

North Hertfordshire District Council

Building Conservation comments

File Ref: 25/00581/OP

Date: 28/04/2025

Planning Officer: AHD

Address: Land between Chain Cottage and 40 Gardiners Lane, Ashwell,
Hertfordshire SG7 5PY

Subject: Erection of single self-build dwelling on unused land (all matters reserved except for appearance, layout and scale).

1.0 Summary

- 1.1 Great weight has been given to the conservation of heritage assets in this case and the proposal is **OBJECTIONABLE**. I offer the following heritage-based reason for refusal.

The application lies south of Chain Cottage (grade II) and the grade II registered parkland setting to Ashwell Bury (also grade II). The site is an integral part of the transition area between the village and the countryside and is identified as being within Visual Character Area V1 – “The Church and Environs” in the ‘made’ Ashwell Neighbourhood Plan (ANP) and within Character Area 2 of the Ashwell Conservation Area Character Appraisal and Management Plan. The proposed dwelling would detract from the loosely developed, transitional character of the area, shifting the balance between the open and built elements and introduce a distinctly urban feature, thereby, consolidating development in an area described as being ‘relatively fragile’. Furthermore, the proposal includes Residence R9 Upvc windows in anthracite grey, a 4-door set of aluminium sliding doors to the front elevation and 4no. large roof lights to ‘snug’, that would do little to suggest that the dwelling would be sympathetic to local character and history, including the surrounding built environment (para 135c, NPPF) or make a positive contribution to local character and distinctiveness (para 210, NPPF). These impacts would fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF, the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031 and would fail to satisfy Policy ASH3 of the ‘made’ ANP regarding Visual Character Area V1 – “The Church and Environs”. The degree of harm would be moderate on the less than substantial harm continuum which would not be outweighed by public benefits.

2.0 The Local Plan and NPPF

- 2.1 Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 is relevant as are the following paragraphs of the NPPF:

- **135 c)** (sympathetic to local character and history, including the surrounding built environment),
- **207** (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)
- **210** (desirability of new development making a positive contribution to local character and distinctiveness),
- **212** (great weight should be given to the asset’s conservation),
- **213** (clear and convincing justification), and
- **215** (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).

3.0 Ashwell Conservation Area Character Appraisal and Management Plan

- 3.1 The application site is located within the Ashwell Conservation Area (ACA) which was designated by North Hertfordshire District Council in 1968, and its boundary was amended in 1978 and 1986.
- 3.2 A character statement was prepared by Wood in October 2019 and the following image is identified as a Key View in that document. This document however is effectively superseded by the Ashwell Conservation Area Character Appraisal and Management Plan dated February 2023 prepared by Place Services.



KV18: View from adjacent to Ashwell Grange east towards the Church of St Mary including a streetscape with expansive planting that meets the road surface with no kerb intervening.

- 3.3 Chain Cottage in the foreground is grade II listed whilst the Church of St Mary the Virgin is grade I. The setting of both are considerations for this application. Out of view but to the left of Chain Cottage in the view above, stands Ashwell Bury (grade II listed) which was remodelled and extended by Sir Edwin Lutyens in 1922-23. Ashwell Bury lies within its own grade II Registered Park and Garden and Gertrude Jekyll produced plans for the garden in 1908-09. No.40 Gardiners Lane (unlisted) can just be seen to the right of Chain Cottage in the image above.
- 3.4 The OS extract below left (Surveyed: 1877, Published: 1888) shows the transitional quality of the area in the late C19 whilst the extract below right (Revised: 1901, Published: 1903) indicates what was previously the established curtilage to Chain Cottage.



With permission from the National Library of Scotland

The curtilage to Chain Cottage appears to have been divided and the application site formed, circa 1990 (see officers report below in relation to ref: 05/01764/1). The site was sold sometime after 1999.

- 3.5 At 3.2 of the Place Service's Character Appraisal it places the application site within Character Area 2 – The Northern Rural Periphery and Ashwell Bury Estate. Further on at 3.4 under the heading 'Character Area 2, The Rural Edge and Ashwell Bury Estate' it refers to:

The northern edge of the Conservation Area has a far less dense development and includes the open spaces of Ashwell Bury Park and Garden [Figure 37]. This area was, and remains, the northern edge of the village. Buildings here were often traditionally concerned with agricultural production or industry.....

.... To the west the area extends to Ashwell Grange. There are important views that can be appreciated within this Character Area, looking into the centre of the village and the Church of St Mary.

.... Away from the village centre, Mill Street becomes more open and less developed as it rises north then turns ninety degrees to the east. Here, Mill Street takes on the appearance of a country lane, with the converted barns of Ringstead Farm, prominent within the street scape, situated within agricultural fields. A small section of Rollys and Gardiners Lanes are also within Character Area Two, leading out from the centre of the village....

3.6 At page 58 it states:

Viewpoint 12 [Figure 81] from the junction of Rollys Lane and Gardiners Lane provides an important view within the Conservation Area, where the church spire, traditional buildings and hedges provide a clear example of the Conservation Area's character.



Figure 81: Viewpoint 12

4.0 Ashwell Neighbourhood Plan (ANP)

4.1 The Ashwell Neighbourhood Plan was made in April 2022 and should be given due weight / regard. The application site sits within Visual Character Area V1 – “The Church and Environs” which seeks to preserve the open nature of the church and surrounding farmsteads and meadows to the north of the village. Policy ASH3 of the ‘made’ ANP is relevant (see below):

POLICY ASH3 CHARACTER OF DEVELOPMENT

- A Development proposals should conserve and enhance the Conservation Area, the Character Areas V1 to V5 as shown in Figure 6.1 , and key views and assets identified in the Conservation Area Character Statement 2019.
- B The design of new development should demonstrate how it has taken account of the local context and reflected the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the ANP area.
However, innovation in design will be supported where this demonstrably enhances the quality of the built form in a character area.
- C As appropriate to their scale, nature and location, development proposals should:
 - (i) make a positive contribution to the visual impact of the village from the highway and footpath approaches; and
 - (ii) not have a significantly detrimental impact on the local views as set out in POLICY ASH8 Locally significant views.
- D Development proposals affecting designated and non-designated heritage assets (either directly or via a change in their settings), should respect, conserve, and enhance the significance of those assets.

Conformity reference: NP Objectives: 8; Saved Plan 1996: 7; Emerging Local Plan: SP8, SP9, SP13; NPPF (2021): 20, 127, 130

- 4.2 In addition, the ANP contains a section entitled Locally Significant Views and the following is noted:

6.38 With a well-established population, views contribute to tradition, memory and sense of place.

They are equally important for residents and for visitors. The Ashwell Village Design Statement 2000, as amended in 2018, (Appendix E) includes a reference to the importance of views, noting that "important vistas must be protected, particularly those which allow views of the countryside from within the village."

6.39 In addition to views out from within the village, there are many views towards the village, or within the village itself, which are intrinsic to Ashwell's sense of place. Many of these views focus on the tower of St Mary's Church, a grade I listed medieval building. Indeed, In 'The Spectator' of July 1956 Sir John Betjeman's comments on Ashwell's church thus:

"So I went to Ashwell. We first saw its gigantic fourteenth century church tower... dominating all, this magnificent church tower. And the church inside, white and spacious and East Anglian, with arcades like a Cathedral, clear glass everywhere, uneven floors and splendid chancel, was worthy of the best of English villages."

6.40 Figure 6.9 below sets out the important views of the village that have been gathered from the Design Statement and also from local consultation as part of the Neighbourhood Plan process.

It should be noted that while some views or vistas are experienced from a single viewpoint, there is often a dynamic component to many views that changes and evolves as one moves along a street or path. It should also be noted that some views may be more apparent in winter when the leaves are off the trees. New developments should explore opportunities to create new views or vistas.

6.41 This policy seeks to ensure that adequate weight is given to the conservation and enhancement of views significant for local people and visitors.

6.42 The map in Figure 6.10 shows the location of the views and their orientation. It includes dynamic views ("Other important views") referred to in paragraph 6.40 but not illustrated in Figure 6.9

The 'Other important View' (dynamic view) which is interest here is 'SVA'. Whilst it is acknowledged that Viewpoint 12 in the Character Appraisal has not been included as a Locally Significant View in the ANP, I still consider this to be a Locally Significant or Key View.

5.0 Previous planning cases/decisions

Application ref:1/01416/89

- 5.1 Following a hearing relating to the refusal of outline planning permission for the erection of a detached house and garage on this site, the Inspector wrote at para 5 on 23/07/1990 that:

"... I agree with the Council that the spaces between buildings in the vicinity of the appeal site are an important characteristic of this part of the Conservation Area. In this context I judge that the gap occupied by the appeal site is of significance and importance both to the Conservation Area and the village of Ashwell and that its vegetation cover adds to the intrinsic appearance of the site".

- 5.2 At para 6 the Inspector continues saying:

*"The development of the appeal site would result in a building which would be most clearly seen from the northern approach into Ashwell, along the public highway. At present from this direction the roof of a single storey garage within the wide gap between Chain Cottage and No.40 Gardiners Lane and close to the boundary with the appeal site can just be seen over a beech hedge. There is no doubt in my mind that a 2-storey dwelling rising some 7.25m to the ridge would be far more prominent, increasing the built-up appearance of Gardiners Lane and **fragmenting the spacious quality of this part of the Conservation Area.**"*

- 5.3 The Inspector went on to say at para 7 that:

*"The proposed dwelling would also be plainly visible from the car park of the Doctors Surgery and Health Centre across the road The substantial gap or space between Chain Cottage and No. 40, is occupied in part by a low relatively unobtrusive detached garage. **Even a modest 2-storey house on the appeal site would have a more assertive presence in the gap which is dominated by the spire of Ashwell Church,** located some distance away to the east I consider it would be more difficult to appreciate the Church tower in its landscape setting with a new house introducing into the "frame" between Chain Cottage and No.40 when entering Ashwell village from the north."*

- 5.4 The Inspector continued at para 8 by saying that the public perception of an open space of visual importance would be *"drastically altered"* and that *"The striking tower of Ashwell Church naturally draws the eye over the open gap between Chain Cottage and No.40 Gardiners Lane..."*

Application ref: 98/00958/1

- 5.5 Following an appeal against the refusal of outline planning permission on this site, the Inspector wrote at para 5 on 01/03/1999 that:

*"Although the site is within the defined confines of the village, **it seems to me that this part of the settlement has more in common with the nearby open countryside than it does with the urban development to the south within the heart of the village.** The presence of the health centre opposite the appeal site and the two residential properties on either side of the site means that the area does not have an entirely rural character but is, in my judgement, **clearly a transition area between the village and the countryside.**"*

- 5.6 At para 6, the Inspector continues by stating that:

*"**You are proposing a modest single-storey building and, although I am satisfied that the structure would not materially obstruct views of the church, I consider that the presence of the proposed building on the site, albeit modest, would consolidate development and reduce the effectiveness of this locality as an area of transition.** I do not share your view that the retention of the hedge along the front of the site would mean that role of the site plays as a "green wedge" would be maintained. In the first place I consider that the site is rather more than a "green wedge." It is an integral part of an extensive transition zone which, in my view, does much to define the character and appearance of this part of Ashwell **I believe that transition nature of this part of V1 is relatively fragile because of the health centre and the dwellings at Chain Cottage and 40 Gardiners Lane.** The shift in balance between the open and built elements inherent in the proposal is, in my opinion, undesirable in the light of the clear policy intention to maintain this as an area of scattered buildings...."*

Application ref: 05/01764/1

5.7 The front of this proposal in 2005 was the following:



5.8 I have also copied below what I consider to be relevant extracts from the officer's delegated file note.

1.0 Relevant History

- 1.1 There have been two previous applications for the erection of a dwelling on this site, one in 1989 and one in 1998. Both were refused for reasons relating to the impact of the proposal upon the character and appearance of this part of the Ashwell Conservation Area and both went to appeal. The first was the subject of a hearing and the second dealt with by written representations. **Both appeals were dismissed with successive Inspectors agreeing that a dwelling on this site would "have a more assertive presence in the gap which is dominated by the spire of Ashwell Church" (1990) and "I agree with the Council that the loss of this amount of hedge, in association with the development, would be detrimental to the character of the area because it would reduce a rural element, the hedge and introduce a further urban element in the form of a dwelling."**(1999) These are selected extracts from the two decision notices, full copies of which are on this file. Both Inspectors agreed that the erection of a dwelling on this site would have an adverse effect on the Conservation Area, the character and appearance of which would be neither preserved nor enhanced.
- 4.1.3 The site is roughly rectangular shaped, slightly deeper than it is wide. It has recently been cleared of vegetation that has grown up over the past 15 years or so, since it was sub-divided from the domestic garden of Chain Cottage. A new 5 bar gate has been erected across the gap that has been opened up along the frontage but the existing Beech hedgerow has been retained either side of the gate.
- 4.2.1 To erect a detached dwelling on the site. This is the third such application, and whereas the previous attempts were made by the former owners of Chain Cottage (after they had sold that property) this time the application is made on behalf of the new owner, who is said to have purchased the site, presumably some time after the unsuccessful 1999 permission.
- 4.3.1 As with the previous applications for the development of this site, the key issue here is whether or not the erection of a dwelling would preserve the established character and appearance of the Ashwell Conservation Area. Successive Inspectors have rejected claims that the site can accommodate a dwelling without harming the Conservation Area, citing the loss of the important open space and the introduction of a distinctly urban feature in the street scene along this part of Gardiners Lane.
- 4.3.2 The principal thrust of the applicant's agents case for now granting permission is a reliance upon the fact that some new development has occurred on land nearby, on the former Merchant Taylor's School site, to the south-east. The applicant's agent also acted for the Merchant Taylors and in support of the development of that site and in a long supporting statement submitted with that application they made the point that the impact of that development upon the character of the street scene had been carefully considered. They felt that the at-present treed open space between No 40 Gardiners Lane and the car park of the nearby public houses was a feature of the lane and was to be kept largely open in that scheme. They also made the point that from Gardiners Lane, important views through the site to the church would be maintained and I distinctly recall the agent agreeing with me at the time that in supporting the development of the Merchant Taylors site the Council would be able to continue to show a difference between that development and any future proposal to resurrect an application to develop this site further along the lane.

4.3.5 Successive Inspectors have acknowledged the importance of this gap as part of the make-up of the northern fringes of the village. Our own Building Conservation Officer agrees with me that the most recent developments at the Merchant Taylors site have not changed considerations of this site. The group with the newer buildings lies closer into the main built up part of the village. This site remains on the edge of the village, where buildings become more widely and informally spaced as the settlement gives way to open countryside. The erosion of this open space by residential development would still fundamentally damage the essentially open characteristics of this part of the Conservation Area. This has not been the case with the recently completed development of the site nearby. Whatever I might think of the applicant's agent's decision to promote this third application, the new development nearby that they so successfully brought through the planning process in 2002/2003 has not had an unacceptable impact upon the character and appearance of this part of the Conservation Area along Gardiners Lane, nor has it paved the way for the erection of a new house on this site.

5.9 This application was also refused and went to appeal, and the Inspector's Report was issued on 12 October 2006. At para 4 he states that he considers that the two previously dismissed appeals have to be considered *"against the changed local circumstances arising from the development of the Merchant Taylors' School site, and revised national guidance on development contained in Planning Policy Guidance Note 3"*.

5.10 At para 5, the Inspector continues by stating that:

".... Notwithstanding the development of elderly persons apartments, the doctor's surgery and the recent development at the former Merchant Taylors' School, which extends the urban edge of the village along Gardiners Lane, I feel that the appeal site is still an essential component of maintaining the transitional character of Gardiners Lane and its pattern of scattered buildings. Indeed, keeping the appeal site free of urban development is the only way of maintaining the remaining views of the church and isolated nature of Chain Cottage. Chain Cottage remains a focal point of the view long Rolly's Lane to its junction with Gardiners Lane".

Application ref: 23/01984/FP

5.11 Previously I drew attention to an alternative view of the application site that I had not previously focused on which is also important when assessing this transitional area within the ACA. This is looking directly north from in front of no.40 Gardiners Lane and the red line below suggests that over half of the proposed dwelling would impact upon the view towards Chain Cottage and its garage/outbuilding.



6.0 Proposal

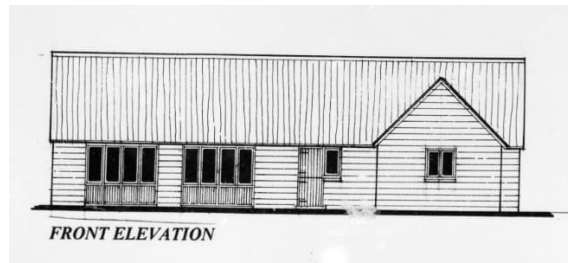
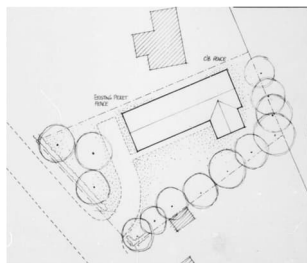
6.1 In my opinion this part of Character Area 2 which includes Chain Cottage, Ashwell Bury, no.23 Mill Street (The Old School House) and nos. 29 & 31 Mill Street and which also includes Ashwell Bury HPG (all of which are grade II) and which also includes Rolly Lane and a view towards St Mary Church is arguably one of the most in-tact and unaltered parts of the ACA.

- 6.2 Although the site is described as 'unused' this is a direct consequence of severing ownership from Chain Cottage and erecting a close-board fence between both sites but the sense of space to the south of Chain Cottage prevails.



- 6.3 There is no Design or Heritage Statement accompanying this submission but reading between the lines, the proposal is seeking to address both the height of the dwelling and its location on the site in response to my previous objection concerning size and position. However, this misses the point in terms of my continued objection to the principle of a dwelling on this site.

- 6.4 Under application ref: 98/00958/1, a single-storey dwelling was proposed to which the Inspector responded saying that *"although I am satisfied that the structure would not materially obstruct views of the church, I consider that the presence of the proposed building on the site, albeit modest, would consolidate development and reduce the effectiveness of this locality as an area of transition"*.



- 6.5 What is now proposed is not that different when compared with the 1998 scheme.



- 6.6 The proposed dwelling has been positioned towards the rear of the site within 1m of the east boundary. Although it is most unlikely that the building would be visible from the view below, this scheme should not be assessed simply on this view alone or indeed the view looking north from no. 40 Gardiners Lane.



- 6.7 The application site has more in common with the nearby open countryside than it does with the urban development to the south within the heart of the village. The presence of the health centre opposite the appeal site and the two residential properties on either side of the site means that the area does not have an entirely rural character but is, in my judgement, clearly a transition area between the village and the countryside. This is more about maintaining the character of scattered built form in the area described by one Planning Inspector as being 'fragile' and where the presence of the proposed building on the site, albeit modest, would consolidate development and reduce the effectiveness of this locality as an area of transition. Keeping the site free of urban development will help to maintain views of the church and the isolated nature of Chain Cottage.
- 6.8 Finally, the proposal includes Residence R9 Upvc windows in anthracite grey, a 4-door set of aluminium sliding doors to the front elevation and 4no. large roof lights to 'snug'. Apart from raise a heritage-based objection in principle, the above features would do little to suggest that the dwelling would be sympathetic to local character and history, including the surrounding built environment (para 135c, NPPF) or make a positive contribution to local character and distinctiveness (para 210, NPPF).
- 6.9 I concur with the views of the former Principal Conservation Officer, Area Planning Officer, and various Inspectors and I conclude that:
- *The loose scatter of development contained by open spaces of significance defines this part of the conservation area;*
 - *The site is an integral part of an extensive transition zone;*
 - *The introduction of a distinctly urban feature would consolidate development and reduce the effectiveness of this locality as an area of transition which has been described as being 'relatively fragile;'*
 - *The replacement of this open site with a building and forecourt for parking could not be considered an enhancement of the rural character of this part of the conservation area.*

Mark Simmons
Senior Conservation Officer