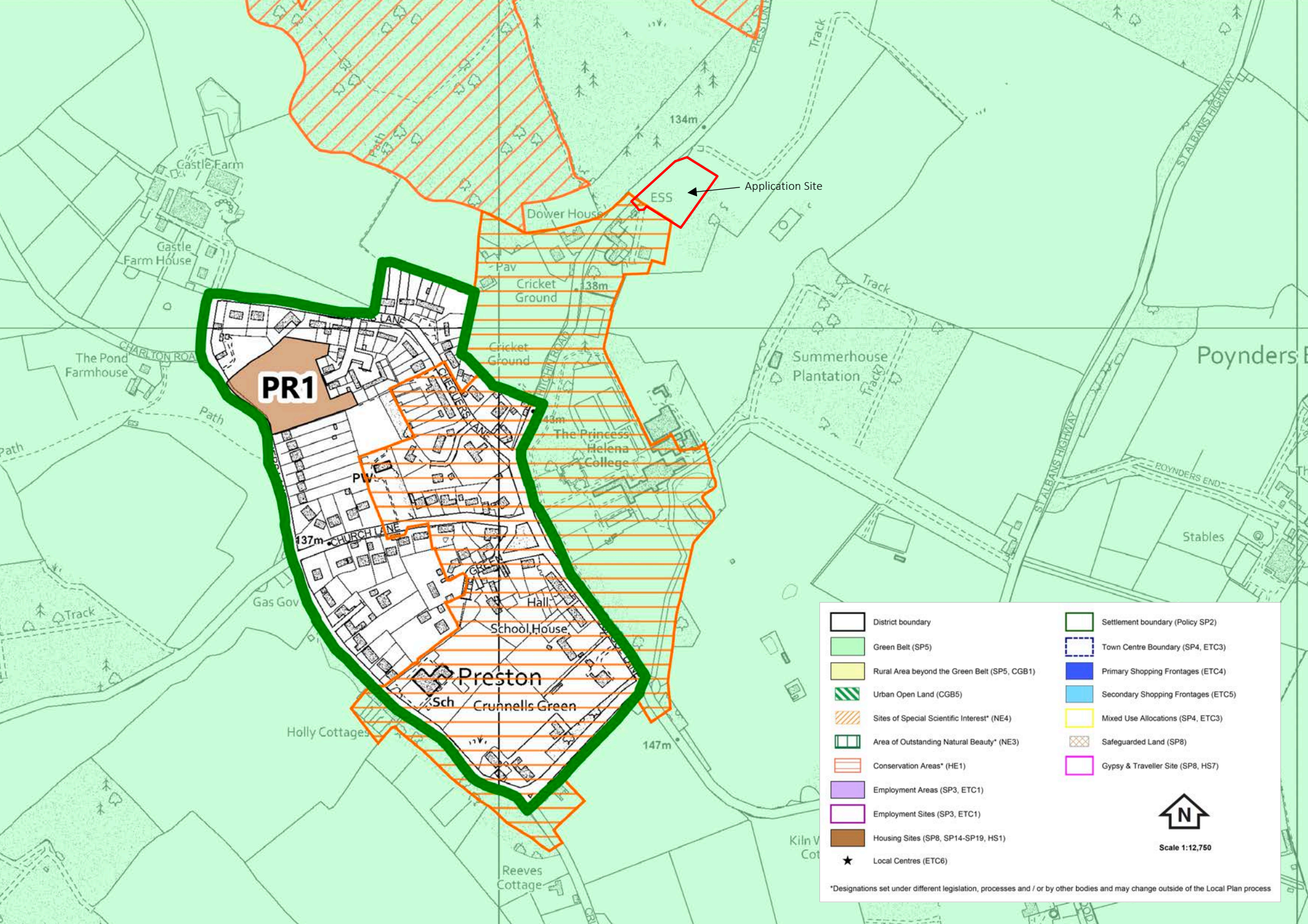


Location

- 6.27 LP Policy SP2 (Settlement Hierarchy and Spatial Distribution) identifies Preston as a Category A village in which general development will be allowed within the defined settlement boundary. Development outside of these locations or general parameters will be permitted where this is supported by an adopted Neighbourhood Plan.
- 6.28 LP Policy SP6 (Sustainable Transport) seeks to promote the use of sustainable transport modes insofar as reasonable and practicable. The LPA will encourage development in locations which enable sustainable journeys to be made to key services and facilities.
- 6.29 NP Policy HD1 (Residential Development) sets out criteria for which proposals for residential development within the settlement boundary will be supported. Development proposals outside the settlement boundary will only be supported where they comply with national and local policies for development in the countryside.
- 6.30 NP Policy TC1 (Safe and Sustainable Transport) states that residential development proposals will be supported where amenities in the village can be readily and safely accessed by pedestrians and cyclists.
- 6.31 Preston is a small settlement which of itself is excluded from the Green Belt. The Application Site lies just 0.3km outside of the settlement boundary of Preston as defined by the Local Plan. Preston is a Category A village in which general development is permissible within its defined settlement boundary. It is a sustainable settlement. Whilst the site is not within the village boundary, the site would benefit from access to nearby recreation grounds, a bus stop, public house and a Nursery School. Furthermore, the proposal would complement the adjacent residential development at Dower House,

and it would bring meaningful environmental and heritage benefits to the site and locality. The situation for future residents of the Application Site in transportation terms is the same as for the occupants of Dower House and the future occupants of the barn which benefits from planning permission for conversion to one dwelling (20/01539/FP).

- 6.32 With regards to locational sustainability, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making (para. 109).
- 6.33 Thus, whilst the Application Site is not within the settlement boundary as defined by the Local Plan, nor is it within an unsustainable location.
- 6.34 The NPPF is a weighty material consideration in this case and the application will be considered within the light of the planning policy framework taken as a whole. At paragraph 84 of the NPPF, we are advised that planning decisions should avoid the development of isolated homes in the countryside. In this case, whilst the site is situated 0.3km outside of the defined settlement boundary of Preston and within the countryside for planning policy purposes, it is self-evident that the site is not isolated in a physical sense being part of the wider conglomeration of dwellings that forms the northeastern periphery of Preston.
- 6.35 As the site is not isolated paragraph 84 would not preclude a residential use although the proposal needs to be able to demonstrate compliance with other policy objectives as set out in the development plan and NPPF. The development plan must be taken as a whole. We therefore move onto these other considerations below.



District boundary	Settlement boundary (Policy SP2)
Green Belt (SP5)	Town Centre Boundary (SP4, ETC3)
Rural Area beyond the Green Belt (SP5, CGB1)	Primary Shopping Frontages (ETC4)
Urban Open Land (CGB5)	Secondary Shopping Frontages (ETC5)
Sites of Special Scientific Interest* (NE4)	Mixed Use Allocations (SP4, ETC3)
Area of Outstanding Natural Beauty* (NE3)	Safeguarded Land (SP8)
Conservation Areas* (HE1)	Gypsy & Traveller Site (SP8, HS7)
Employment Areas (SP3, ETC1)	
Employment Sites (SP3, ETC1)	
Housing Sites (SP8, SP14-SP19, HS1)	
Local Centres (ETC6)	



Scale 1:12,750

*Designations set under different legislation, processes and / or by other bodies and may change outside of the Local Plan process

Design Quality

- 6.36 The Framework sees achieving good design as a key output of the planning process. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (NPPF, para. 131). Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (NPPF, para. 135).
- 6.37 Paragraph 139 advises local planning authorities to attribute “*significant weight*” to *outstanding or innovative* designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.38 LP Policy SP9 (Design and Sustainability) reiterates that good design is a key aspect of sustainable development. The LPA will support new development where it is well designed and located and responds positively to its local context.
- 6.39 LP Policy HS3 (Housing Mix) states that planning permission for new homes will be granted provided that the scheme would provide a density, scale, and character of development appropriate to its location and surroundings.

- 6.40 LP Policy D1 (Sustainable Design) states that planning permission will be granted provided that development proposals: a) respond positively to the site’s local context; and b) take all reasonable opportunities, consistent with the nature and scale of the scheme, to: i. create or enhance public realm; ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS); iii. reduce energy consumption and waste; iv. retain existing vegetation and propose appropriate new planting; v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas; vi. future proof for changes in technology and lifestyle; vii. design-out opportunities for crime and anti-social behaviour; and viii. minimise the visual impact of street furniture and parking provision.
- 6.41 NP Policy QL3 (Local Distinctiveness) states that the architecture of, and landscaping schemes in, all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.
- 6.42 NP Policy HD6 (Design) states that new housing schemes should be designed to incorporate appropriate storage facilities for refuse bins, bicycles, and mobility scooters. They should also provide a minimum of 1 secure, covered cycle parking space per new residential unit.
- 6.43 NP Policy HD10 (New Housing Development) states that new dwellings will be supported where the proposal maintains and contributes to the local character of Preston. Development schemes should be designed in such a way that the green spaces and green lanes of the village are protected and landscaped appropriately. New access arrangements should be safe and take account of the character of the rural lanes in the parish.

- 6.44 NP Policy EH1 (Village Boundary, Rural Character and Setting) states that development proposals should retain a clear visual separation between Preston and nearby villages and settlements. In addition, they should ensure that the open countryside, woodlands, hedgerows, and green corridors are protected and, where practicable, enhanced. Development proposals which would unacceptably impact on these environmental assets will not be supported.
- 6.45 The Council's Design Supplementary Planning Document (July 2011) advises that the best way to promote successful and sustainable regeneration, conservation and place-making is to think about urban (and rural) design from the start of the planning process. This can be viewed as imperative in the justification of applications. Applicants must be able to show how they have taken account of the need for good design in their development proposals taking into consideration form, layout, character and context, and that they have had regard to relevant development plan policies and supplementary design guidance referred to in this document. The use of design specialists such as architects, landscape architects or urban designers early in the process will also ensure that urban design issues are taken into account.²⁴
- 6.46 The ambition is for a new contemporary home to meet current and potential future needs. A sustainable, legacy project is envisaged with a strong relationship to the site, immediate and wider landscape, set within the walled garden. The design drivers for the scheme are drawn from the site characteristics having regard to the client brief.

- 6.47 The design concept proposes a new dwelling that would form a substantial freestanding structure occupying the northwest portion of the walled garden. Notwithstanding its scale, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure and reflect its historic use as a productive garden.
- 6.48 The proposal includes a new modern dwelling over two stories (ground floor and lower ground floor) clad in charred timber, with chalk coloured brickwork to reflect the context of the site. This also includes elements of glazing to metal framed sliding doors and external balustrades. In terms of accommodation, the house includes six bedrooms, a study, a cloakroom and a garage at ground floor level. At the lower ground floor level there are kitchen, living and dining spaces as well as leisure spaces that include a cinema, pool, gym and yoga studio, as well as a garaging with space for up to six cars.
- 6.49 Key to the success of the scheme and to the very special circumstances case that is being made as a justification for the proposed development is the conservation-led approach adopted in the design of the proposed development which would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.

²⁴ Paragraphs 24 – 26 of the Design SPD

- 6.50 Given the unique nature of the Application Site, the design seeks to introduce a building that appears single storey from the approaches into and out of the village along Hitchin Road, these comprising the only publicly accessible locations from which the site can be viewed. The dwelling is of a contemporary design with a linear flat roof. The simple form of the building is both beautiful and responsive to its setting within the walled garden. It was crucial to the success of the design that the dwelling was not over-articulated which may otherwise compete and contrast with the site's basic form.
- 6.51 The scheme has evolved in close collaboration with Historic England given the heritage significance of the site and surrounding area, including the non-designated heritage asset status of the walled garden, its setting within the Temple Dinsley Registered Park & Garden, its setting in relation to the Preston Conservation Area and its setting in relation to the grade II listed Dower House.
- 6.52 The historic function of the walled garden as a location to grow produce has been a further driver of the design and the building sits to one side of the site, so as to minimise its impact on the openness of the site and Green Belt. New planting within the surrounding domestic garden would further break up the form of the new structure.
- 6.53 The proposed dwelling is an interesting and unique design, and as a stand-alone piece of contemporary architecture is of very high quality. To the extent that the dwelling would integrate into the walled garden and its immediately surrounding area, the proposals will undoubtedly enhance the immediate setting and this non-designated heritage asset and assist in raising standards of design more generally in rural areas.

- 6.54 What makes the scheme uniquely interesting and outstanding in design terms is the manner in which all of the various architectural, landscape, topographical, visual, historic, environmental, ecological, technological and climatic considerations are brought together and fully resolved in a building that is beautifully designed, within the historic walled garden.
- 6.55 The architecture of this proposal is undoubtedly of very high quality, has been designed with flair and imagination and the form is carefully and skilfully conceived. It is a considered building that reflects the client's needs and their high aspirations. Its design is sensitive to the context but also challenges and explores the built form and the use of traditional and modern materials. This is pioneering and will undoubtedly prompt discussion and debate about how contemporary buildings can successfully integrate into historic landscapes, just as those buildings did which we now describe as historic when they were first conceived, including those of Sir Edwin Lutyens who is famed for creating an interplay between architecture and landscape, including examples within the village of Preston.



- 6.56 The planning system should also support the transition to a low carbon future in a changing climate (NPPF, para. 157). New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions, such as through its location, orientation, and design (NPPF, para. 159). To help increase the use and supply of renewable and low carbon energy and heat, proposals should provide a positive strategy for energy from these sources, that maximises the potential for development (NPPF, para. 160).
- 6.57 In determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply; and take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption (NPPF, para. 162).
- 6.58 NP Policy HD5 (Sustainability and Energy Efficiency) states that proposals with a low carbon footprint will be encouraged. The provision of electric car charging points for all new homes will also be supported as will proposals that enable residents to work from home.
- 6.59 The Council has recently completed its consultation on the *Draft Sustainability SPD (November 2023)* which sets out the standards required to meet the visions, objectives and policies of the North Herts District Local Plan as sustainably as possible.
- 6.60 It comes at a critical time in the approach to climate change and the environmental crisis by both local and national government, and after Parliament revised the 2008 Climate Change Act to bring carbon reductions to 100% by 2050.

- 6.61 The application is accompanied by an **Energy Report** (July 2024) prepared by MESH Energy.
- 6.62 Whilst many of the dwelling's sustainability features on their own are already good practice, collectively they provide an argument that they would contribute to the raising of the standard of design in rural areas. Sustainability factors have clearly driven the design of the dwelling from the initial concept. Particularly many of the passive measures could be part of the design and fabric of rural buildings, rather than relying heavily on the add-on technologies for energy generation. By integrating the sustainable and design measures into a design which is in sympathy to the character of the site and local area, it would demonstrate that high design standards can be achieved in rural areas.
- 6.63 The proposal has been approached in a way that seeks to integrate the architecture, landscape and sustainability aspects, and exhibits integrity. The result is something where the design of the building is clearly connected to the proposed landscape enhancements and the landscape itself. It would better reveal the significance of this non-designated heritage asset.
- 6.64 The principal aim of the energy strategy for the proposed dwelling is to reduce its reliance on imported energy, minimise the impacts of its operations and to address the demands of lifestyle in addition to regulated energy consumption. The result of the proposed energy efficiency measures is that the new home will substantially exceed the current definition of zero carbon. Zero carbon is a nominal definition used to identify the point at which renewable energy generation matches the regulated energy consumption of a dwelling, that is - the heating, hot water, lighting and any ventilation or cooling. This conventional definition does not consider other aspects of habitation such as cooking, laundry, home working and

entertainment. This new home, however, will go far further than simply zero carbon under the Building Regulations. It addresses the entire lifetime energy impact associated with living in the countryside.

- 6.65 Through these means, the environmental footprint of the proposed dwelling would be minimal, and the high environmental standards of design promoted by LP Policy D1 (Sustainable Design), NP Policy HD5 (Sustainability and Energy Efficiency), and the Council's Draft Sustainability SPD would be advanced.
- 6.66 Whilst certain aspects of the low carbon energy strategy have been utilised in previous developments, the instances where the component parts of the system have been used in combination in a residential context are rare. The combination of energy technologies employed in the design is genuinely innovative in nature, and together would advance the body of knowledge and development of sustainable technologies. In this regard, the nature of the proposal and the potential contribution it would make to furthering research in the field of holistic sustainable design and construction would be genuinely pioneering. Taking into account the very few examples of comparable projects, and the very limited number that seek to use the technology in a residential context, the proposal can accurately be described as both outstanding and innovative in its nature of design.
- 6.67 One aspect that is clearly innovative and of exceptional quality is the process that the design team has undertaken to arrive at the chosen design. The dwelling has not been designed in order to maximise financial return or to satisfy a 'wish list'; rather it is designed around the individual requirements of the applicants' lifestyle, their personal

interests, work patterns, the level of maintenance they are able to undertake etc., and the specific opportunities presented by the site in this location. In this respect the proposal would reflect the highest standards in architecture and help to raise standards of design more generally.

- 6.68 Moreover, the above technologies and energy strategy would be provided within a building and landscape that is visually attractive as a result of outstanding architecture and the successful assimilation of the dwelling into the walled garden.
- 6.69 Taking full account of the aims and objectives of the proposals, the potential contribution it would make to furthering research in the field of holistic sustainable design and construction and the resultant visual and landscape qualities that would accrue to the site and its immediate setting, it is that there are sufficient aspects of the overall scheme that are both outstanding and innovative.
- 6.70 With regards to the weight to be attached to design quality in terms of Green Belt considerations, we draw to the LPAs attention an appeal decision²⁵ in which an Inspector determined that the exceptional design quality of the scheme, coupled with landscape and ecological management measures would meet the highest design standards set by the NPPF. He considered in that case that this amounted to very special circumstances. This appeal decision underlies the Applicants' proposition that exceptional design quality allied with landscape and ecological enhancements can amount to very special circumstances.
- 6.71 In another appeal decision²⁶, the Inspector gave weight to the exceptional quality and innovative design of a proposed dwelling in

²⁵ Appeal reference APP/R3650/W/15/3140645 dated 14 June 2016

²⁶ Appeal reference APP/N3020/A/08/2061839 dated 30 December 2008

the Nottinghamshire Green Belt. The site is in the Gedling Borough area of Nottinghamshire. Rob Hughes was involved in the appeal. In that case, the proposal comprised the replacement of an existing dwelling (a small bungalow) with a substantially larger two-storey dwelling with annex which by virtue of it being materially larger was deemed to be an inappropriate form of development in the Green Belt. The exceptional quality and innovative design of the proposed dwelling amounted to very special circumstances.

- 6.72 In a more recent LPA decision, a proposal for a NPPF Paragraph 80e (now 84e) new country house, located in the Green Belt and on the site of a former quarry, was granted planning permission by Northumberland County Council in November 2023²⁷ with the LPA opining that, in combination, the positive considerations that were put forward in favour of the scheme was considered to carry very considerable weight in its favour. On this basis, and in the overall planning balance, it is officer opinion that these clearly outweigh the Green Belt and other harm.
- 6.73 Insofar as the proposed development embodies an exceptional quality of sustainable building and design construction including super-insulated envelope, airtight construction, high performance glazing, thermal bridge-free and heat recovery ventilation; and minimises the need for energy; maximises the use of renewable energy; maximises water efficiency; and will be resilient in the long-term to the potential impacts of climate change, the proposals comprise an outstanding and innovative design which promotes very high levels of sustainability.

- 6.74 In this respect, the proposal clearly accords with the aims and objectives of Local Plan policies SP9 (Design and Sustainability), HS3 (Housing Mix) and D1 (Sustainable Design); Neighbourhood Plan policies QL3 (Local Distinctiveness), HD6 (Design), HD10 (New Housing Development) and EH1 (Village Boundary, Rural Character and Setting), the Council's own Design Supplementary Planning Document (July 2011), the Draft Sustainability SPD (November 2023), and the NPPF (2023) in relation to sustainable design and construction and climate change.
- 6.75 The proposal attracts weight from the NPPF wherein paragraph 131 advises that good design is a key aspect of sustainable development and planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (NPPF, para. 135).
- 6.76 The proposal attracts weight from paragraph 139 of the NPPF which advises local planning authorities to attribute "*significant weight*" to *outstanding or innovative* designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

²⁷ Application reference 23/01735/FUL (9th November 2023)

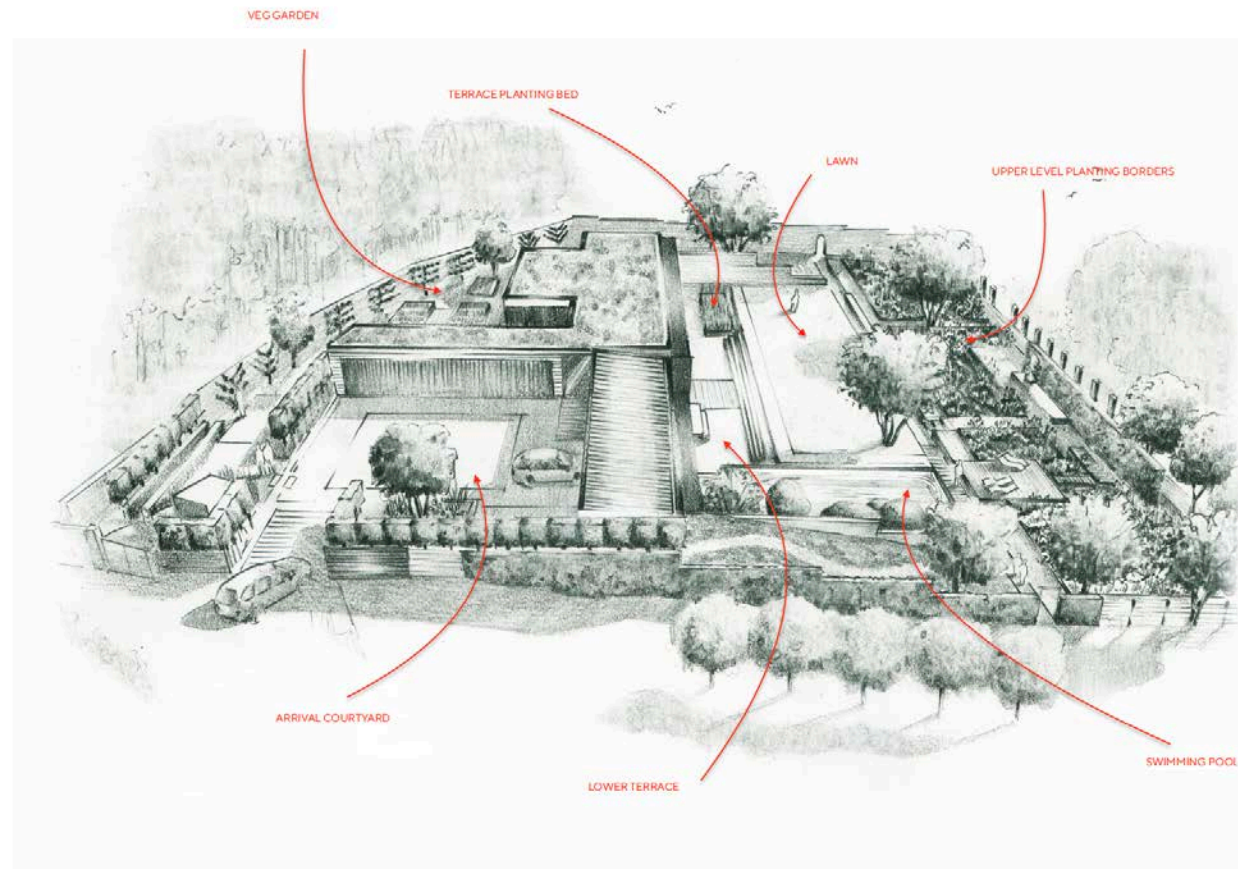
Enhancement of Landscape Character and Visual Amenity

- 6.77 The Government's planning policies on the conservation and enhancement of the natural environment are set out in section 15 of the NPPF. Para. 180 advises that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality in the development plan; and recognise the intrinsic character and beauty of the countryside.
- 6.78 LP Policy SP9 (Design and Sustainability) states that the Council will support new development where it is well-designed and located and responds positively to its local context.
- 6.79 LP Policy SP12 (Green infrastructure, landscape, and biodiversity) states that the LPA will consider and respect landscape character, scenic beauty, and locally sensitive features.
- 6.80 LP Policy NE2 (Landscape) states that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management; do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this; are designed and located to ensure the health and future retention of important landscape features; and have considered the long-term management and maintenance of any existing and proposed landscaping.

- 6.81 NP Policy QL3 (Local Distinctiveness) states that the architecture of, and landscaping schemes in, all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.
- 6.82 NP Policy HD7 (Gardens) states that proposals for new homes should incorporate the provision of a private garden of a size proportionate to the size of the house concerned.
- 6.83 NP Policy HD10 (New Housing Development) states that new dwellings will be supported where the proposal maintains and contributes to the local character of Preston.
- 6.84 Reference should be made to the submitted **Landscape Design Statement** (July 2024) and **Landscape and Visual Appraisal** (July 2024) which have informed the development proposal.
- 6.85 The landscape design for the walled garden is principally defined by its historic use as a productive vegetable garden. The proposal features an axial geometry sympathetic to the utilitarian past whilst creating a more ornamental modern garden, tied to the architectural language of the house. Influenced by the Lutyens association of the nearby Temple Dinsley, the scheme references the Arts and Crafts style prevalent in Preston through the creation of an interplay between architecture and landscape.
- 6.86 The arrival courtyard offers a simple yet elegant enclosed space for vehicle access. The boundary treatment uses pleached hornbeam trees to provide an additional green layer of screening to the public road and cottages nearby, thus making this single storey building elevation invisible from outside of the site.

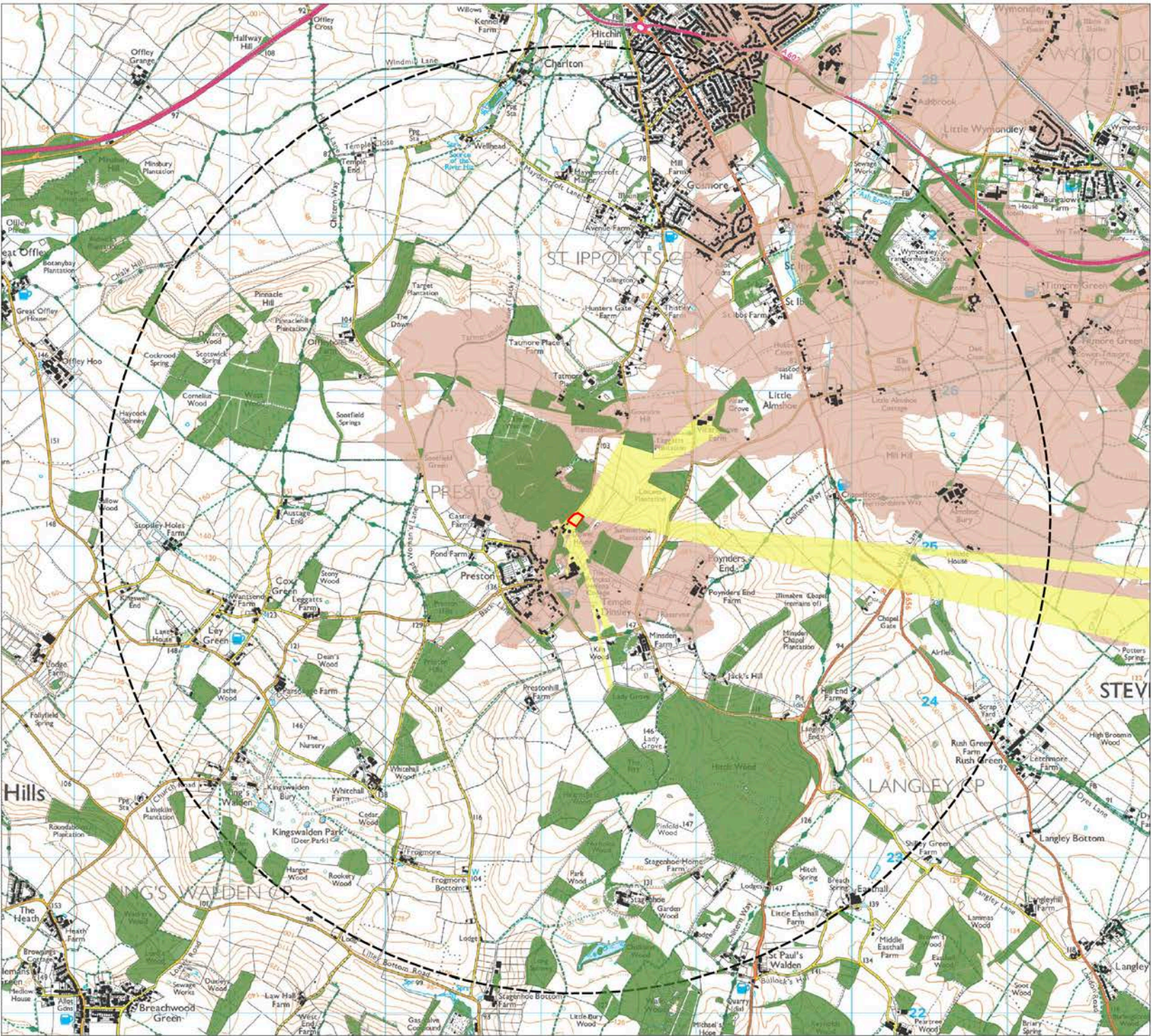


- 6.87 The vegetable garden forms an intensive yet intimate space in the northern corner of the walled garden. Raised beds and trained espalier fruit trees harness the southwest facing walls along with ornamental additions of lavender and rose.
- 6.88 The main southeast facing garden is defined by the excavations required for the proposed lower ground floor. The resultant garden therefore rises from a ground floor terrace up approximately 600mm via wide steps to a framed lawn. This in turn has a low (450mm) retaining wall creating an enclosed inner sunken garden with subtle Lutyens echoes of Temple Dinsley. Within this space is a swimming pool, a 'Zen' gravel garden featuring *Pinus mugo* hummocks and three feature blossom trees, once again echoing the walled garden's productive heritage.
- 6.89 An historic pathway axis linking a nearby barn with the farmland beyond cuts east/west through the garden and defines the change of level to the upper perennial garden area. Here, three large rectangular borders with secondary routes offer a transition into the wider landscape.
- 6.90 Perhaps the most important aspect of the proposed development is the demolition of the existing remaining boundary walls and its reconstruction with a faithfully designed and rebuilt wall with a combination of estate fencing, hornbeam hedging and standard hornbeam trees on the southwest corner affording privacy and screening where required, but a degree of historical intervisibility with Temple Dinsley.



- 6.91 Pegasus Group were commissioned to prepare a Landscape and Visual Appraisal (LVA) both to inform the proposed development and subsequently to 'test' its impacts in landscape and visual terms.
- 6.92 A preliminary 3km radii study area (refer to plan below) was initially identified to review the baseline condition and planning policies that may be relevant to the proposed development. This study area captures the nearby settlements and publicly accessible locations that may offer views of or towards the site.
- 6.93 The site is located within the Temple Dinsley Grade II* Registered Park and Garden (RPG). The site is also within Green Belt which is a planning not a landscape designation; however, the impact of a development on openness has been considered.
- 6.94 NP Policy EH6 identifies important views and vistas. Viewpoint 1 ('across the fields to Wain Wood') has been reviewed in the field and is represented by Viewpoint 5 in Appendix 2 of the LVA. No other views or vistas identified would include the site or proposed development.
- 6.95 The North Hertfordshire and Stevenage Landscape Character Assessment (2011) identifies the site as lying within Area 211 'Offley - St. Paul's Walden'. The baseline description highlights the scattered nature of settlements and farmsteads and notes that parkland is a distinctive feature, with specific reference to Temple Dinsley. In the section covering capacity to accommodate development, it is stated that *"there may be some limited capacity for sympathetically located and designed individual large buildings, particularly if they were of a vernacular style and in keeping with a rural character"*.

- 6.96 The site contains no apparent physical constraints to development with a landcover of ruderal vegetation and patches of bare ground. Further information is provided in the Heritage Impact Assessment by Bourne Heritage, however in summary the walls of the walled garden were constructed in the early 20th century and until recent years a Scots pine plantation covered the site.
- 6.97 The site is currently overgrown with ruderal vegetation and the perimeter walls are in poor condition, with sections collapsing in places as outlined in the Priory Heritage Historic Building Consultants Condition Inspection Report (April 2023). The walled garden, however, is designated in the Preston Neighbourhood Plan as a non-designated heritage asset. It was agreed with Historic England that there is no evidence of any direct association with Lutyens/Jekyll who remodelled Temple Disney House and gardens in the early 20th century.
- 6.98 The most important section of wall from a landscape and visual perspective is the northern section abutting Hitchin Road as it the first built feature approaching the village from the northwest and includes the tallest and most intact sections of the wall.
- 6.99 Private views from within the RPG and the adjacent conservation area have been assessed in the Heritage Impact Assessment given that the focus of the LVA is on publicly accessible views.
- 6.100 Whilst located within the Temple Dinsley RPG, the site does not contain any landscape features that would be considered rare or unique, and as part of the proposed development the perimeter walls as currently present would be rebuilt.



- KEY**
- Site Boundary
 - 3km Buffer
 - OS Local Buildings
 - OS Local Woodland
 - Screened Zone of Theoretical Visibility - 140.8m AOD Development Height
 - Bare Earth Zone of Theoretical Visibility - 140.8m AOD Development Height

Screened ZTV Production Information -
- DTM data used in calculations is OS Terrain 5 that has been combined with OS Open Map Local data for woodland and buildings to create a Digital Surface Model (DSM).

- Indicative woodland and building heights are modelled at 15m and 8m respectively.
- Viewer height set at 1.7m (in accordance with para 6.11 of GLVIA Third Edition)
- Calculations include earth curvature and light refraction

N.B. This Zone of Theoretical Visibility (ZTV) image illustrates the theoretical extent of where the proposed development may be visible from, assuming 100% atmospheric visibility, and includes the screening effect from woodland and buildings, based on the assumptions stated above.

NOTES:
REVISIONS:

ZONE OF THEORETICAL VISIBILITY

OLD WALLED GARDEN

SAT LALLY

N 0 1 km

DATE	SCALE	TEAM	APPROVED
26/01/2024	1:25,000@A3	CS	NF

SHEET	REVISION
-	-

DRAWING NUMBER
P24_0199_EN_01

- 6.101 Whilst the condition of the site is poor, the overall landscape value of the site within the RPG is assessed as high and the susceptibility of the site is assessed as high, resulting in a high overall sensitivity.
- 6.102 The architectural and landscape design strategy has been formulated to conserve the long-term enclosure of the walled garden, within the Temple Dinsley RPG, as perceived from both public and private vantage points. The new dwelling within the site would be effectively screened by the perimeter wall, as perceived from the Hitchin Road.
- 6.103 The proposed development would secure the long-term future of the perimeter wall as a locally valued feature in the landscape, perceived from the Hitchin Road, as a key route into and out of the village.
- 6.104 The magnitude of change on landscape character, as perceived from the public domain, would be negligible with a minimum neutral effect. As a non-designated heritage asset, there is no legal obligation on the landowner to maintain the wall, and consequently without intervention it would ultimately collapse. In this context, the nature of effect arising from the replacement wall could be considered beneficial.
- 6.105 Beyond the site, there would be no changes to any of the key characteristics listed in the North Hertfordshire and Stevenage Landscape Character Assessment. Beyond the immediate vicinity of the site, the opportunity to perceive any indirect effects upon landscape character including potential effects from domestic lighting, would be negligible.
- 6.106 A Zone of Theoretical Visibility (ZTV) has modelled the proposed development but does not account for existing hedgerow vegetation or tree cover beyond woodland blocks. Consequently, the resulting

plan provides an exaggerated depiction of likely visibility that requires review in the field.

- 6.107 A series of photo-views taken from public locations are included from Viewpoints 1-5, and from private locations within the RPG from Viewpoints A to F. Viewpoints G-I were captured from the grounds of Temple Dinsley House to provide a record of the Lutyens/Jekyll landscape design that has informed the landscape design approach for the proposed development. Survey verified photo-wires illustrating an **accurate** depiction of the overall scale and massing of the proposed building and key boundary treatments are included from locations agreed with Historic England.
- 6.108 At the publicly accessible viewpoint locations assessed, the visual impact would typically range from no effect, to negligible neutral.
- 6.109 It is concluded by the LVA that the proposed development, following a design process that has involved extensive consultation with Historic England, could be satisfactorily accommodated on the site from a landscape and visual perspective. The proposals would provide a positive solution to the long-term future of the walled garden as a locally designated heritage asset.
- 6.110 Overall, the proposal is informed by and responds positively to the landscape evidence prepared in response to published landscape character assessments and fieldwork visits. The landscape and visual effects reported in the LVA would be in the range negligible to medium, with the majority of effects being small.
- 6.111 On balance, the overall landscape effects of the proposed scheme in the long-term would be beneficial; and the overall visual effects of the proposed scheme in the long-term would be small and beneficial.

- 6.112 When read as a whole, the proposed development demonstrates deep appreciation of the essential character of the site and its context. The proposed development responds to local character and would enhance the local landscape.
- 6.113 Insofar as the proposal comprises an outstanding quality of design that responds positively to the character and context of the site and existing development within the local area, and which will enhance the local character and the site's integration with the surrounding landscape, the proposals accord with the aims and objectives of LP policies SP9 (Design and Sustainability), SP12 (Green infrastructure, landscape, and biodiversity) and NE2 (Landscape); and NP policies QL3 (Local Distinctiveness), HD7 (Gardens) and HD10 (New Housing Development).
- 6.114 The proposed development also accords with the advice in the NPPF in which the conservation and enhancement of the natural environment is promoted. These measures also accord with the aims of paragraph 150 of the NPPF which encourages the retention and enhancement of landscapes, visual amenity, and the nature conservation value of Green Belt.



Enhancing the Natural Environment

- 6.115 The Government's planning policies on the conservation and enhancement of the natural environment is set out in section 15 of the NPPF. We are advised that the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.²⁸ To protect and enhance biodiversity, proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.²⁹
- 6.116 LP Policy SP12 (Green infrastructure, landscape, and biodiversity) states that the LPA will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. The LPA will protect, enhance, and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity.
- 6.117 LP Policy NE1 (Strategic green infrastructure) states that planning permission will be granted provided that development protects, conserves and where possible enhances the strategic green infrastructure network; and avoids the loss, fragmentation, severance, or negative impact on the function of the strategic green infrastructure network.

²⁸ Paragraph 180 of the NPPF 2023

- 6.118 LP Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12.
- 6.119 NP Policy HD5 (Sustainability and Energy Efficiency) states that proposals for the provision of measures for water conservation and landscape schemes that improve biodiversity will be encouraged.
- 6.120 NP Policy EH3 (Open and Green Spaces) states that, where appropriate to their location and scale, proposals for new development should incorporate green infrastructure to provide permeability for wildlife through and around the development. Green infrastructure should be connective and functional as wildlife habitat in its own right, not just as a link between habitats.
- 6.121 NP Policy EH7 (Protecting and Enhancing the Local and Natural Environment) states that development proposals should maintain and where practicable enhance the elements of the natural environment. Where appropriate development proposals should also incorporate measures to ensure their connectivity to the wider habitats in the neighbourhood area.
- 6.122 NP Policy EH8 (Hedgerows, Trees, and Verges) states that landscaping should be incorporated in the design of all new development to mitigate the visual impact of development and ensure that the development is sensitively incorporated into the existing village context. Landscaping schemes should include predominately native species.

²⁹ Paragraph 185 of the NPPF 2023

- 6.123 Reference should be made to the submitted **Landscape Design Statement** (July 2024), **Preliminary Ecological Appraisal** (September 2022), and **BNG Assessment and Calculations** (July 2024).
- 6.124 The Preliminary Ecological Appraisal (PEA) conducted a preliminary assessment of the site's baseline ecological conditions and any ecological receptors likely to be impacted by the proposed development. It takes into account the habitat value of the site for protected species and evaluates the site in terms of the proposed development's predicted impacts upon identified ecological receptors.
- 6.125 The Application Site comprises a derelict walled garden which has been out of use for many years. To the northwest of the site, on the opposite side of Hitchin Road, lies the ancient Wain Wood SSSI. The Application Site forms part of the Temple Dinsley Registered Park & Garden. In addition, there is a small area of wooded pasture to the southeast of the walled garden beyond which is a larger block of woodland fragmented by a substantial acreage of semi-improved grassland spread across the surrounding Princess Helena College grounds. The wider surrounding landscape is one of mixed agriculture (predominantly pasture) with hedgerows and treelines providing habitat connectivity between woodlands.
- 6.126 Whilst the detailed findings of the PEA are set out in the accompanying report, we summarise the findings below.
- 6.127 In relation to **designated sites**, there would be no direct impacts to any designated sites as a result of the proposed development. The recommendation is for a Construction Environmental Management Plan (CEMP) to be prepared prior to works being undertaken, which can be secured via a planning condition.

- 6.128 In relation to **habitats and flora**, the proposed development will result in the loss of an area of low-quality neutral grassland with calcicoles which could result in a net loss of biodiversity at the site if not suitably mitigated. The recommendation is for an Ecological Enhancement and Management Plan (EMP) to be prepared having regard to the ecological enhancements detailed in the PEA prior to works being undertaken, which can be secured via a planning condition.
- 6.129 In relation to **invertebrates**, the loss of habitats of value to invertebrates is likely to be inconsequential, although site clearance could lead to the death of protected or notable species. The recommendation is to enhance the site for ecology to achieve a net gain and incorporate features that would be beneficial for invertebrates. The CEMP and EMP referred to above could outline measures to protect invertebrates on site, which can be secured via a planning condition.
- 6.130 In relation to **amphibians**, the loss of grassland with ruderals is likely to be inconsequential, although site clearance could lead to the death of or injury of amphibians. A precautionary working method should be implemented during construction with opportunities to propose habitat creation that is beneficial for amphibians, which can be secured via a planning condition.
- 6.131 In relation to **reptiles**, the loss of a small area of grassland is likely to be inconsequential, although site clearance could lead to the death of or injury of reptiles. A precautionary working method should be implemented during construction with opportunities to propose habitat creation that is beneficial for reptiles, which can be secured via a planning condition.

- 6.132 In relation to **roosting bats**, there are not anticipated to be any impacts on roosting bats as a result of the proposed development. Bat habitats could be introduced to enhance ecology, which can be secured via a planning condition.
- 6.133 In relation to **foraging and commuting bats**, the loss of a small area of grassland is likely to be inconsequential given the more extensive areas of foraging and commuting habitat in the locality. A low impact lighting strategy should be adopted for the site during and post-development, which can be secured via a planning condition. The EMP could embrace habitat creation and enhancement opportunities that is beneficial for foraging and commuting bats.
- 6.134 In relation to **birds**, no evidence of nesting birds was found during the survey, although active nests could be destroyed during the development without suitable mitigation. The EMP could embrace habitat creation and enhancement opportunities that is beneficial for birds.
- 6.135 In relation to **hedgehogs**, the loss of a small area of grassland is likely to be inconsequential, although construction activities could lead to the death of or injury of hedgehogs. A precautionary working method should be implemented during construction with opportunities to propose habitat creation that is beneficial for hedgehogs. The EMP could embrace habitat creation and enhancement opportunities that is beneficial for hedgehogs.
- 6.136 In relation to **Hazel dormouse, otter** and **water voles**, no impacts are anticipated.
- 6.137 In relation to **badgers**, no impacts are anticipated on badger setts. A precautionary working method should be implemented during construction with opportunities to propose habitat creation that is

beneficial for hedgehogs, which can be secured via a planning condition. The EMP could embrace habitat creation and enhancement opportunities that is beneficial for badgers.

- 6.138 The BNG Assessment demonstrates that there will be a loss in overall biodiversity. However, as the proposal comprises a self-build the statutory requirement does not need to be met. Nevertheless, it is clear that the BNG calculations are, in this case, a rather blunt tool with which to assess the nature conservation benefits of the proposals, given the findings and recommendations in the PEA and the clear intention for these recommendations to be implemented in the development proposal. Many of these clear benefits are not attributed a score for the purposes of the BNG calculations. The proposal must therefore be considered with regards to enhancements to nature conservation interests taken as a whole, including landscape visual enhancements and benefits to heritage assets.
- 6.139 Having regard to the above, insofar as the proposals would protect and enhance biodiversity, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, the proposals accord with the aims and objectives of LP policies SP12 (Green infrastructure, landscape, and biodiversity), NE1 (Strategic green infrastructure), NE4 (Biodiversity and geological sites) and NE8 (Sustainable drainage systems); NP policies HD5 (Sustainability and Energy Efficiency), EH3 (Open and Green Spaces), EH7 (Protecting and Enhancing the Local and Natural Environment) and EH8 (Hedgerows, Trees, and Verges); and the advice in the NPPF as it relates to preserving and enhancing the natural environment.

Preserving and Enhancing the Historic Environment

- 6.140 The LPA is required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of heritage assets.
- 6.141 The NPPF identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para. 195). It explains how applicants should describe the significance of heritage assets affected and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance (para. 200).
- 6.142 The NPPF makes clear that when considering the impact of a scheme, any conflict with an asset's conservation should be avoided or minimised (para. 201). It sets out the desirability of sustaining and enhancing the significance of heritage assets and for new development to make a positive contribution to local character and distinctiveness (para. 203).
- 6.143 Great weight should be given to a heritage asset's conservation, and this should be greater for the most important assets (para. 205). The significance of heritage assets can be harmed or lost by their alteration or from development in their setting, and that any level of harm requires a clear and convincing justification (para. 206). Any harm should be weighed against the public benefits - including any heritage benefits - that the development would deliver (para's. 207 and 208).
- 6.144 The significance of non-designated assets should be taken into account in determining the application, requiring a balanced

judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 209).

- 6.145 Local planning authorities should look for opportunities for new development within conservation areas and in the setting of heritage assets to enhance or better reveal their significance (para. 212). Loss of an element which makes a positive contribution to the significance of a conservation area should be treated either as substantial or less than substantial harm, as appropriate, taking into account the relative significance of the affected element and its contribution to the significance of the conservation area as a whole (para. 213).
- 6.146 Historic England's Good Practice Advice Note '*The Setting of Heritage Assets*' (2017) advocates taking a staged approach to decisions on the level of contribution which setting and related views make to the significance of heritage assets.
- 6.147 The North Hertfordshire Local Plan 2011-2031 recognises the positive contribution of heritage assets of all kinds.
- 6.148 LP Policy SP13 (Historic Environment) states that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' will be given to the asset's conservation and the management of its setting. The LPA will pursue a positive strategy for the conservation and enjoyment of the historic environment through maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting according to their significance.
- 6.149 LP Policy HE1 (Designated Heritage Assets) states that planning applications relating to designated heritage assets, or their setting,

shall be accompanied by a Heritage Assessment. Planning permission for development proposals affecting designated heritage assets or their setting will be granted where they (as applicable): **a)** Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance; **b)** Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and **c)** Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use. Where substantial harm to, or loss of significance, of a designated heritage asset is proposed the Council shall refuse consent unless it can be demonstrated that the scheme is necessary to deliver considerable public benefits that outweigh the harm or loss.

- 6.150 LP Policy HE2 (Heritage at Risk) states that planning permission will be granted for proposals that seek to conserve or provide new uses for designated heritage assets identified on the national register, or the Council's 'At Risk' register maintained by the Council, that are justified and appropriate to the significance of the asset to return a heritage asset to beneficial use.
- 6.151 NP Policy QL3 (Local Distinctiveness) states that the architecture of, and landscaping schemes in, all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.
- 6.152 NP Policy EH2 (Conservation Areas and Heritage Assets) states that all development proposals, including new build, must demonstrate how the particular environment of Preston has been taken into account during conception and evolution of the design. Proposals that do not positively contribute to the local character must explain

why and demonstrate the reasons behind the alternative approach. All development within a conservation area and within the setting of other designated and non-designated heritage assets must take account of the historic fabric of these areas and conserve, and where appropriate enhance, their character and appearance.

- 6.153 Proposals should provide a statement containing an appropriate level of detail for the importance of the asset, including: -
 - *The significance of any heritage asset(s) affected.*
 - *Any adverse impacts the development may have on the asset(s) and their setting and any proposed mitigation measures.*
 - *How it will contribute to the character and setting of the relevant heritage asset(s).*
 - *Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment undertaken by an appropriately qualified specialist so that the impact of the proposed development on the significance of the heritage assets can be assessed and, where necessary, carry out a field evaluation.*
 - *The design of any new build should have regard to prevailing scale, massing, and density of properties in the Conservation area and be in harmony with the character of the location in which it is being constructed. Materials used should be complementary and similar to neighbouring properties.*

6.154 The application is accompanied by the Priory Heritage **Historic Building Consultants Condition Inspection Report** (April 2023) and Bourne Heritage's **Heritage Impact Assessment** (July 2024).

6.155 In addition, the scheme has been the subject of extended pre-application engagement with **Historic England** given the significance of the site in heritage terms. This embraced a site visit held on 15th February 2023, information provided and discussed at a virtual meeting held on 9th March 2023, virtual meetings held on 18th and 26th January 2024, a virtual meeting on 4th March 2024, a site visit to discuss the walled garden walls on 8th March 2024, and landscape and heritage reports circulated on 3rd April 2024. In response to the above, Historic England (HE) issued two letters, the first dated 7th July 2023 and the second dated 3rd May 2024. The letters are submitted to accompany the application. Historic England's position on the proposed development is set out in both letters.

Significance

6.156 Temple Dinsley is a multi-phased designed landscape focussed on a c1714 country house substantially remodelled and enlarged from 1908 by the renowned architect Sir Edwin Lutyens alongside contemporary redevelopment of the formal gardens adjoining it to the west and north, potentially with input from Gertrude Jekyll (although no planting plans are known). This formal core is set within an early 18th century landscape park that was further embellished from the mid-18th century and as part of early 20th century investment by the estate's owners. From 1935, it became a private girls' school, Princess Helena College, which closed in 2021, resulting in the site being put up for sale. Prior to closure, the College sold the Dower House and adjacent barn and disused walled garden to a private developer, who converted the Dower House into flats. The

walled garden, comprising the Application Site, was then sold on to the Applicant.

6.157 The main house is listed at grade II* (NHLE list entry 1307766), attributing more than special interest and representing just 5.8% of all listed buildings. The gardens and parkland are included within the Register of Parks and Gardens of Special Historic Interest at grade II* (NHLE list entry 1000611), which places it within the top 30% of all registered parks and gardens and reflects a level of historic interest and significance that needs to be recognised and used to inform development proposals and management decisions.

6.158 The Temple Dinsley site contains a further four structures of national significance and designated as listed buildings: the gate, gate piers and park wall facing School Lane (grade II); the Piggery by Edwin Lutyens (grade II); the icehouse (grade II); and the Dower House (grade II). The house and gardens are included within the Preston Conservation Area first designated by North Hertfordshire Council in 1970. Additionally, various structures are recognised as non-designated heritage assets, including: the pumping station and barn in the parkland south of the mansion; the agricultural building in Summerhouse Plantation; the Lodges on the park's southern boundary; the barn at the Dower House; and, of particular relevance to this application, the walled garden adjacent to the Dower House.

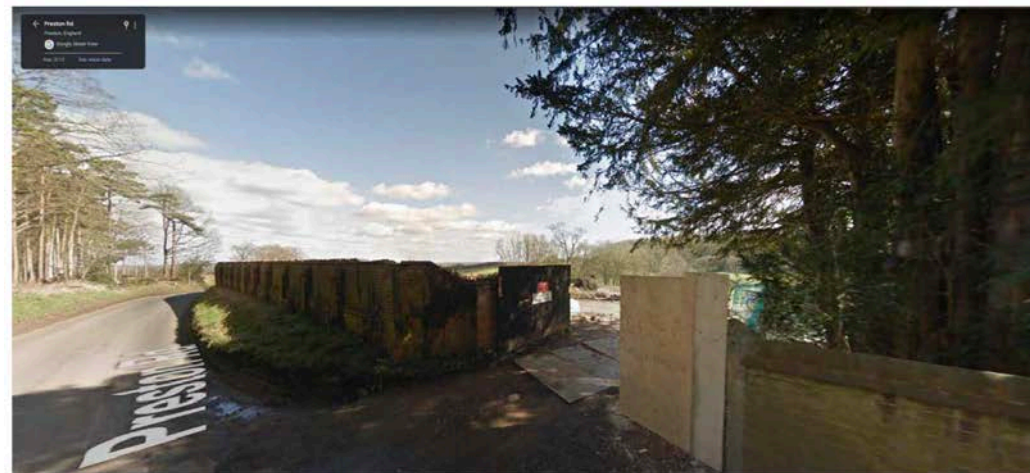
6.159 The walled garden (Application Site) occupies a site in the north of the registered park and garden, running downhill from Hitchin Road on the upper slopes of a shallow valley. It appears, albeit in a different form, on the **1881 Ordnance Survey map** (refer to map below). This illustrates direct access from the enclosures associated with the Dower House, a standard path layout dividing areas of cultivation responding to its irregular shape, and no internal glasshouses of other structures.



- 6.160 By the 1924 Ordnance Survey map, the walled garden had been enlarged with the alignment of the walls more-or-less reflecting their current form. This suggests changes around the time of Lutyens' involvement, when the historic walled enclosures to the west of the main house were redesigned as Arts & Crafts gardens, displacing any productive uses; however, no evidence has come to light of involvement at the walled garden by Lutyens.
- 6.161 Nevertheless, the surviving sections of the southeast wall and photographic evidence of the southwest wall show that they comprised solid brickwork to a lower height than the other two walls, above which extended brick piers similar to those in the gardens closer to the main house that support timber pergolas. This suggests that someone potentially considered correlation of design and inter-visibility between the walled garden and other parts of the designed landscape, including: the terraced gardens on the north side of the main house; the east drive as it bends southwest towards the main house; and the edge of Summerhouse Plantation on the opposite side of the shallow valley.
- 6.162 Following the sale of the estate in 1935, any intensive use of the walled garden ceased, leading to the loss of its layout, cultivation, and maintenance. It sheltered a Scots pine plantation from the late 20th century, as shown in the Google Street Map images opposite, until felling of the trees under licence in 2015/16, after which it has been disused, sitting derelict with the brick walls further deteriorating in the passage of time. Despite its condition, its form, extent and role as a constituent element of the designed landscape at Temple Dinsley can still be appreciated. Thus, it contributes to the overall significance of the Registered Park and Garden.



Street View from West - June 2011



Street View from West - March 2019

Historic Interest

- 6.163 The historic interest of the walled garden derives from the part it has played in the historic narrative of the Temple Dinsley Estate. It is a relatively late addition to the estate and a rare example of a primarily early 20th century walled garden.
- 6.164 However, the walled garden occupies a peripheral location within the RPG, away from its historic core. It certainly does not carry the historic interest of the main house and formal gardens to the south. This is, perhaps, why it is not referred to in the statutory list description for the RPG, nor in any Country Life articles about Temple Dinsley. There is also no reference to it in the extensive description of the estate on the 'PrestonHerts' website.
- 6.165 Moreover, unlike the bulk of the Temple Dinsley estate, the walled garden is not included within the Preston Village Conservation Area. This would suggest that, in that regard, it is not considered to be of equal interest to the rest of the estate or the Village of Preston, particularly given its current condition.
- 6.166 There is no evidence to suggest that Sir Edwin Lutyens had any direct involvement with the changes made to the walled garden during his time at Temple Dinsley.
- 6.167 Therefore, although the walled garden does make a contribution to the overall designed landscape of the Temple Dinsley RPG, it is clearly not as important historically as other constituent elements of the estate.

Architectural Interest

- 6.168 The architectural interest of the walled garden derives from its mixed functional/ornamental design and the secondary contribution it makes as a prominent roadside boundary wall on the northern approaches into Preston. Individual features of architectural interest include the buttressing and stepped-in character of the roadside element, as well as the brick pillared lower sections of wall, which were clearly intended to provide intervisibility with the rest of the RPG. The architectural interest of the walled garden has, however, been significantly compromised and diluted by the complete loss of the southwest wall facing Dower House and partial loss of the wall along the southeast valley side. A condition survey of the walled garden by Priory Heritage conducted in 2023 established that the remaining sections of wall are heavily damaged and would require replacement section by section to maintain their structural integrity. A site meeting held in February 2024 attended by the design team, Historic England and Priory Heritage resulted in a consensus that a faithful rebuild of the existing boundary wall was the most sensible and logical option going forward.

Archaeological/Artistic Interest

- 6.169 The structure of the walled garden, given its relatively late date, is not of inherent archaeological interest. The artistic interest of the walled garden derives from the aesthetic appeal of its architectural detailing and the visual inter-relationship it has with the rest of the walled garden.



Heritage Impacts of the Proposed Development

- 6.170 The significance of the Temple Dinsley site and the walled garden within it has been summarised above and in Bourne Heritage's report.
- 6.171 During the evolution of the design, the design team undertook further work on the proposals for development within the walled garden, amending the design and providing further assessments and supporting information to address many of the comments of Historic England. The proposal embraces the complete rebuild of the existing garden boundary walls to match the existing structure, both in terms of brickwork and detailing, and the construction of a modern contemporary family home and arrival court, as well as landscaped gardens, within the walled garden.

Walled Garden Walls

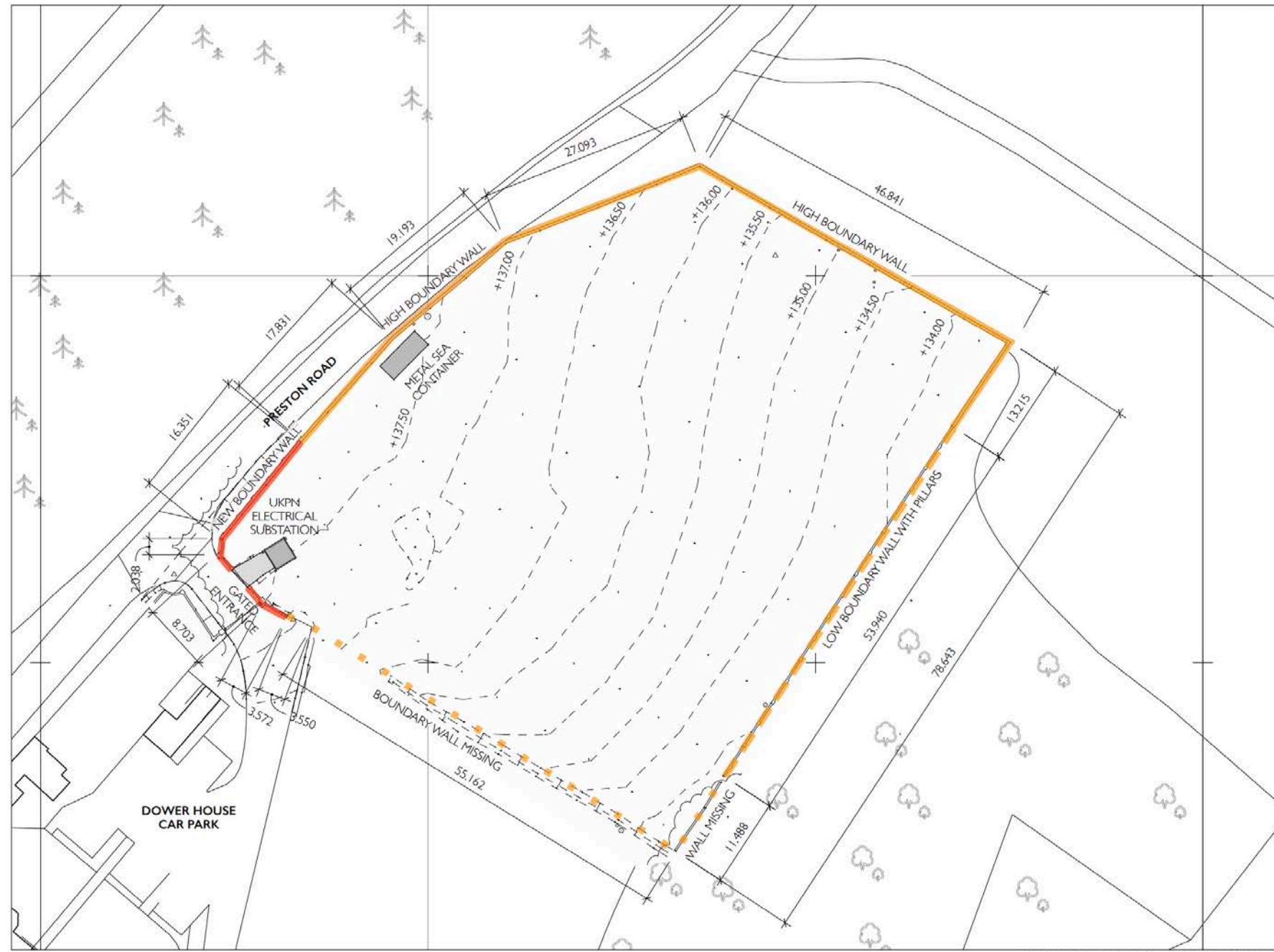
- 6.172 The walled garden is a large rectangular open space which borders Hitchin Road, north of the village of Preston. It stands on the northern periphery of the Temple Dinsley estate, as the parkland of the estate gives way to open fields. It has stepped and buttressed brick walls, in varying states of preservation and structural integrity, extant on three of its four sides, with the wall on the western side bordering Hitchin Road. The original wall on the southwestern side, which faces the rest of the estate and looks towards Temple Dinsley House, has been completely demolished, with only a short stretch of modern gated entrance wall and the extant wall trench marking its alignment. The tallest sections of the wall are 31 courses in height. The interior of the garden is presently overgrown and covered in rubbish. There is an electricity substation in the southwest corner of the walled garden.

- 6.173 The southern 20m of the roadside wall has been replaced with a modern brick wall in recent years to enclose the substation. The northern wall has an arched doorway looking out onto the open field north of the walled garden. Part of the south-eastern wall is lower in height, *"above which extended brick piers similar to those in the gardens closer to the main house that support timber pergolas"* (HE pre-app advice). It was clearly designed in this way to allow intervisibility between the walled garden and the RPG.
- 6.174 The Brickwork Condition Inspection Report contains a summary and advice following the inspection in section 3. Whilst the report is submitted as a standalone document, we rehearse the findings below.
- The original walls to the complete kitchen garden enclosure are not apparently ancient, brick manufacturers and use of cement mortar for much of the construction suggest a construction date likely early - mid C20.
 - The choice of brick type as wire cut fletton clay bricks has not (at least with benefit of hindsight) proved to be durable. The bricks are extensively decayed both due to friability + loss of brick face and structural cracking horizontally through the brick (a failure not uncommon in frogged fletton bricks).
 - Irrespective of brick type the walls are not of quality construction. The brickwork is not well-laid or well detailed. The brick coursing and bond are inconsistent, there is no DPC to protect against rising damp or robust capping detail to protect the wall head.
 - The walls have no provision for thermal expansion/contraction. Whilst a good handmade stock brick, seasoned and built in lime mortar might tolerate the omission of expansion jointing, a modern brick laid in cement mortar will not, hence the pervasive structural cracking.

Notes:
Do not scale from this drawing, except for the purposes of planning. Refer to dimension information where shown.

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Rev: Date: Description:



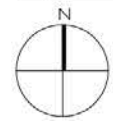
DATA SOURCE: TOPOGRAPHICAL SITE SURVEY

MODERN ARCHITECTURE WORKSHOP
Bedford Heights
Brickhill Drive
Bedford
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01234 339286
www.maw.design

Client:
MR SAT LALLY
Project / Address:
WALLED GARDEN, PRESTON, HERTS
Drawing Title:
BOUNDARY WALL

Date:
MARCH 2023
Scale: @ A3
1:500
Drawn By:
-
Checked By:
MB

Drawing Number:
AL(0)005
Revision:
-
Drawing Status:
PRELIMINARY
RIBA Stage:
STAGE 2



0m 10m 20m 40m

- NEW BOUNDARY WALL, DATED CIRCA 2020
- HIGH BOUNDARY WALL
- LOW BOUNDARY WALL WITH PILLARS
- BOUNDARY WALL MISSING

- The lean of the walls has already caused collapse in various places and in other areas the wall is liable to be condemned by an engineer if consulted. The lean itself probably consequent on a combination of factors, a) minimal foundation, b) slender wall construction and c) thermal expansion.
- An engineer may be able to provide a detail to retrospectively introduce provision for thermal movement but (if possible) to do so will be invasive. Foundations could be checked for adequacy but are likely minimal. It is unlikely to be economically reasonable to underpin the complete wall structure hence sections of wall the engineer deems excessively out of vertical will need to be rebuilt.
- Several sections of wall whilst still upstanding at date of inspection such as arch + adjacent wall to section (B1/2) and the piers along section (C) are dangerously unstable and will have to be demolished to be made safe irrespective of decision to rebuild or otherwise.
- The lower phase / areas of wall built up in lime-based mortar need to be holistically repointed, the cement mortar used for the upper brickwork ought to be replaced with lime but to do so with walls retained in situ is not realistic.
- Some sections of the brickwork have so many bricks that have deteriorated beyond use (approaching 100%) that rebuild is unavoidable. Other areas whilst still in poor condition are relatively better. In such locations cutting out and replacing the numerous damaged bricks is technically achievable although the economics and relative merits of doing so should be considered.
- Cutting out for repair will further damage adjacent bricks seemingly still in reasonable condition. Any original bricks that are retained will still be old Flettons of poor quality prone

to frost damage. Consequently, regular return phases of maintenance to cut out and replace further bricks as they fail will be inevitable.

- 6.175 The 8 March 2024 site visit with HE allowed for more detailed discussion on the approach to the walled garden walls in the context of Priory Heritage's condition inspection report. There was agreement that the existing wall is beyond the point of repair and that a case could be made for a faithful rebuild following existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible. This would include removing the section of recently implemented brick wall around the substation and rebuilding to match the rest of the replacement boundary wall. The lost section of wall on the Dower House side of the garden would be replaced with estate fencing and new planting to complete the enclosure.
- 6.176 Given that the walled garden has been identified as a non-designated heritage asset in the Preston Neighbourhood Plan, then its intrinsic significance also has to be taken into account in respect of the current proposals. Clearly the proposed demolition of the existing walled boundary would result in total loss of historic fabric, but the structural condition report has identified that the brickwork is of such poor quality that it is not surprising that it has either already degraded or been lost. The significance of the walled garden derives not so much from its inherent fabric as from its design, scale, form, extent and historical function. All of these will either be retained or sympathetically restored/replicated under the proposal.
- 6.177 Having regard to the submitted information, Historic England (HE) has agreed that *"the significance of the walled garden derives not so much from its inherent fabric as from its design, scale, form, extent and historical function"*, as stated in the Bourne Heritage report.

New Dwelling

- 6.178 In liaison with Historic England, a visual impact appraisal of the proposed development, including the use of Verified Views, has been carried out and the findings are presented in the Pegasus Group's Landscape & Visual Appraisal and Bourne Heritage's Heritage Impact Assessment. These assist in demonstrating how the proposed development has evolved in response to potential impacts to the setting of the grade II listed Dower House and Preston Conservation Area, assessing public viewpoints (especially along Hitchin Road) as well as both designed and incidental views at locations within the Temple Dinsley Registered Park and Garden.
- 6.179 The new dwelling would form a substantial freestanding structure occupying a large part of the walled garden; however, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along the Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure.
- 6.180 The earthmoving required to sink the new dwelling into the site would be undertaken to the best available means, including depositing the earth in the most sustainable manner to ensure that it does not fall outside of the chain of utility.

New Domestic Garden

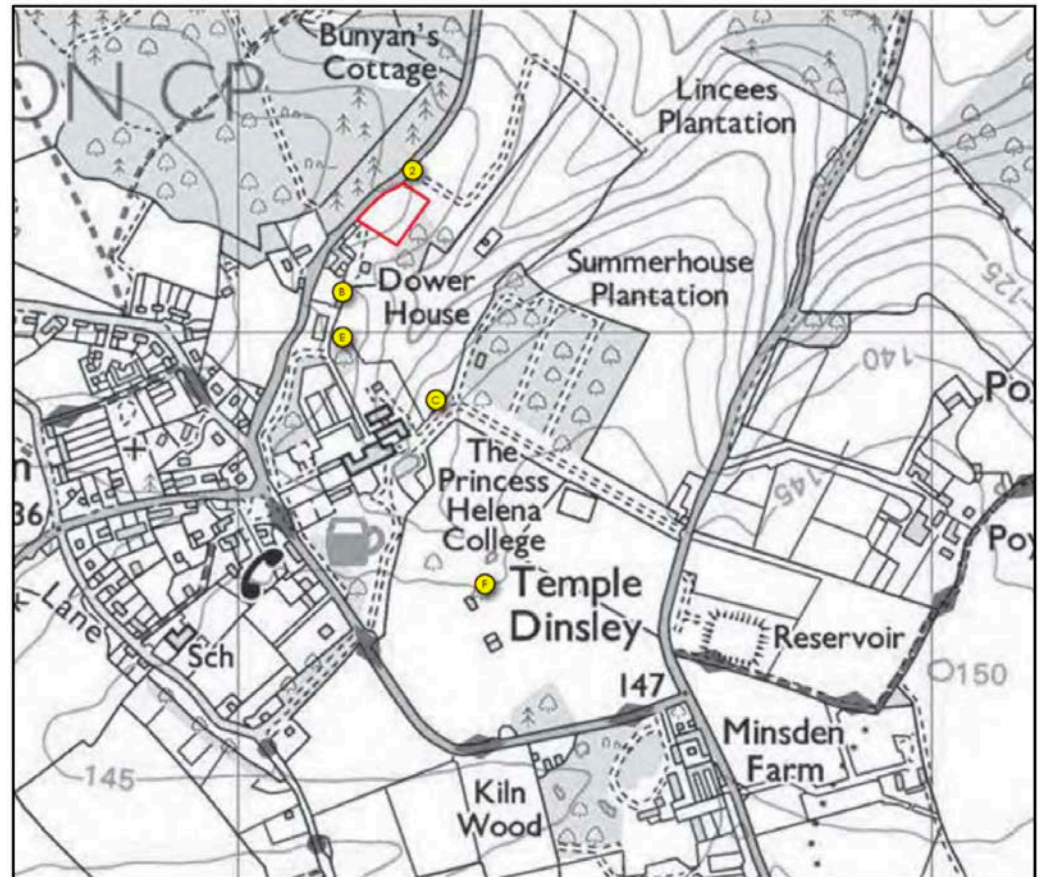
- 6.181 The proposals for the domestic garden around the new structure incorporate a clear line strongly evoking the former path aligned with the arched pedestrian access point on the north-eastern wall. In all, the proposal reflects the ordered character typical of a walled kitchen

garden, referring to the historic layout as recorded in historic mapping and aerial photos and including areas of fruit a vegetable production.

Assessment of Views

- 6.182 The initial HE pre-app response highlighted certain vantage points across the Temple Dinsley Estate where the walled garden is visible relative to the rest of the RPG - "...the terraced gardens on the north side of the main house; the east drive as it bends SW towards the main house; and the edge of Summerhouse Plantation on the opposite side of the shallow valley".
- 6.183 The Pegasus Group have provided some verified views of the walled garden from the RPG, including those highlighted by HE. This document is attached to the back of the LVA. What follows is a brief assessment of those views which were taken in both the summer and winter months to reflect seasonal variation in leaf cover.
- 6.184 **View 2** - This view of the walled garden is not from within the RPG, but from Preston Road. Vegetation cover between the walled garden and the road heavily filters views from the latter towards the former, even in Winter. There would only be very limited visibility of the top of the proposed house, if any at all, and any visual impact would be softened by the materiality of the proposed building.
- 6.185 **View B** - This view shows the walled garden relative to the Grade II Listed Dower House, looking northeast. Under the proposal, walled garden boundary treatments, landscaping and planting would be visible from this perspective, but internal built form would either be not visible at all, or visually perceptible only in glimpsed views.

- 6.186 **View C** - This is the view of the walled garden from the eastern access drive as it turns southwest towards Temple Dinsley House, but it is clearly a visually distant, and partial, view, even in the winter months.
- 6.187 **View E** - This view is looking northeast from the edge of the main house/garden complex towards the walled garden. Given the undulating topography and fairly dense vegetation cover, the latter is barely visible from this viewpoint, even in the winter months, when leaf cover is at its thinnest.
- 6.188 **View F** - This very distant view looks north from the southern part of the RPG towards the walled garden. As can be seen, even in winter, there is dense tree cover between the two. It is very unlikely that the current application proposals would have much, if any effect at all, on this view.
- 6.189 **View from Summerhill Plantation** - This view shows the walled garden, looking west from the northwestern corner of the Summerhill Plantation. Again, this is a distant and partial view. Any views of the proposed house from here are likely to be heavily filtered by planting in the landscaped gardens.



Impacts on the RPG and its listed buildings/structures

- 6.190 It is accepted that the proposals would cause harm to the RPG, and by extrapolation, its listed buildings/structures, for the reasons supplied within the HE initial pre-app letter (see introduction). This is as a result of the loss of the existing historic fabric of the walled garden and the introduction of a private domestic dwelling and garden into a historic space which up until now, has been devoid of built form and given over to horticultural activity and tree planting. These physical changes to the walled garden would be visible across the RPG, albeit mostly in restricted, incidental, visually distant views filtered by intervening tree cover across the estate.
- 6.191 However, for the reasons explained by HE and within the Heritage Impact Assessment (HIA), the harm would be less than substantial and towards the lower end of the spectrum.
- 6.192 The harm would be mitigated by the following measures: -
- The proposed house would be located within the northwestern half of the walled garden, with views of it from the salient vantage points within the RPG heavily filtered by the proposed landscaping, garden planting, and boundary screening
 - Excavation of the house into the existing terrain of the walled garden would minimise visibility of its structure above the proposed boundary treatments, thus maintaining the visual primacy of the latter.
 - The proposed main landscaped garden has evolved in its design to conform to the regular garden layout visible in the 1950s aerial photograph.

- 6.193 Historic England acknowledged these mitigation measures in its final pre-app response as follows: -

“The new dwelling would form a substantial freestanding structure occupying a large part of the walled garden; however, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along the Preston Road. New planting within the surrounding domestic garden would further break up the form of the new structure.... The latest proposals for the domestic garden around the new structure have reduced the amount of organic and curvaceous forms... these amendments better reflect the ordered character typical of a walled kitchen garden, referring to the historic layout as recorded in historic mapping and aerial photos and including areas of fruit and vegetable production”.

- 6.194 In accordance with the stipulations of para. 208 of the NPPF, less than substantial harm needs to be weighed in the planning balance with public benefits. Paragraph 020 of the NPPG has the following to say about public benefits: -

“Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

- 6.195 Examples of heritage benefits may include:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting,

- reducing or removing risks to a heritage asset, or
- securing the optimum viable use of a heritage asset in support of its long-term conservation”.

6.196 The application proposals are very much conservation-led, providing the following heritage benefits: -

- Returning the walled garden to its historic fully enclosed form.
- The extant garden boundary wall will be rebuilt in architecturally appropriate brick, in the same bond, and will replicate elements of the existing structure, such as the buttressed and stepped-in character alongside Preston Road and the brick pillars on the southeast and southwest sides.
- The proposals would allow for the removal of the architecturally unsympathetic, recently built brick wall partly enclosing the substation and its replacement with the same brickwork proposed for the rest of replacement roadside wall; this would remove the jarring mismatch between the preserved brickwork of the original wall and the new wall alongside the substation.
- The lost section of brick-pillared low walling on the Dower House side of the garden shown on the 1950s photograph will be replaced with estate fencing and suitable planting in order to retain historic intervisibility with the RPG.
- The path from the parkland to the field shown passing through the walled garden is reinstated in the current design.

- As sated previously, site inspections have noted preservation of metal vine eyes, wire tensioning systems and a metal clamping detail at the top of three brick pillars which may have been used to attach metal angles between the pillar heads for increased stability, enabling vegetation to climb up wires between pillars; historically preserved metal fixtures and fittings like are included in the proposed garden design, particularly in respect of attaching any horticultural planting to the rebuilt walls.
- Although the proposed house is of a contemporary design, the principal staircase is influenced by the work of Lutyens.
- The proposed entrance to the arrival court and house will occupy a similar position to that of the access point shown in the lost section of wall on the 1950s photograph, thus preserving historical continuity.

Impacts on Dower House

- 6.197 Dower House is the closest Listed Building to the walled garden so the proposals for the latter would impact most on its setting. However, as stated in Section 3 of the HIA, not only has the historic core of Dower House been subsumed and altered by 20th and 21st century extensions and remodelling, but its immediate setting, in respect of built form and hard landscaping, has also been subjected to noticeable modern interventions, particularly since 2017.
- 6.198 For the same reasons provided in para. 4.2 of the HIA, the development proposal would result in less than substantial harm to the heritage significance of this Grade II listed building through a substantive change in its setting (see Plate 15 of HIA). However, the visual and physical impacts would be lessened not only by the

mitigation measures listed in para 4.5 of the HIA but also by the fact that the proposals would be introduced (and more easily absorbed and accommodated) into the setting of a listed building that has already undergone recent, rapid and significant evolution.

- 6.199 HE advised early on during the pre-application process that the missing sections of the garden boundary wall did not automatically need to be replaced with brick walls so, as can be seen in Plate 15 of the HIA, the proposed southwestern boundary is therefore a mixture of estate fencing and hedging, with timber used in the new access gate. This would restore the missing boundary treatment and sense of enclosure of the walled garden, but not in a way that would be unduly prominent within the setting of the listed building.

- 6.200 The heritage benefits of the application proposals for the Dower House are the same as those for the wider RPG, but the clearest benefit would be to restore the legibility of the historical and spatial relationship between the listed building and the walled garden.

Impacts on Preston Conservation Area

- 6.201 The walled garden stands just outside the northern boundary of the Conservation Area so the development proposals would not directly impact on its character, appearance and special interest as described in para. 3.30 of the HIA. However, the road and field-side walls of the garden are a prominent feature on the approaches to the village of Preston from the north. Their proposed demolition would not, therefore, preserve the historical setting of the Conservation Area. However, the mitigation measures and heritage benefits referred to above and in the HIA, in respect of impacts on the RPG, also apply in this regard.

- 6.202 The proposal would also enhance the setting of the Conservation Area by removing the architecturally inappropriate brick wall surrounding the electricity substation. The visual render in Plate 16 of the HIA also demonstrates that there would be limited visibility, even in the winter months, of the proposed house above the rebuilt garden walls when approaching Preston village from the north along Hitchin Road.

Impacts on the Walled Garden

- 6.203 Given that the walled garden has been identified as a non-designated heritage asset in the Preston Neighbourhood Plan, then its intrinsic significance has to be taken into account in respect of the development proposal. The proposed demolition of the extant garden boundary walls would result in total loss of historic fabric, but the structural condition report has identified that the brickwork is of such poor quality that it is not surprising that it has either already degraded or been lost. The March 2024 site inspection by the client team, Historic England and Priory Heritage reached a broad consensus that the existing wall is beyond the point of repair and that there was a viable case for a faithful rebuild following, as stated in the May 2024 Historic England final pre-app response, “existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible”.

- 6.204 HE has also agreed that the significance of the walled garden derives not so much from its inherent fabric as from its design, scale, form, extent and historical function. All of these will either be retained or sympathetically restored/replicated under the current proposals. On balance therefore, the development proposal is considered to preserve the overall heritage significance of the walled garden as a non-designated heritage asset.

Archaeology

- 6.205 The application is accompanied by an Archaeological Desk Based Assessment (June 2024) prepared by Abrams Archaeology. The Application Site has been assessed in order to consider its below ground archaeological potential. In accordance with relevant government planning policy and guidance, this desk-based assessment has been undertaken to clarify the archaeological potential of the Proposed Development Area (PDA) and to consider possible impacts on surrounding heritage assets.
- 6.206 The PDA does not lie within a specific 'Area of Archaeological Significance'. There are various non-designated Heritage Assets shown in the Study Area. Consideration of these non-designated (archaeological) heritage assets forms the core of the assessment of archaeological potential within the site. However, the report notes that the site lies within a Grade II* Registered Park and Garden (RPG) and it has considered the archaeological implications of this.
- 6.207 In the professional opinion of Abrams Archaeology, the direct impact upon ground within the site, which is located within the RPG, would not impact upon any of the areas which give the RPG its special character and which have led to it being a Grade II* RPG. Instead, the potential is for remains of local importance. Namely the traces of a 20th C garden in the form of land divisions and pathways.
- 6.208 The assessment considers the site to have a low to high potential for archaeological remains.
- 6.209 The perimeter wall of the walled garden is to be re-built. This will involve the cutting of foundation trenches where needed. Those would be cut along the same lines as pre-existing foundation trenches. The proposed new residence has a significant below

ground element and the quantity of earthmoving is unusually high. In archaeological terms, it is the creation of the lower ground floor and the slope down to it which will have the largest below ground impact. There would also be the breaking of ground for the creation of the new access roads and driveways, the excavation of slit trenches for foundations and for new utility connections. Such groundworks have the potential to impact upon non-designated (archaeological) heritage assets lying at a relatively shallow depth.

- 6.210 The proposed development would also see landscaping improvements. Impacts here would be much lighter comprising of the creation of a paths and planting of shrubs / trees. They anticipate that buried remains, if present, would occur at a depth of c. 300-500mm below the existing ground level. If there are other, as yet unknown, archaeological remains within the site, then these would be subject to impact by groundworks associated with a development of this type. The Applicant's expectation is that the LPA (and its advisors) will decide whether a condition related to archaeology would be appropriate. This they will do so on the basis of advice from the Senior Historic Environment Advisor, Hertfordshire LEADS, Sustainable Growth, Hertfordshire County Council (who provides advice to this LPA). This assessment will form a part of the information under consideration.
- 6.211 On the basis of available evidence, it is considered that the proposed development accords with current legislation, the planning policies contained within the NPPF and local policies which relate to archaeology.

Historic England Position

- 6.212 Following the extended pre-application consultations, Historic England recognise the effort that has gone into working up the

proposals. They welcome the additional information, which has helped them better understand the details of the proposed development and how the design has evolved in response to our advice to date.

- 6.213 In its opinion, the proposed development would result in direct physical and visual impacts to the walled garden as set out in its letter dated 7th July 2023, causing a low level of harm to the overall significance of the Registered Park and Garden. Impacts to the settings of other designated heritage assets would be limited, causing low-to-negligible levels of harm to their significance. Impacts to the non-designated walled garden itself would cause a higher level of harm from the change of use and character as well as the loss of historic fabric arising from demolition of the surviving garden walls.
- 6.214 For the purposes of the NPPF, HE assessed the harm as being located towards the lower end of the range of less than substantial harm. Nevertheless, any level of harm requires clear and convincing justification and should be accepted only if the LPA concludes that there is such justification and that the harm would be outweighed by the public benefits the proposals would secure (NPPF paragraphs 206 and 208). This includes the 'balanced judgement' required in relation to non-designated heritage assets (NPPF paragraph 209).
- 6.215 With this in mind, HE concluded its consultation process by advising that the conservation-led approach adopted in the designs for the proposed development would, in its opinion, deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.

- 6.216 Overall, HE has advised that it would not expect to raise any objection on heritage grounds at application stage. The additional supplementary plans, documents and reports that were recommended by HE is submitted to inform the application.
- 6.217 The public benefits of the proposal are closely tied to the heritage benefits in this case. These include the outstanding design quality of the dwelling, landscape and ecological enhancement. In this case, the very nature of the proposal embracing a design of outstanding quality that reflects the highest standards in architecture, and is sensitive to the defining characteristics of the site and local area would significantly enhance the immediate setting of the site.
- 6.218 Moreover, the proposal would create a visual improvement to the character and appearance of the site. The site is in a derelict state on one of the key approaches into the village. Securing the long-term protection of the walled enclosure will provide an enhancement that will be publicly visible and tangible.
- 6.219 For the above reasons, it is clear that the public benefits of the proposal far outweighs the negligible degree of harm to the significance of the designated and non-designated heritage assets, falling at less than substantial harm at the very lowest end of the spectrum.
- 6.220 Insofar as the proposals would conserve and enhance heritage assets, the proposed development accords with the aims and objectives of LP policies SP13 (Historic environment), HE1 (Designated heritage assets) and HE2 (Heritage at risk); NP policies QL3 (Local Distinctiveness) and EH2 (Conservation Areas and Heritage Assets); and the advice in the NPPF as it relates to preserving and enhancing the historic environment.

The Green Belt Balance

- 6.221 The Applicant fully accepts that by introducing a new dwelling within the walled garden where one does not currently exist, the proposal would lead to some erosion of its openness in spatial and visual terms. The limited visibility of the proposed dwelling within the walled garden would not overcome any concerns regarding the effect on openness.
- 6.222 The proposed dwelling would be sited within the northwest portion of the site with the substantive part of the site to be landscaped. We have calculated that the footprint of the dwelling would cover approximately 10.4% of the site.
- 6.223 In massing and bulk terms, the proposed dwelling is set down into the site where it is possible to reduce its overall visual impact. The new dwelling would form a substantial freestanding structure occupying a large part of the walled garden. However, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure.
- 6.224 Accordingly, whilst the effect of the proposal on visual and spatial openness would be limited through considered design, siting, scale, massing and bulk, the proposal would nevertheless constitute inappropriate development in Green Belt, which the Framework establishes should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by 'other considerations'.

- 6.225 The position of the Applicant is that there are *other considerations* in this case that clearly outweigh the harm to the Green Belt, and any other harm resulting from the proposal, and that the very special circumstances necessary to justify the proposal therefore exists.
- 6.226 We go on to summarise these other considerations below.
- 6.227 ***Outstanding Design*** - For the reasons advanced above, the Applicant submits that the proposed dwelling + landscape and ecology enhancements would be of outstanding architectural quality which would serve as an exemplar and thus help to raise the standards of design more generally. This is a matter to which very significant weight should be given, having regard to the NPPF, para. 139.
- 6.228 ***Highly Sustainable Development*** - The proposal would deliver a sustainable development of outstanding quality insofar as the proposed building embodies an exceptional level of sustainable building construction, by design, including super-insulated envelope, airtight construction, high performance glazing, thermal bridge-free and heat recovery ventilation; minimising the need for energy; maximising the use of renewable energy; maximising water efficiency; and being resilient in the long-term to the potential impacts of climate change. It will be an exemplar that may inspire others.
- 6.229 ***Climate Emergency*** - The proposal will play its part in responding to North Herts District Council's declaration of the Climate Emergency. This is a matter to which very significant weight should be given, having regard to the NPPF, para. 157.
- 6.230 ***Raising Standards of Design*** - There is an opportunity to disseminate information regarding the effectiveness of the construction methods and features used to minimise emissions, further helping to raise

standards of design. This is a matter which attracts further significant weight, having regard to the climate emergency and the associated aims and objectives of the development plan and NPPF.

- 6.231 ***Conserving and Enhancing Heritage Assets*** - The conservation-led approach adopted in the design for the proposed development would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements. The public benefits of the proposal are closely tied to the heritage benefits in this case. This is a matter to which great weight should be given, having regard to the NPPF, para. 205.
- 6.232 ***Nature Conservation Enhancements*** - The site itself would be enhanced in terms of its nature conservation value, through the series of measures set out in the Preliminary Ecological Appraisal and summarised in paragraphs 6.127 - 6.137 above since they would be beneficial to landscape character, nature conservation interests, and the environment, and are contingent on the proposal being approved.
- 6.233 ***Ecology Emergency*** - The proposal will play its part in responding to North Herts District Council's declaration of the Ecology Emergency. These are matters which attract further significant weight, having regard to para. 180 of the NPPF
- 6.234 ***Significant Enhancement of the Character and Appearance of the Site and Local Area*** - The contribution made through the delivery of a building of outstanding quality of design and use of materials, set within an enhanced landscape is a matter which also attracts significant weight, having regard to para. 131 of the NPPF. The

proposal will ensure that the character and appearance of the site and local area is not only safeguarded but enhanced.

- 6.235 ***Self-Build Targets*** - The proposed development will make a positive contribution to the Council's self-build targets. This is a matter which attracts moderate weight, having regard to paras. 63 and 70 of the NPPF.
- 6.236 ***Meeting the core objectives of the development plan*** - the proposed development conserves and enhances the high quality built, historic and natural environment within the Green Belt.
- 6.237 This is a true legacy project, promising an exemplary building and landscape, which has the potential to contribute to the heritage of tomorrow.
- 6.238 The Green Belt harm, although mitigated, is a matter which must attract substantial weight. However, in combination the positive considerations advanced in favour of the scheme carry very considerable weight in its favour and, in the balance, clearly outweigh the harm to the Green Belt arising from a materially larger dwelling located on a different part of the site.
- 6.239 In the experience of Hughes Planning, opportunities to secure a design of this architectural and landscape quality, and potentially far-reaching importance in environmental terms, from a patron who is clearly committed to it, remain very few and far between. The significant benefits that would flow from the proposal clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm arising from the proposal identified above. As such, the very special circumstances necessary to justify the proposal exist in this case.

6.240 The proposal not only meets the requirements of paragraphs 63, 70, 131, 139, 157, 180 and 205 of the NPPF (December 2023) but it also complies with Local Plan Policy SP5 (Countryside and Green Belt) and the advice in paragraph 152 of the NPPF in which the approach to development in the Green Belt is set out. The core objectives of the development plan would also be furthered insofar as the proposed development conserves and enhances the high quality built, historic and natural environment within the Green Belt; it ensures that the design fits well with the location and enhances the distinctive and high quality built environment, through contemporary design and use of materials, thereby making a positive improvement without detracting from the historic context; and it reduces contributions to climate change and promotes the prudent use of resources. The latter being particularly important in a climate emergency.

OTHER CONSIDERATIONS

Flood Risk and Drainage

- 6.241 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 6.242 LP Policy NE8 (Sustainable drainage systems) states that planning permission for development will be granted provided that the most appropriate sustainable drainage solution is used taking into account technical, viability and design issues to reduce the risk of surface water flooding, enhance biodiversity, water quality, and provide amenity benefits; it aims to mimic the natural drainage patterns and processes as far as possible; and drainage solutions follow the SuDS hierarchy.
- 6.243 The proposal is informed by a **Flood Risk Assessment and Drainage Strategy** (July 2024) prepared by Nimbus Engineering. The report has been carried out in accordance with the NPPF and NPPG to assist the council and EA in their assessment of the planning application.
- 6.244 The site lies outside of a fluvial flood risk area and within Zone 1, representing land and property at least risk of flooding. Based on the likely flooding risk and small scale of the proposed development, it is considered that the proposed development can be constructed and continue to be operated safely in flood risk terms, without increasing flood risk elsewhere; it is therefore considered appropriate development in accordance with the NPPF / PPG.
- 6.245 The proposals embrace a drainage strategy linked to the landscape and ecological proposals. The proposals take account of the predicted impact of climate change of the district's water

environment, in accord with the objectives of the NPPF and Policy NE8 (Sustainable drainage systems) of the Local Plan.

Light & Noise Pollution

- 6.246 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.247 NP Policy EH5 (Tranquillity and Dark Skies) states that proposals for development should respect the tranquil character of the neighbourhood area. Proposals which would generate an unacceptable detrimental impact on its tranquillity through noise, generated traffic or light pollution will not be supported.
- 6.248 The application is accompanied by a **Lighting Impact Assessment** (July 2024) prepared by Strenger.
- 6.249 Lighting design has been an important consideration to ensure that the proposals would not have an adverse effect on ecology or on the wider landscape. The Applicants' intention is to minimise any effect both in terms of light level and duration with the use of appropriate types of lighting, use of automated switching, screening and through the bare minimum of garden lighting. This will ensure that any external lighting is kept within close vicinity of the house and does not extend into the surrounding landscape. The landscape plans include new trees and shrub planting in the garden which will help to screen and filter any light that is generated close to the new house.

6.250 The site lies immediately adjacent to Dower House which accommodates six dwellings. The site will be enclosed on all four sides, predominantly by brick walls. The access into the site is from the existing driveway to Dower House such that the access is not directly onto Hitchin Road. The proposal would not therefore result in an undue level of harm in relation to noise and disturbance.

6.251 For these reasons, subject to the imposition of a suitably worded condition ensuring that details of external lighting are submitted to and approved by the LPA, there would be no conflict with Policy EH5 (Tranquillity and Dark Skies) of the Preston Neighbourhood Plan or the objectives of the NPPF in relation to light and noise pollution.

Land Contamination

6.252 The NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.253 LP Policy NE11 (Contaminated Land) states that planning permission for development affecting or affected by contaminated land will be granted provided that a contaminated land study / contaminated land risk assessment is submitted as part of the application; appropriate mechanisms are in place to investigate, characterise the risks and remediate the contamination to remove the risks, or reduce the risk to an acceptable level; and the site is suitable for use taking account of ground conditions, groundwater vulnerability and pollution arising from previous land use and land remediation in reference to relevant guidance.

6.254 The application is accompanied by a **Phase II Contamination Assessment** (October 2022) prepared by Land Science.

6.255 No groundwater was encountered within a depth of 1.20m. Buried structural concrete may be designed to DS-1 and AC-1 in accordance with BS8500. Water supply pipe work will not require protection from aggressive soil contaminants. No Radon Protection Measures (RPM) are required for new dwellings and extensions at this location. Soil testing has identified elevated levels of contamination and subsequent risks to human health and controlled waters. This would most cost effectively be remediated by the removal of any Made Ground and shallow topsoil and its replacement with clean imported materials. Chemical results on all soils corresponded to a Non-Hazardous Waste classification. Natural soils are anticipated to generally be Inert Waste. No immediate requirements for further ground investigation have been identified. However, remediation is recommended, and a *Remediation Method Statement* should be prepared.

6.256 Having regard to the above, subject to the imposition of a suitably worded condition ensuring that a Remediation Method Statement is submitted for the approval of the LPA, there would be no conflict with Policy NE11 (Contaminated Land) of the Local Plan or the objectives of the NPPF in relation to land contamination.

Residential Amenity

6.257 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. LP Policy D3 (Protecting Living Conditions) states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

- 6.258 The proposed new dwelling will be located a reasonable distance away from the nearest dwellings to the site, at Dower House. As the proposed use is residential, once constructed it is considered that there would be no undue additional noise and disturbance within the area, particularly given that the Application Site is to be accessed from the existing access and driveway to Dower House. Given the separation distance between the site and the nearest dwellings, it is considered that the proposed development will not have any adverse overbearing impacts on neighbouring amenity.
- 6.259 The development would comply with generally accepted residential space standards, far exceeding the essential minimum requirements and advocated standards, and by virtue of its outstanding design and inherent sustainability, the proposed dwelling would provide an exceptional level of accommodation for its future occupiers to meet both their current and future needs.
- 6.260 Overall, the proposed development is considered to sufficiently secure a good standard of amenity for the existing and future occupants of the land and buildings within the immediate vicinity and the wider area. It is therefore considered that the proposed development maintains a positive contribution to the quality of life for neighbouring properties. The proposal accords with the advice in the NPPF and Policy D3 (Protecting Living Conditions) of the Local Plan in respect to residential amenity.

Highway safety, access, and parking standards

- 6.261 The NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. It advises that, in assessing specific applications for development, it should be ensured that safe and suitable access to

the site can be achieved for all users. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.262 LP Policy SP6 (Sustainable Transport) requires proposals to be assessed against the parking standards set out in the Local Plan. NP Policy TC1 (Safe and Sustainable Transport) states that development proposals should not generate an unacceptable increase in traffic volume and movements within or through the village of Preston, and should not generate unacceptable highway safety risks, and should provide a minimum of 3 parking spaces for 4+ bedroom residential units.

Vehicle Access

- 6.263 The site has an existing vehicle access offset from Hitchin Road designated as the unnumbered classified C26 local access road subject to a derestricted speed limit. The access serves the six dwellings at Dower House in addition to the barn which benefits from approval for conversion to one dwelling.

Highway Safety

- 6.264 Vehicle to vehicle inter-visibility and pedestrian visibility is unaffected by the proposal. The present level of visibility from the existing access is acceptable and consistent with the accesses along this rural local access road and appropriate for the level of use it will receive and complies with “*Sightlines at Junctions (Ref: Design Manual for Roads and Bridges Volume 6 (Road Geometry) Section 1 (Highway Link Design) Table 2.*” The proposal for one new dwelling would not have a significant effect on the local road network. The above reflects the comments of the local Highway Authority in relation to the

application for the conversion of the barn to one dwelling (20/01539/FP).

Car & Cycle Parking

- 6.265 The proposed development provides sufficient parking space for at least 4 cars for family and visitors, with ample additional space. In addition, there is sufficient manoeuvring space to enable vehicles to enter and exit the site in a forward gear. In terms of cycle parking provision, the development provides ample opportunity for cycle parking in a safe, secure, and covered location.

Electric Charging

- 6.266 The development will be fitted with an electric vehicle charging point.

Refuse Collection

- 6.267 The refuse collection will take place at the mouth of the access onto Preston Road, reflecting the arrangements for Dower House.

Public Footpaths

- 6.268 There is no need to divert the route of any of the existing public footpaths which would remain unaffected.

Sustainable Transport

- 6.269 The nearest bus stops are located in the village of Preston approximately 400m from the site.
- 6.270 Having regard to the accompanying details, it is submitted that the proposal would not result in any detrimental effects on highway safety or public rights of way and it provides adequate on-site parking provision, refuse collection and manoeuvring space, and opportunity for electric charging points within the development, in accord with Policy SP6 (Sustainable Transport) of the Local Plan and Policy TC1

(Safe and Sustainable Transport) of the Preston Neighbourhood Plan, having regard to the advice in the NPPF.



7.0 SUMMARY AND CONCLUSIONS

- 7.1 The design team is delighted to present to North Herts District Council our detailed proposals for the erection of self-build dwelling + landscape & ecological enhancements and associated works (“the Proposed Development”) on site at Walled Garden, Hitchin Road, Preston, Hertfordshire, SG4 7TZ (“the Application Site”).
- 7.2 The proposals have been designed by a highly experienced team of experts in the architecture, landscape, building and energy sustainability, ecology, and heritage fields, in close consultation with Historic England.
- 7.3 The Application Site extends to approximately 1.2 acres and comprises a walled garden of rectangular shape situated to the northeast of Dower House. The wall is in a very poor state of repair with partial collapse along the site’s southeast boundary and total loss along the southwest boundary. A short section of wall has been rebuilt in relatively recent times (circa 2020) along the northwest boundary, adjacent to the vehicular access to the site and Dower House.
- 7.4 The site lies on the periphery of the settlement of Preston and its Conservation Area in which there are a number of notable buildings designed by Sir Edward Lutyens. The site lies outside of the Settlement Boundary of Preston and within the countryside for planning policy purposes. The site also lies within the Green Belt and forms part of the Temple Dinsley Registered Park & Garden. Dower House is a grade II Listed Building. The walled garden is a non-designated heritage asset. The edge of the Preston Conservation Area adjoins the site’s south-western boundary. The substantive part of the ancient ‘Wain Wood’ to the northwest of the site, on the

opposite side of Hitchin Road, is a Site of Special Scientific Interest (SSSI).

- 7.5 The proposal comprises the erection of a new dwelling within the derelict walled garden. The immediate setting of the dwelling is to be enhanced through sensitive landscaping, embracing ecological enhancements. The existing walls are beyond the point of repair with total loss in some locations, and a crucial component of the scheme, and the key to its success, is the faithful rebuilding of the walls following existing dimensions, design details, and alignment using a suitable modern replica of the brick that matches the existing as closely as possible.
- 7.6 The proposal includes a new modern dwelling over two stories (ground floor and lower ground floor) clad in charred timber, with chalk coloured brickwork to reflect the context of the site. This also includes elements of glazing to metal framed sliding doors and external balustrades. In terms of accommodation, the house includes six bedrooms, a study, a cloakroom and a garage at ground floor level. At the lower ground floor level there are kitchen, living and dining spaces as well as leisure spaces that include a cinema, pool, gym and yoga studio, as well as a garaging with space for up to six cars.
- 7.7 The scheme has evolved in close collaboration with Historic England given the heritage significance of the site and surrounding area, including the non-designated heritage asset status of the walled garden, its setting within the Temple Dinsley Registered Park & Garden, its setting in relation to the Preston Conservation Area and its setting in relation to the grade II listed Dower House.

- 7.8 Key to the success of the scheme and to the very special circumstances case that is being made as a justification for the proposed development is the conservation-led approach adopted in the design of the proposed development which would deliver meaningful heritage benefits. This includes securing a positive function and future for the walled garden, restoring its enclosed form, sensitively rebuilding the surviving lengths of brick wall, and reflecting historic horticultural activity and interest via the new domestic garden with productive elements.
- 7.9 The design concept proposes a new dwelling that would form a substantial freestanding structure occupying the northwest portion of the walled garden. Notwithstanding its scale, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure and reflect its historic use as a productive garden.
- 7.10 In liaison with Historic England, a visual impact appraisal of the proposed development, including the use of Verified Views, has been carried out and the findings are presented in the Pegasus Group's Landscape & Visual Appraisal and Bourne Heritage's Heritage Impact Assessment. These assist in demonstrating how the proposed development has evolved in response to potential impacts to the setting of the grade II listed Dower House and Preston Conservation Area, assessing public viewpoints (especially along Hitchin Road) as well as both designed and incidental views at locations within the Temple Dinsley Registered Park and Garden.
- 7.11 The submitted proposals for the domestic garden around the new structure have reduced the amount of organic and curvaceous forms

(as proposed in an earlier iteration of the scheme) while incorporating a clear line strongly evoking the former path aligned with the arched pedestrian access point on the north-eastern wall. In all, the proposed landscaping scheme reflects the ordered character typical of a walled kitchen garden, referring to the historic layout as recorded in historic mapping and aerial photos (see Heritage Impact Assessment) and including areas of fruit and vegetable production.

- 7.12 It is important to acknowledge and recognise that this is not just a proposal for a new dwelling, but a dwelling set within a greatly enhanced historic landscape. The proposal is multi-faceted. The central plank of the development proposal is the creation of a highly sustainable house of outstanding quality of design that will further the Government's design and sustainability objectives by assisting in meeting the challenge of climate change through high quality sustainable design and construction, and significant nature conservation and landscape enhancements, thereby helping to raise the standards of design more generally.
- 7.13 Underpinning the proposals are important landscape conservation and enhancement works that seek to conserve and improve the site's landscape and nature conservation value through the creation of new landscape features and natural habitats drawing upon the site's historic use and the defining characteristics of the local area.
- 7.14 The constituent components of the scheme cannot be disaggregated for the purposes of assessing the overall quality and impact of the development proposals. It is important to have regard to them in combination when reaching an overall conclusion in environmental, heritage, landscape and design terms.
- 7.15 The Applicant fully accepts that by introducing a new dwelling within the walled garden where one does not currently exist, the proposal

would lead to some erosion of its openness in spatial and visual terms. The limited visibility of the proposed dwelling within the walled garden would not overcome any concerns regarding the effect on openness.

- 7.16 The proposed dwelling would be sited within the northwest portion of the site with the substantive part of the site to be landscaped. We have calculated that the footprint of the dwelling would cover approximately 10.4% of the site.
- 7.17 In massing and bulk terms, the proposed dwelling is set down into the site where it is possible to reduce its overall visual impact. The new dwelling would form a substantial freestanding structure occupying a large part of the walled garden. However, the potential visual impacts have been reduced by excavating into the sloping ground within the walled garden to sink the new structure into the hillside, lowering its height in relation to the walled garden walls along the Hitchin Road. New planting within the surrounding domestic garden would further break up the form of the new structure.
- 7.18 Accordingly, whilst the effect of the proposal on visual and spatial openness would be limited through considered design, siting, scale, massing and bulk, the proposal would nevertheless constitute inappropriate development in Green Belt, which the Framework establishes should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by 'other considerations'.
- 7.19 The position of the Applicant is that there are *other considerations* in this case that **clearly outweigh** the harm to the Green Belt, and any

other harm resulting from the proposal, and that the very special circumstances necessary to justify the proposal therefore exist. In combination the positive considerations advanced in favour of the scheme carry very considerable weight, and, in the balance, outweigh the Green Belt harm.

- 7.20 These include, but are not limited to: -
- Outstanding Design
 - Highly Sustainable Development
 - Climate Emergency
 - Raising Standards of Design
 - Conserving and Enhancing Heritage Assets
 - Nature Conservation Enhancements
 - Ecology Emergency
 - Significant Enhancement of the Character and Appearance of the Site and Local Area
 - Self-Build Targets
 - Meeting the core objectives of the development plan
- 7.21 The proposed dwelling, whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale, represents contextually sympathetic modern architecture which has a strong relationship with its built and natural surroundings and draws reference from the landscape and built characteristics of the site and the local area which are translated into a high-quality design.
- 7.22 This is a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow.

- 7.23 The Green Belt harm, although mitigated, is a matter which must attract substantial weight. However, in combination the positive considerations advanced in favour of the scheme carry very considerable weight in its favour and, in the balance, clearly outweigh the harm to the Green Belt arising from a materially larger dwelling located on a different part of the site.
- 7.24 In the experience of Hughes Planning, opportunities to secure a design of this architectural and landscape quality, and potentially far-reaching importance in environmental terms, from a patron who is clearly committed to it, remain very few and far between. The significant benefits that would flow from the proposal clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm arising from the proposal identified above. As such, the very special circumstances necessary to justify the proposal exist in this case.
- 7.25 The proposal not only meets the requirements of paragraphs 63, 70, 131, 139, 157, 180 and 205 of the NPPF (December 2023) but it also complies with Local Plan Policy SP5 (Countryside and Green Belt) and the advice in paragraph 152 of the NPPF in which the approach to development in the Green Belt is set out.
- 7.26 The core objectives of the development plan would also be furthered insofar as the proposed development conserves and enhances the high quality built, historic and natural environment within the Green Belt; it ensures that the design fits well with the location and enhances the distinctive and high quality built environment, through contemporary design and use of materials, thereby making a positive improvement by complimenting and enhancing the historic context, and it reduces contributions to climate change and promotes the prudent use of resources. The latter being particularly important in a climate emergency.

- 7.27 For all of the aforementioned reasons, we respectfully ask that the Council recognises the quality of the design, and the objectives inherent within the proposals, and grants planning permission subject to any reasonable and necessary conditions.

ROB J HUGHES, MTCPT MRTPI

Director, Hughes Planning

30th July 2024

