



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : ONLINE ZOOM MEETING - LIVESTREAMED  
**DATE** : WEDNESDAY 2 DECEMBER 2020  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

## **MEMBERS OF THE COMMITTEE**

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando, J Kaye, I Kemp, T Page, C Redfern, P Ruffles and T Stowe (Vice-Chairman)

## **Substitutes**

Conservative Group:	Councillors S Bull, I Devonshire and S Newton
Liberal Democrat Group:	Councillor J Dumont
Labour:	Councillor M Brady
Green:	Councillor J Frecknall

*(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)*

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## **DISCLOSABLE PECUNIARY INTERESTS**

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 4 November 2020 (Pages 7 - 28)

To confirm the Minutes of the meeting of the Committee held on Wednesday 4 November 2019.

### 5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 29 - 32)

(A) 3/20/1814/FUL - Demolition of existing extension to leisure centre and construction of new 2 storey extension incorporating exercise studios, gym, soft play area and café with associated landscaping rearrangement of car park area, cycle parking and ancillary external plant. Provision of 120sqm temporary studio at Hartham Leisure Centre, Hartham Lane, Hertford, SG14 1QR.(Pages 33 - 62)

Recommended for Approval

### 6. Items for Reporting and Noting (Pages 63 - 130)

(A) Appeals against refusal of Planning Permission/ non-determination.

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE THIS MEETING  
WILL BE HELD VIRTUALLY VIA ZOOM ON  
WEDNESDAY 4 NOVEMBER 2020, AT 7.00  
PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors T Beckett, R Buckmaster,  
D Andrews, B Crystall, I Devonshire,  
I Kemp, S Newton, T Page, C Redfern,  
P Ruffles and T Stowe

ALSO PRESENT:

Councillors J Goodeve and J Wyllie

OFFICERS IN ATTENDANCE:

Elaine Bell	- Solicitor
Fiona Dunning	- Principal Planning Officer
Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
Helen Standen	- Deputy Chief Executive
David Snell	- Service Manager (Development Management)

ALSO IN ATTENDANCE:

Matthew Armstrong	- Area Manager (Hertfordshire Highways)
Christopher Martin	- Education Officer (Hertfordshire County Council)
Lindsay McCauley	- Principal Transport Planner, Development Management (Hertfordshire County Council)
Antony Proietti	- Growth Area Team Leader (Hertfordshire County Council)
Mark Youngman	- DM Group Manager, Highways Operations (Hertfordshire County Council)

214 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Fernando and J Kaye. It was noted that Councillors Devonshire and Newton were substituting for Councillors Kaye and Fernando respectively.

215 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting and detailed the categories of attendee that were present at the online meeting. He introduced each Member and Officer in attendance at the meeting.



The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that the order of the agenda would be changed in that applications 3/18/2798/FUL and 3/18/2799/LBC would be considered before application 3/20/0151/OUT.

216     DECLARATIONS OF INTEREST

There were no declarations of interest.

217     MINUTES - 9 SEPTEMBER 2020

Councillor Beckett proposed, and Councillor Crystall seconded, a motion that the Minutes of the meeting held on 9 September 2020 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting

held on 9 September 2020, be confirmed as a correct record and signed by the Chairman.

- 218 3/18/2798/FUL AND 3/18/2799/LBC - EXTENSION TO BASEMENT (INCLUDING THE PROVISION OF LIGHT WELLS), ERECTION OF GROUND FLOOR SIDE EXTENSIONS, FIRST FLOOR REAR EXTENSION, MANSARD ROOF EXTENSIONS TOGETHER WITH ASSOCIATED ELEVATIONAL ALTERATIONS. CHANGE OF USE FROM OFFICES TO RESIDENTIAL AND CONVERSION TO PROVIDE 15 NO SELF-CONTAINED FLATS AT BLUECOAT HOUSE, 9 BLUECOATS AVENUE, HERTFORD

The Head of Planning and Building Control recommended that in respect of applications 3/18/2798/FUL and 3/18/2799/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, said that the issues for Members to consider were set out at paragraph 1.4. He referred in particular to the heritage impact in the conservation area and said that this matter carried particular weight. Members were advised that the building was currently vacant and was a listed building.

The Service Manager advised that securing the reuse, upkeep and future use of a listed building carried substantive positive weight. He referred to a late representation from the occupier of 8 Bluecoats which was an adjoining office building. He said that this occupier had previously objected to the application

and the previous objection was included in the report now submitted.

Members were advised that the objection related to the proposed building of a new two bedroom apartment in front of 9 Bluecoats and the representation also mentioned the Section 106 agreement for 6, 7 and 8 Bluecoats. The objector had also said that they considered the site unacceptably restricts access for cars and emergency to the side and rear of 8 Bluecoats. The objection had also covered the fact that work had commenced in the basement prior to planning permission being granted.

The Service Manager said that paragraph 8.24 of the report addressed the relationship between the proposed development and adjoining buildings and in particular 8 Bluecoats and this was considered to be acceptable. He advised that paragraph 8.37 covered the fact that this was a town centre site and was therefore highly accessible. Members were advised that car parking was therefore not regarded as critical to the acceptability of the development.

The Service Manager reminded Members that sub-standard and indeed car free developments of conversions to residential had been permitted in the town centres of both Hertford and Bishop's Stortford. He said that the loss of parking space 13 was not critical but future parking and site plans must be accurate for future enforcement and delegated authority was sought so that Officers could clarify the matter of ownership of parking spaces.

The Service Manager said that Officers accepted that the access and circulation within the site was shared and contentious due to the historic layout of the site being far from ideal and restricted in nature by modern standards. The site was nevertheless acceptable in this context.

The Service Manager gave Members a detailed description of the layout of the site and the proposed development, including a description of the proposed elevations and basement works. He commented on the overall quality of the listed building and referred to the sectional elevations.

Members were reminded of the quality of the building renovations and were advised that the proposed extensions were of the same quality and the Conservation Officer had raised no issues with the renovation of the listed building.

Councillor Ruffles said that he hoped Members would give the delegated authority that Officers sought so that the matter of parking and land ownership could be resolved. He said that the proposals for the headmistress' house had been a heritage worry for the town in recent years and he was glad the application had been reported to Committee.

Councillor Ruffles referred to the comments of the Town Council in terms of the historic value of the buildings at Bluecoat House. He referred to the history of the site and said that he was grateful for the time that Officers had given to the matter of the relationship of the proposed development to 8

Bluecoats. He said that the proposed density was a concern given the spacious characteristics of the rest of the site.

Councillor Ruffles said that he accepted the argument that the 40% affordable homes requirement should be relaxed due to the issue of viability. He welcomed the proposed replacement of the boundary fencing in Mill Road along the corner of Ware Road to extend the existing southern boundary wall. He asked for some reassurance that the southern boundary wall would be protected due to the presence of an important heritage asset in the form of a gas light from 1830.

The Service Manager said that, as regards the density, this was a town centre location and he accepted that the setting of whole site was more spacious. He said that Members should view this application as enabling development due to the cost of refurbishment of a listed building could be exceptional due to the cost of the building materials.

Members were advised that as regards the southern boundary wall and the listed artefact, any alterations or removal would require listed building consent. Councillor Crystall commented on the proposed 11 parking spaces for the 15 apartments and said that only four were marked as electric charging points and he asked whether this could be increased to one charging point per space. He asked whether one of those electric vehicle spaces could be one to be shared informally or formally between the apartments, perhaps via a management company.

Councillor Crystall said that the developer had proposed the use of ground source heat pumps for heating and electricity and he asked whether this could be conditioned given that the site was close to an air quality management area (AQMA).

The Service Manager said that the proposed number of spaces was less than the number of flats but this was not sub-standard for a town centre location. He said that the development was not large enough to financially sustain the provision referred to by Councillor Crystall. Members were advised that this scheme was satisfactory in that it was policy compliant with 4 electric vehicle charging points.

Councillor Devonshire commented on paragraph 8.30 and the reference to marginal viability. He referred to the high engineering costs due to the proposed extensions to the basement and the lack of foundations. He said that the extent of these works had not been established and had not been costed and he was concerned that the detailed costings would lead to amendments to the scheme.

Councillor Redfern asked about the extent of potential mitigation measures that could be taken as this was in an AQMA and she was also concerned about noise as this site was located on a corner between two very busy roads.

Councillor Page raised a concern in respect of access for refuse and emergency vehicles and said that he did not understand how this scheme could be policy compliant in terms of resident's vehicle parking

provision. He said that he understood the issue of viability but he felt it was regrettable that there was no affordable housing proposed as part of this application. He said that it was great that the building was being brought back into use and it was good to see that the Conservation and Design Officers were supportive of the proposed development and also that the statutory consultee had raised no objections.

Councillor Stowe commented on condition 9 and the availability of imperial bricks which were more expensive but were generally available. He said that this was a lovely building and the proposed design was good and it would be lovely to see this building brought back into use.

The Service Manager said that the viability assessment and the review of this by a consultant engaged by Officers had revealed the viability to be marginal without the additional works that were needed to support the building. He said that any potential future application for an amended scheme would have to be addressed if this was submitted.

Members were reminded that this was an old building and there might have to be some degree of extraction and ventilation equipment in and around the building, particularly if ground source heat pumps were to be installed.

The Service Manager confirmed that the report was correct in terms of a discounted level of parking for an edge of town centre site and car free schemes were permitted in the town centre. Members were advised

that this site was highly accessible being close to the bus station and Hertford East. He said that details of the bricks would need to be submitted in the form of an on-site sample.

Councillor Beckett said that he was pleased to see ground source heat pumps being proposed. He commented that there were hidden costs to open loop systems and he would like to see provision within any future stewardship arrangements for the maintenance of the heat exchanger as well as the regular maintenance of the extraction pump.

Councillor Kemp welcomed the proposed preservation of this historic building in that it would be put to a good new use. He was interested to know whether there was any possibility for the sharing of parking spaces between the office and residential units given that they were likely to be occupied at different times.

The Service Manager acknowledged that access for emergency vehicles was tight but Officers believed that the circulation was adequate in terms of access. He said that the problem for this site was that there were multiple owners and there was a shared access arrangement which served the whole of Bluecoat House. Members were advised that it would be difficult to add stewardship to conditions.

The Service Manager explained that the standard condition regarding landscaping stipulated that plants missing, dying or otherwise removed should be replaced and this was subject to a time limit of 5 years. He said that conditions could not be expected to



steward sites indefinitely and continued landscaping maintenance would have to be addressed via the Section 106 process and a Section 106 could not be included in a grant of planning permission solely for the purposes of securing landscape maintenance.

Councillor Beckett proposed and Councillor Devonshire seconded, a motion that applications 3/18/2798/FUL and 3/18/2799/LBC be granted planning permission and listed building consent subject to the conditions set out at the end of the report and subject to delegated authority being given to Officers to clarify the matter of ownership of parking spaces.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** –that in respect of applications 3/18/2798/FUL and 3/18/2799/LBC, planning permission and listed building consent be granted subject to the conditions set out at the end of the report and subject to delegated authority being given to Officers to clarify the matter of ownership of parking spaces.

- 219     3/20/0151/OUT - OUTLINE PLANNING PERMISSION ALL MATTERS RESERVED APART FROM ACCESS FOR THE ERECTION OF UP TO 223 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, AND VEHICULAR ACCESS AT BISHOP'S STORTFORD HIGH SCHOOL (BISH6), LONDON ROAD, BISHOP'S STORTFORD, CM23 3LU
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The Head of Planning and Building Control

recommended that in respect of application 3/20/0151/OUT, outline planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted. It was also recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section legal agreement and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, referred to the late representations summary that had been published online. She said that the outline application was for up to 223 residential dwellings on the site of the existing Bishop's Stortford High School.

Members were reminded that the principle of the redevelopment had been established in principle as this was a strategic site in the District Plan and there was also a Master Plan associated with this site and this was in accordance with District Plan Policy DES1.

The Principal Planning Officer said that the masterplan had indicated that the site could achieve more than 150 dwellings. She said that the increase for up to 223 dwellings was due to land not now being required for the adjoining Thorley Hill primary school due to the planned three forms of entry (3FE) school on the Bishop's Stortford South site.

Members were advised that the report provided a summary of responses from statutory consultees and the principle of the residential use of the site had been established. The Principal Planning Officer said that the

Highway Authority does not consider there to be existing highways safety issues and this development had not created any reason to refuse the application on highways grounds.

Members were advised that the Housing Officer was satisfied that the development proposed 40% affordable housing and the tenure split would be 75% affordable rent and 25% intermediate housing. The Housing Officer had acknowledged the policy requirements of the National Planning Policy Framework (NPPF) in that 10% of affordable housing should be intermediate housing.

The Principal Planning Officer provided a slide presentation showing the outline of the application site from the District Plan. Members were shown the developable area that was available for this application.

The Committee was advised there were residential and landscaped elements to the site and there was a TPO area to the eastern side of the site plus a wooded area to the west known as The Spinney, which was on land owned by East Herts Council where all the trees were also protected.

The Principal Planning Officer said that the proposed development comprised a mix of detached and attached dwellings plus some residential apartments of up to three stories. She said that there was a lot green space in the site masterplan and the access to this green space was covered by the conditions and the Section 106 legal agreement.

Members were also advised that the density of 30 units per hectare was similar to the adjoining housing developments. The Principal Planning Officer said that there were conditions covering the provision of electric vehicle charging points for all dwellings plus some communal charging points.

She said that further tree planting would serve to shield the proposed development from adjoining properties and there was a requirement for a locally equipped area of play in the western portion of the site. Members were advised that the Highway Authority was satisfied with the proposed access and the site was well connected to the town centre and other local facilities.

Mr Dean addressed the Committee in objection to the application. Mr Fordham and Mrs O'Neill spoke for the application. Town Councillor Warnell addressed the Committee on behalf of Bishop's Stortford Town Council. Councillor Wyllie addressed the Committee as a local ward Member.

Councillor Deering asked for some clarity regarding the efficacy of the master planning process. He said that it was his understanding that this matter had been reported to the Committee on the basis that the principle of the development had been established by virtue of the master planning process.

Councillor Deering sought some clarity as regarding the Neighbourhood Plan allocation of between 200 to 250 dwellings and the point made by Town Councillor

Warnell about this being superseded by the District Plan.

The Principal Planning Officer said the NPPF talked about sustainable developments having economic and social objectives and this was a material consideration regarding the sale of the land. The applicant had detailed the consultation that had been undertaken in the submitted planning application.

Members were reminded that the masterplan followed the Council's process and had been adopted, so it did carry weight in the decision making process. The Town Council speaker was correct in that the Neighbourhood Plan document had been superseded by the District Plan and other strategic sites had exceeded allocated figures based on the character and density of the area and other relevant factors.

Councillor Devonshire asked for some clarity regarding the capacity of London Road at peak times and he commented on the steep gradient of the access road. He welcomed the retention of trees and the additional tree planting and expressed concerns regarding the proximity of the proposed 3 storey apartments to the rear gardens of properties on Grace Gardens.

Councillor Buckmaster mentioned the traffic modelling and mitigation. She asked why the developer had been permitted to include one and two bedroom apartments when the local need was for two and three bedroom houses.

The Highways Group Manager for Development

Management at Hertfordshire County Council said that Officers had looked at the access and conditions had been applied that had dictated the length and alignment of the proposed access. He referred to the trees and the associated TPO protections.

The Group Manager said that Section 106 monies of £323,000 were also for mitigation measures for Pig Lane in addition to supporting national cycle route 11. He said that the test for the traffic modelling for Beldams Lane and Haymeads Lane was whether the traffic impact would be severe, taking into account all other committed developments. He said that 29 vehicle movements per hour took place on London Road in the morning and evening peaks.

The Group Manager referred to scoping work and said that this was agreed very early on with developers. He said that scoping could only go so far as vehicles would dissipate onto different routes by the time traffic flows had reached Hockerill, particularly from a site that was so close to the town centre. He also referred to work that had taken place with the developer on sustainable transport mitigations like bus vouchers for the first year and a travel plan.

The Principal Planning Officer said that the affordable housing provision carried some negative weight in that the indicative affordable unit mix provided a higher number of one and two bedroom flats compared to the Strategic Housing Market Assessment (SHMA). She said that she did have concerns regarding the 3 storey element of the proposed development being so close to a 2 storey dwelling.

Councillor Page said that local Members and residents had made a compelling case on the fragility of keeping to the plans for this site. He accepted the arguments on the efficient use of land and the NPPF. He referred to the planning policy and the District Plan number of around 150 units. He also raised concerns around the sustainability of this site, the traffic impact and the access arrangements for this site.

Councillor Redfern said that the affordable housing mix did not meet the stipulations of the SHMA and she did not feel that one breach made other breaches acceptable. She asked about what could be done about the cumulative effect of traffic come out of this site and in particular school journeys.

Councillor Crystall expressed concerns about the impact on traffic of primary school children being driven to a school at Bishop's Stortford South in winter and he asked what exact mitigation was proposed for this site and how would this be funded.

The Group Manager said that one option was Section 278 works in the form of junction improvements and this included tactile paving to improve walking routes. He referred to Section 106 agreements work with the Hertfordshire Rights of Way section and other stakeholders to improve footpath and cycle routes in the wider area.

Members were advised that mitigations were being looked at for Pig Lane to stop rat running such as traffic regulation orders and Officers would have to

model that solution to access the impact on other roads. The Group Manager said that bus priority measures had been talked about for a while for London Road. He also advised that various schemes often contributed to mitigating larger schemes.

Members were advised that the key issue was whether the increase in vehicle traffic could be judged to be severe and how this could be defined. The latest NPPF helped in that changes in 2018 and 2019 set out what that severe test was and this was defined in paragraph 109 of the NPPF document.

Members were advised that there had been a move away from capacity and the issue of congested junctions and the focus was now on promoting sustainable travel and modal shift. The LTP4 policy backed up the NPPF in that it supported a user hierarchy of pedestrians and cyclists first followed by buses with cars being given the lowest priority.

The Highways Officers commented at length about the net change that had been modelled in terms of the numbers of vehicle movements per hours on various routes away from this site on London Road.

The Service Manager (Development Management) said that the numbers in the Development Plan were not a cap on development and the inspector who had approved the Hert2 application had been very keen to make that point. The Inspector examining the District Plan changed the original wording from up to around.

Members were reminded that this was an outline



application and the fact that the masterplan for this area had been approved by East Herts Council did carry weight. The Service Manager stated that in the appeal hearing relating to HERT2, the inspector had ruled that the masterplan did carry significant weight.

The Service Manager said that the SHMA contained strategic targets and not every development would those targets. He said that this document would have been out of date when the development plan was drafted.

The Legal Officer said that the sale of the land being used to fund the school and unless this was enabling development, it was not a planning matter unless this matter was part of the Section 106 legal agreement or covered by CIL regulations.

The Head of Planning of Building Control said that this was a planning application relating to specific proposals for an allocated site and the master planning had been prepared under policy DES1. She made reference to the Hert2 decision letter and reminded Members that the presence of a 5 year housing land supply in East Herts did not act as a cap on further development. Members were reminded that it was the application before for them for consideration and that the plan should be read as a whole with a number of relevant policies to be taken into consideration including HOU2 and DES4.

Councillor Kemp said that he would like some clarity from the Legal Officer as to whether approving 223 dwellings would be set in stone in terms of numbers of

dwellings if Members approved this scheme. He also asked whether Members were committing to the proposed mix of housing and would some clarity about the ability of the infant school on Thorley Hill to cope with the proposed development. He asked about protection of the trees to the south side of the site to the north of the existing pathway and future cycleway.

Councillor Crystall raised a concern in respect of the air quality assessment and the results having an influence on the numbers of housing planned for this site. He asked for some clarity as to whether the assessment related to air quality from this site alone or from nearby roads as well. He also asked whether a poor figure in terms of air quality would mean that the houses numbers could be reduced or mitigated by the use of electric boilers.

Councillor Buckmaster said that the point about the out of date SHMA was a weak argument and she did not fully understand the 29 vehicle movements an hour in the context of a site for up to 223 houses. She stated that she was concerned about air quality in the area around London Road.

At this point (9:47 pm), it was proposed by Councillor Kemp and seconded by Councillor Buckmaster that the Committee pass a resolution that the meeting should continue until the completion of the agenda. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Principal Planning Officer said that she believed it would be very unlikely if it could be demonstrated that

up to 223 dwellings was acceptable at the reserved matters stage in terms of appearance, layout, scale and landscaping terms. She said that the 400 square metres required for a local equipped area of play was not shown in the master planning document.

The Hertfordshire County Council Education representative explained the admissions policy in use in Hertfordshire. He said that the County Council had endorsed the current one form of entry primary school on Thorley Hill and was also supportive of the proposed three forms of entry primary school at Bishop's Stortford South.

Councillor Andrews proposed, and Councillor Kemp seconded, a motion that application 3/20/0151/OUT be granted subject to a legal agreement and the conditions set out at the end of the report and delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** –that (A) planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted; and

(B) authority be delegated to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

220 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates
- (D) Planning Statistics.

221 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.08 pm

Chairman .....

Date .....

## **East Herts Council Report**

### **Council/Executive/Committee**

Development Management Committee

**Date of Meeting:** 2 December 2020

**Report by:** Sara Saunders, Head of Planning and Building Control

**Report title:** Planning Applications and Unauthorised Development for Consideration by the Committee

**Ward(s) affected:** All

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### **Summary**

- This report is to enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

### **RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:**

**A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.**

#### **1.0 Proposal(s)**

- 1.1 The proposals are set out in detail in the individual reports.

#### **2.0 Background**

- 2.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

### **3.0 Reason(s)**

3.1 No.

### **4.0 Options**

4.1 As detailed separately in relation to each matter if any are appropriate.

### **5.0 Risks**

5.1 As detailed separately in relation to each matter if any are appropriate.

### **6.0 Implications/Consultations**

6.1 As detailed separately in relation to each matter if any are appropriate.

### **Community Safety**

As detailed separately in relation to each matter if any are appropriate.

### **Data Protection**

As detailed separately in relation to each matter if any are appropriate.

### **Equalities**

As detailed separately in relation to each matter if any are appropriate.

### **Environmental Sustainability**

As detailed separately in relation to each matter if any are appropriate.

### **Financial**

As detailed separately in relation to each matter if any are appropriate.

## **Health and Safety**

As detailed separately in relation to each matter if any are appropriate.

## **Human Resources**

As detailed separately in relation to each matter if any are appropriate.

## **Human Rights**

As detailed separately in relation to each matter if any are appropriate.

## **Legal**

As detailed separately in relation to each matter if any are appropriate.

## **Specific Wards**

As detailed separately in relation to each matter if any are appropriate.

## **7.0 Background papers, appendices and other relevant material**

7.1 The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

### **7.2 Display of Plans**

7.3 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required.

A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

- 7.4 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:  
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>
- 7.5 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

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## DEVELOPMENT MANAGEMENT COMMITTEE – 2 DECEMBER 2020

<b>Application Number</b>	3/20/1814/FUL
<b>Proposal</b>	Demolition of existing extension to leisure centre and construction of new 2 storey extension incorporating exercise studios, gym, soft play area and café with associated landscaping rearrangement of car park area, cycle parking and ancillary external plant. Provision of 120sqm temporary studio.
<b>Location</b>	Hartham Leisure Centre Hartham Lane Hertford SG14 1QR
<b>Parish</b>	Hertford Town Council
<b>Ward</b>	Hertford Bengo

<b>Date of Registration of Application</b>	23/09/2020
<b>Target Determination Date</b>	23/12/2020
<b>Reason for Committee Report</b>	Council Application
<b>Case Officer</b>	Jill Shingler

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

That delegated Authority be granted to the Head of Planning and Building Control to finalise the detail of conditions.

### **1.0 Summary of Proposal and Main Issues**

- 1.1 The proposal seeks permission for the demolition of existing 1998 single story extension on the western side of the leisure centre and the erection of a two storey replacement extension to provide increased gym and studio space, children's soft play area and café facility. The works also include changes to the plant building to the

front of the site and the erection of a further substation building, together with changes to the layout of the existing car park and cycle parking facilities. In addition the proposals include the erection of a temporary building to be located on part of the existing car park to provide studio space while the existing facility is out of use.

- 1.2 As part of the overall scheme the existing swimming pool and associated facilities are also to be upgraded, but these works are within the existing building and do not entail any external works that would require planning permission.
- 1.3 The proposed 2 storey addition is designed with a sloping curved south facing aluminium roof structure which extends down to the ground level on the southern side and will incorporate a substantial living wall. To the northern side, the building opens up with a wide glazed elevation, looking out over the parkland. The Western elevation is to be of timber effect rainscreen cladding of two natural colours and windows are introduced to enable glimpses of the activity within. The proposal incorporates photovoltaics on the sloping south facing roof, and air source heat pumps are proposed within the plant area to the south of the building.
- 1.4 The scheme includes a circular area of integrated hard and soft landscaping around the extension which will provide outside café seating areas. New tree planting is proposed within a central access plaza area to the front of the building.
- 1.5 No changes are proposed to the existing vehicular access, via Hartham Lane. It is proposed to improve the coach drop off facilities at the front of the building and reconfigure the parking area such that there will be 86 car parking spaces and 3 coach parking spaces, together with 84 cycle parking spaces.
- 1.6 This is a revised application which has been submitted following the withdrawal of an earlier application which was criticised by Members and objectors with regard to aspects of the design and energy efficiency of the proposal.

1.7 The main issues for consideration are;

- The principle of the development in the Green Belt
- Leisure provision
- Climate Change
- Design and external appearance
- The Conservation Area
- Environmental quality
- Highways and parking
- Flood risk and sustainable drainage
- The natural environment

## **2.0 Site Description**

- 2.1 The red lined application site encompasses approximately 1.06 hectares of Council owned land within Hartham Common. It is within the Green Belt, Hertford Conservation Area, a designated Local Green Space-Hertford Green Finger and is located close to the centre of Hertford on the southern edge of Hertford Common. The common is bounded by the River Lea and the River Beane and the park provides playing pitches, children's play facilities and an attractive well treed area for informal recreation.
- 2.2 Vehicular access to the site is via Hartham Lane which leads to the Leisure Centre and to other public car parks that serve the area. Public footpaths enable pedestrian access from north, south, east and west and the National Cycle Route passes the site.
- 2.3 The existing leisure centre and the proposed addition fall within the Environment Agency's Flood Zone 2.
- 2.4 The main visual feature of the existing leisure centre is the series of different height slack pitched, light green, corrugated metal roofs with extensive curved overhanging eaves feature. There is a substantial mature tree screen close to the rear elevation of the building, which helps screen the building, when viewed from the

north. Further trees to the west screen and soften views on the approach through the park from the west.

- 2.5 The existing main building provides a 33.3 metre swimming pool and separate learner pool, changing village for the pools, male and female dry side changing rooms at ground floor and a narrow gym area at first floor, while the later addition provides a curving studio space and a small gym area as well as the reception area.
- 2.6 The parking for the leisure centre lies to the south and east of the building and there are disabled parking spaces and coach parking spaces close to the entrance.
- 2.7 The main plant area and store for the existing centre is located in a separate building to the front of the site adjacent to the main entrance.

### **3.0 Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision
3/88/1436/DC	Conversion of outdoor pool to indoor pool	Deemed Approval
3/98/1331/FP/FP	Extension to front of leisure centre	Granted
3/08 2089/FP	Windows to enable first floor gym.	Granted
3/10/1901/FP	Car park extension and regrade of earth mound	Granted
3/19/1882/FUL	Demolition of existing extension to leisure centre and construction of new 2 storey extension.	Withdrawn

## 4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP) and the Draft (Reg16) Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging BNAP policies are currently at examination and whilst they are material to the consideration of the planning application they cannot be afforded full weight.

<b>Main Issue</b>	<b>NPPF</b>	<b>DP Policy</b>	<b>NP Policy</b>
Principle of Development. Green Belt and Local Green Space	Section 13	GBR1, NE4	
Leisure Provision	Section 8	CFLR1	HBC2
Health and wellbeing	Section 8	CFLR9	HBC2
Design and external appearance	Section 12	DES4 DES5	
Environmental Quality	Section 15	EQ1,EQ2, EQ3, EQ4	
Highway and parking Implications	Section 9	TRA1, TRA2, TRA3	HBT1,HBT2, HBT3, HBT4, HBT5
Flood risk and sustainable drainage	Section 14	WAT1, WAT3, WAT5, WAT6	
Climate change and water resources.	Section 14	CC1, CC2, WAT4	
Heritage Assets	Section 16	HA1, HA2, HA3, HA4, HA7	HBC3

Natural Environment	Section 15	NE1, NE2, NE3	HBH3, HBN3
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority acknowledges the good sustainable transport links to the site and does not wish to restrict the grant of permission, subject to conditions.
- 5.2 Lead Local Flood Authority advise the proposed development site can be adequately drained and can mitigate any potential surface water flood risk subject to conditions.
- 5.3 Environment Agency advise that the development is within Flood Zone 2 and standing advice should be followed.
- 5.4 Thames Water raise no objection to the proposals.
- 5.5 Hertfordshire Ecology advise that the submitted ecology survey is sufficient to demonstrate that the site does not support significant habitats or protected birds and no further surveys are required. Conditions are suggested to secure biodiversity net gain.
- 5.6 EHDC Environmental Health advise that they raise no objection subject to conditions regarding, sound attenuation and construction management.
- 5.7 EHDC Tree and Landscape Officer Raises no objection to the proposals subject to conditions

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

- 6.1 Hertford Town Council Planning Committee felt this was a much improved design and welcomed the renewable energy proposals to make this building have less environmental impact. The Committee recognise that some mature trees to the west of the new development will be lost and would like to see planting to maintain a wildlife corridor from the west of the site. The Committee would be interested to know the plans to improve the energy efficiency of the existing building. Whilst the two electric vehicle charging points are welcomed, the Committee felt more provision should be made to future proof the parking for the design life of this development.

## **7.0 Summary of Other Representations**

- 7.1 3 representations have been received raising the following comments and concerns:
- This could be an important area for bats. Bat and swift boxes should be integrated into the design of the building to accommodate and encourage them in accordance with policy.
  - The design is improvement on previous proposals and incorporates features that will help it blend with the surrounding landscape.
  - Note that substantial replacement tree planting is proposed and welcome the inclusion of bird and bat boxes and bee hotel within the landscaping scheme.
  - Welcome the aim of achieving BREEAM Excellent accreditation.
  - Would have liked to see inclusion of greater facilities for older children within and around the development.
  - Welcome the improvements to the pool area including the provision of spectator seating.

- Welcome the inclusion of additional cycle parking including covered provision.
- Note that the reconfiguration of the car park would facilitate pedestrian access.
- It is essential that the works are finished on time to minimise interruption of community facilities.
- The application fails to address that the extension will obstruct a public footpath. The existing building also obstructs the footpath.

## **8.0 Consideration of Issues**

### Principle of Development

- 8.1 Notwithstanding its proximity to the Town Centre, the site lies within the Metropolitan Green Belt wherein only additions that are not disproportionate over and above the size of the original building can be considered appropriate. In this instance the proposals include the removal of the existing single storey extension of 348sq metres and the erection of a two storey extension of 1,366 sq metres. The proposed extension results in an increase in floorspace over and above that of the original building, of approximately 65%. In addition the proposed temporary studio space will also have an impact on openness during the development of the new facility.
- 8.2 The development is therefore considered inappropriate in the Green Belt and permission should not be granted unless there are very special circumstances sufficient to outweigh the harm to openness by reason of inappropriateness, and any other harm. This issue will be assessed later this report.



Leisure provision, health and wellbeing

- 8.3 National and Local policies identify the need to promote health and wellbeing and it is recognised that sports and leisure facilities are an important element in achieving a fit and healthy population.
- 8.4 The Council undertook an Open Space and Sports Facility Assessment (OSSFA), which forms part of the Council's District Plan, evidence base and found that whilst the pool provision in the area is considered sufficient for the population growth until 2033, there is a need to improve the existing facilities and expand dry side fitness provision. In addition the report refers to the Max Associates Review of fitness provision, which identified a significant latent demand for gym membership at Hartham which cannot be met within the current limited facility.
- 8.5 The existing facility at Hartham was examined and it was found that the existing pool area, whilst in need of refurbishment still meets current needs whilst the space available for gym stations and fitness studios is inadequate and poorly configured. The proposed development has been designed to meet this identified need and it is considered that this weighs in favour of the development.
- 8.6 As well as providing for the fitness needs, the proposed extension also incorporates a café area which will serve not only the users of the leisure centre, but also the users of the surrounding park and playing fields. This will replace the café that operated from the adjacent pavilion building to the west of the leisure centre.
- 8.7 The proposal therefore accords with the strategic priorities identified in the Action plan in the OSSFA. Policy CFLR1 of the District Plan states that proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations served by a choice of sustainable travel options.
- 8.8 It is considered that the identified need for the enlarged facility, together with the clear benefits of the location with regard to

accessibility by the target population, weighs significantly in favour of the development. It is also important to ensure continuity of provision of facilities if at all possible, and the temporary studio building is to be considered important to maintaining that continuity on site.

### Climate Change

- 8.9 The District Plan seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.10 Whilst the previous application demonstrated a policy compliant reduction in carbon emissions, Members at Committee made it clear that a higher standard should be achieved and that as a Council led development an example should be set for other developers, to meet the longer term aspirations of the Council and indeed the Government to move towards carbon neutrality.
- 8.11 The redesigned scheme has taken this message on board and aims to achieve BREEAM Excellent standard. BREEAM is a sustainability assessment method for buildings which takes into account the building's environmental, social and economic sustainability performance, using standards developed by the Building Research establishment.
- 8.12 The heating and cooling source for the new extension is to be an air source heat pump to be located externally behind the new timber enclosure located at the front of the site. An Energy and Sustainability Statement has been submitted which advises that with the inclusion of low /Zero carbon technologies (including solar photovoltaics on the south facing roof of the extension and the use of air source heat pumps) the carbon emission of the proposed extension will be reduced by some 45 %).

- 8.13 In addition, the design of the extension, incorporating the proposed living wall to the southern elevation will minimise summer heating and reduce cooling costs.
- 8.14 To achieve BREEAM Excellent accreditation other factors such as re-use of existing materials, incorporation of green infrastructure, improved biodiversity, efficient use of water, sustainable drainage, sustainable materials, sustainable transport etc. have all been factored into the design. The building envelop has been designed to standards above the building regulations requirements and the target for the extension is to reduce air permeability 50% above the current Part L Building regulations requirement.
- 8.15 It is considered that the proposed sustainable, future proofed, design together with the significant reduction in carbon emissions beyond current policy requirements adds significant weight in favour of the development.

#### Design and External Appearance

- 8.16 The proposal will see the demolition of the existing brick built single storey extension on the western side of the leisure centre and the erection of a much larger two storey addition. The original pool building is to be retained.
- 8.17 The addition, whilst adding about 65% in floorspace terms, is less than half the length of the original building and is visually compact utilising the minimum volume necessary to achieve the floorspace requirements.
- 8.18 The design has been the subject of extensive discussions with Officers and significant public consultation following the deferral of the previous application which had been heavily criticised by some for its relatively simple utilitarian design and materials which were seen as inappropriate to the parkland setting.
- 8.19 The new design has addressed the criticisms and presents an attractive addition to the existing building which integrates well with

the parkland setting. The curving aluminium structure is softened by the introduction of the living wall to the southern elevation. The glazed northern elevation with its protruding beams resembles an eye and enables views out over the park and vice versa. In addition the western elevation is proposed to have a timber like finish and incorporates windows that enable glimpses of the activity within.

- 8.20 Care has been taken to integrate the hard and soft landscaping into the design of the scheme and provide seating areas around the building. The Landscape Officer has raised concern regarding the proposed gabions (brick filled metal bound cages) which create the semi-circle, but these are an integral part of the sustainability strategy of the development, enabling re-use of the brick from the demolished extension within the site as part of the design. Subject to quality timber being used to top the structures (to provide seating) it is considered that they will provide an attractive and practical feature.
- 8.21 New ornamental tree planting is proposed around the western side of the building as well as within the reconfigured entrance plaza.
- 8.22 The material of the roof and its curved design has been chosen to maintain a visual link with the existing corrugated roof of the main building.
- 8.23 The revised design is well thought out and will provide a quality addition that fits well with the existing building and its setting, within the park. The quality of the design and the associated hard and soft landscaping is considered to weigh in favour of the development.
- 8.24 The proposed temporary studio space building is a simple rectangular, modular building and is proposed to be located at the rear of the eastern car park area, such that it does not intrude into the open parkland. It is considered appropriate as a means of providing temporary facilities, subject to a condition to secure its removal once the new extension is operational.

### Conservation Area

- 8.25 The site lies within the Hertford Conservation Area and as such any development should preserve or enhance the special interest, character and appearance of the area.
- 8.26 The proposed extension respects/continues the existing front and rear building line of the building. Whilst the leisure centre stands on its own and not part of a traditional street scene it is considered that maintaining the established depth of the building and not extending further out into the open parkland to the rear is a positive factor, which helps maintain the open character of park, and also does not result in a loss of the existing playing fields.
- 8.27 The proposal does result in the loss of some significant trees which are identified within the Conservation Area Appraisal as contributing to the special interest and character and appearance of the area. The trees are mature and whilst not of the highest quality they currently help to reduce the visual impact of the leisure centre building when viewed from the west.
- 8.28 The loss of these trees was raised as a concern on the earlier application particularly as the removal of the trees exposed the uninspired western elevation to view. The revised scheme has addressed this concern by creating an integrated hard and soft landscaping scheme around the western side of the building, and significantly improving the western elevation of the building. The two storey addition successfully hides the unattractive original building when viewed from the west, such that it is no longer necessary to provide such extensive screening. In accordance with the original advice of the Design Review Panel the proposals take the opportunity to address the park, rather than to hide from it.
- 8.29 Compensatory tree planting is also proposed, including the provision of a semi-circle of trees around the western side of the building. Whilst these are proposed to be smaller and more ornamental than those that are to be replaced, such trees are appropriate to the parkland setting. In addition, further tree

planting is proposed around the front entrance to the building which together with the living wall will create an attractive feature.

- 8.30 The proposed development adds interest and quality and it is considered that it will preserve and enhance the character and appearance of this part of the Conservation Area in accordance with policy. The enhancement adds weight in favour of the development.

#### Environmental Impacts

- 8.31 A Phase II Geoenvironmental Assessment was submitted with the application to assess risks with regard to contamination. This has been considered by the Environmental Health Officer, and is considered to provide a robust assessment. Having regard to the end use, no soil, ground water or ground gas risks were identified therefore no remediation measures are required.
- 8.32 The development is not expected to result in any excessive noise or light pollution. Whilst there is potential for some noise from people utilising the external café seating area, the noise is unlikely to be greater than is generated by the adjacent playing fields and play areas. A noise assessment was submitted with the application and concluded that noise from the adjacent river was the dominant noise source.
- 8.33 A condition is proposed to restrict noise from any external plant, to ensure that there is no adverse impact on residents. The nearest residents are those living on house boats on the river approximately 48 metres away from the site.
- 8.34 Conditions to restrict construction working hours and to require submission of a Construction Management Plan (CMP) to minimise disruption during construction are also proposed.
- 8.35 The lack of harm from the development to the environment in terms of contamination, light and noise carries neutral weight.

## Highways and Parking

- 8.36 Despite the increase in floorspace of the building, over that of the existing, no additional car parking spaces are proposed. The application was accompanied by a parking review and a transport statement.
- 8.37 The site is well served by public transport and is readily accessible by walking or cycling. The centre sits adjacent to the National Cycle network route 61. The leisure centre will provide 84 cycle parking spaces including 35 new spaces as a result of the proposed development, and this is considered to be an appropriate level of provision for the facility.
- 8.38 The existing car parks at the site provide 93 car parking spaces and 3 coach parking spaces. The proposed reconfiguration as a result of the development results in the loss of 7 car parking spaces overall. The number of blue badge spaces, adjacent to the front entrance is being increased from 3 to 6, and two electric vehicle charging points are also proposed.
- 8.39 On site car parking provision falls well short of the level set out in the parking standards for this zone 4 location, where 183 spaces could be expected. However, the parking assessment submitted with the application, highlights the close proximity of other public car parks and the relatively limited times at which the car parks are full to capacity, and provides a robust basis for accepting a lower provision. The lack of parking will also help discourage people from driving into Hertford, which already suffers from traffic congestion and issues with air quality, and to use more sustainable means of transport.
- 8.40 Furthermore, to require increased parking to meet the maximum standard would have a significantly adverse impact on the openness of the Green Belt and on the character and appearance of the Conservation Area and would significantly erode the natural landscape of the park.

- 8.41 The Highway Authority has raised no objection to the proposal, and is happy that the site is well served by foot and cycle paths and by public transport. Conditions are to be imposed to ensure that a travel plan is produced, to demonstrate how staff and customers will be encouraged to use alternate modes of transport to the site. In addition a car park management plan is required to better restrict the use of the car park to those utilising the leisure facilities.
- 8.42 The Highway Authority identified that the proposed extension to the building, "clips" the route a public footpath (88), however it appears that the existing building and car park already obstruct the definitive route of the footpath.
- 8.43 Whilst the proposals do not require any change to the position of the path as it currently exists on the ground there is a need to apply to formally divert the right of way, to regularise its position. An application for the footpath diversion has been made. This is a separate matter which does not prevent the planning application from being determined.
- 8.44 The scheme is considered to comply with the policies of the District Plan with regard to safe and convenient access to all users.
- 8.45 The sustainable location of the development, and its connectivity, which negates the need for additional car parking, is considered to add some weight in favour of the development.

#### Flood risk and Sustainable Drainage

- 8.46 The leisure centre building is located within the Flood Zone 2. Generally new development should be directed to areas at least risk of flooding. In this instance the proposed development is an extension and by default cannot avoid being within the flood zone.
- 8.47 The application was accompanied by a flood risk assessment, and the proposals include the provision of sustainable drainage such that there will be no increased risk of flooding elsewhere as a result



of the development. The building itself has also been designed with a high level of flood resilience.

- 8.48 The Lead Local Flood Authority (LLFA) has raised no objection to the proposals subject to conditions.

#### Natural Environment

- 8.49 District Plan policies require that developments result in a net increase in the ecological value of a site. Hartham Common, which wraps around 3 sides of the leisure centre, is identified by Hertfordshire Ecology, as an Ecosite. Ecosites do not have any form of status of importance, but are sites on which there is some existing ecological information. They do not meet the rigorous and quantifiable assessment criteria needed to identify them as non-statutory Local Wildlife Sites.
- 8.50 The application was accompanied by an ecology report and the site itself, including the buildings and car park, is not considered to support significant habitats or protected species, other than potentially nesting birds. Hertfordshire Ecology have confirmed that this report is adequate and that no further surveys are necessary.
- 8.51 The proposals include the provision of bat and bird boxes, a bee hotel and other elements designed to encourage biodiversity. The inclusion of the living wall further enhances the opportunities for ecological enhancement. Hertfordshire Ecology is satisfied that suitable mitigation and enhancement can be made and have suggested conditions including a requirement for submission of a Landscape and Biodiversity Plan to ensure a net gain in ecological value is achieved.
- 8.52 The development is therefore considered to comply with the policy requirement with regard to biodiversity and this carries neutral weight in the consideration of the proposals.

## Other Matters

- 8.53 The concerns raised in consultation responses have largely been addressed in the body of the report. The suggestion that facilities for older children should have been included within the development is not relevant to the determination of this application which must be considered on its own merits. The proposed facilities have been justified in terms of the identified need for increased gym and studio facilities and are considered appropriate on that basis.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposed extension is considered to be disproportionately larger than the size of the original building, and in addition has a physical impact on openness. The proposal therefore amounts to inappropriate development in the Green Belt and is by definition harmful. The provision of the proposed temporary studio space is also inappropriate development in terms of Green Belt policy.
- 9.2 Therefore, in order to be acceptable the proposal must demonstrate very special circumstances that clearly outweigh the harm by reason of inappropriateness, and any other harm.
- 9.3 In this case the following other considerations have been identified:
- The clear identified need for the additional gym facilities and studio space, to provide for the health and wellbeing of the growing local population;
  - The fact that the volume of the addition has been kept to the minimum necessary to achieve the required floorspace.
  - The very sustainable/accessible location of the site;
  - The established use of the site for a leisure centre and the demolition of the existing extension.
  - The higher than standard carbon reduction and sustainability measures proposed.
  - The high quality design of the extension and its associated hard and soft landscaping, which will enhance the Conservation Area.

- The temporary nature of the studio building and the need to maintain provision of facilities during construction.

9.4 It is considered that these factors taken together amount to very special circumstances that clearly outweigh the relatively limited identified harm to the Green Belt that will result from the development. No other material harm has been identified in the assessment of the application.

9.5 It is therefore considered that the planning balance falls in favour of the development and that it accords with the policies of the District Plan. The application is therefore recommended for approval, subject to conditions.

### **RECOMMENDATION**

That planning permission be **GRANTED**, subject to the conditions:

### **Conditions**

1. Three year time limit (1T121).
2. Approved Plans (2E101).
3. Lighting Details (2E272).
4. Hard Surfacing (3V212).
5. Landscape Design (4P122).
6. Prior to their first use within the development samples of the external materials of construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.  
Reason: In the interests of the appearance of the development and in accordance with policy DES4 of the East Herts District Plan 2018.

7. Noise resulting from the operation of any external plant. hereby approved shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.  
Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.
8. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs Monday to Saturday, nor after 18.30hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.  
Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy EQ2 of the adopted East Herts District Plan 2018.
9. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and in order to ensure an adequate level of amenity for existing residents in accordance with policies DES4, EQ2 and EQ4 of the adopted East Herts District Plan 2018.

- 10. At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

- 11. Prior to the first use of the extension hereby approved, a Car Park Management Plan shall be submitted to the Local Planning Authority (in consultation with the Highway Authority), for approval in writing. The plan should describe how parking will be managed with respect to preventing non-leisure centre related trips and how capacity may be managed using the Hartham Common and Hartham Lane car parks.

Reason: To ensure suitable arrangements for car parking as part of the development in accordance with EHDC requirements.

- 12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. The statement should include: a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; b) access arrangements to the site; c) the date of start and finish of works on site; d) siting, methodology and facilities for wheel cleaning; e) site

set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities; f) cleaning of site entrances, site access roads and the adjacent public highway and: g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas; h) hours of construction operations including times of deliveries and removal of waste; i) the estimated number and type of vehicles per day/week; j) details of any vehicle holding area; k) details of the vehicle call up procedure; l) details of any changes to on-street waiting and loading restrictions that will be required; m) access and protection arrangements around the site for pedestrians, cyclists and other customers; n) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent; o) details of a construction phasing programme; The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Tree/hedge protection and retention (4P052).
14. Within 3 months of commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall include details of appropriate habitat improvement, management and creation schemes. The plan shall be submitted to the LPA to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met. Development shall proceed in accordance with the approved LEMP, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the development results in a net gain in biodiversity as required by Policy NE3 of the east Herts District Plan 2018.

15. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Peter Dann Consulting Engineers, Job number 10-9604, dated 17 August 2020 and the following mitigation measures:
1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff generated during the 1 in 100 year event plus 40% climate change event.
  2. Providing storage to ensure no increase in surface water runoff volumes for all rainfall event up to and including the 1 in 100 year plus climate change event providing a minimum of 23.94m<sup>3</sup> (or such storage volume agreed with the LLFA) of storage volume in the shallow geo-cellular storage tank.
  3. Discharge of surface water from the private drainage network into the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WAT1 of the East Herts District Plan 2018.

16. No development (other than demolition) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
1. Detailed infiltration test conducted to BRE Digest 365 Standards at the exact location and depth where the geo cellular storage is proposed.
  2. Undertake Groundwater monitoring to ensure that the 1m buffer zone between the groundwater levels and the bottom of the storage tank can be maintained.

3. Final detailed modelling of the drainage network for up to and including the 1 in 100 year rainfall event including 40% for climate change.
4. Final detailed drainage layout with all SuDS features indicated
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding both on and off site, in accordance with Policy WAT1 of the East Herts District Plan 2018.

17. Prior to their installation, full details of the proposed photovoltaic panels shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

Reason: To ensure satisfactory appearance in the interests of maintaining the character and appearance of the conservation area in accordance with policy HA1 of the East Herts District Plan 2018.

18. Prior to installation, details of the signage to be installed on the proposed extension and within the site, shall be submitted to and agreed in writing by the Local Planning Authority. The signage shall be installed in accordance with the approved details.

Reason: In the interests of maintaining the character and appearance of the Conservation Area in accordance with Policy HC1 of the East Herts District Plan 2018.

19. Prior to the occupation of the new extension to the leisure centre the details of visitors and staff cycle parking shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Staff cycle parking should be provided in a weather tight and lockable store. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.



Reason: In the interests of encouraging the use of sustainable modes of transport.

20. Improvements to walking- Within 3 months of commencement of development plans shall be submitted to the Local Planning Authority for approval in writing, in consultation with the Highway Authority, which show pedestrian accessibility improvement works at the following locations:
- i. Provision of pedestrian crossing with tactile paving across to both sides of the bellmouth access to the coach/disabled parking area;
  - ii. Provision of pedestrian crossing in two locations in Hartham Lane outside Hertford Footpath 091 and further to the west along Hartham Lane in a location where access is provided to the East Car Park;
  - iii. Refreshing of the existing raised pedestrian crossing to the south of cycle hub in Hartham Lane.

The works thereby approved should be completed before first occupation / use of the development.

Reason: In the interest of sustainable travel and compliance with policies 108 and 110 of the NPPF and policy 1 of LTP4.

## **Informatives**

- 1. Justification Grant (JG4)
- 2. Other Legislation (1OL1)
- 3. Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
- 4. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

5. Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

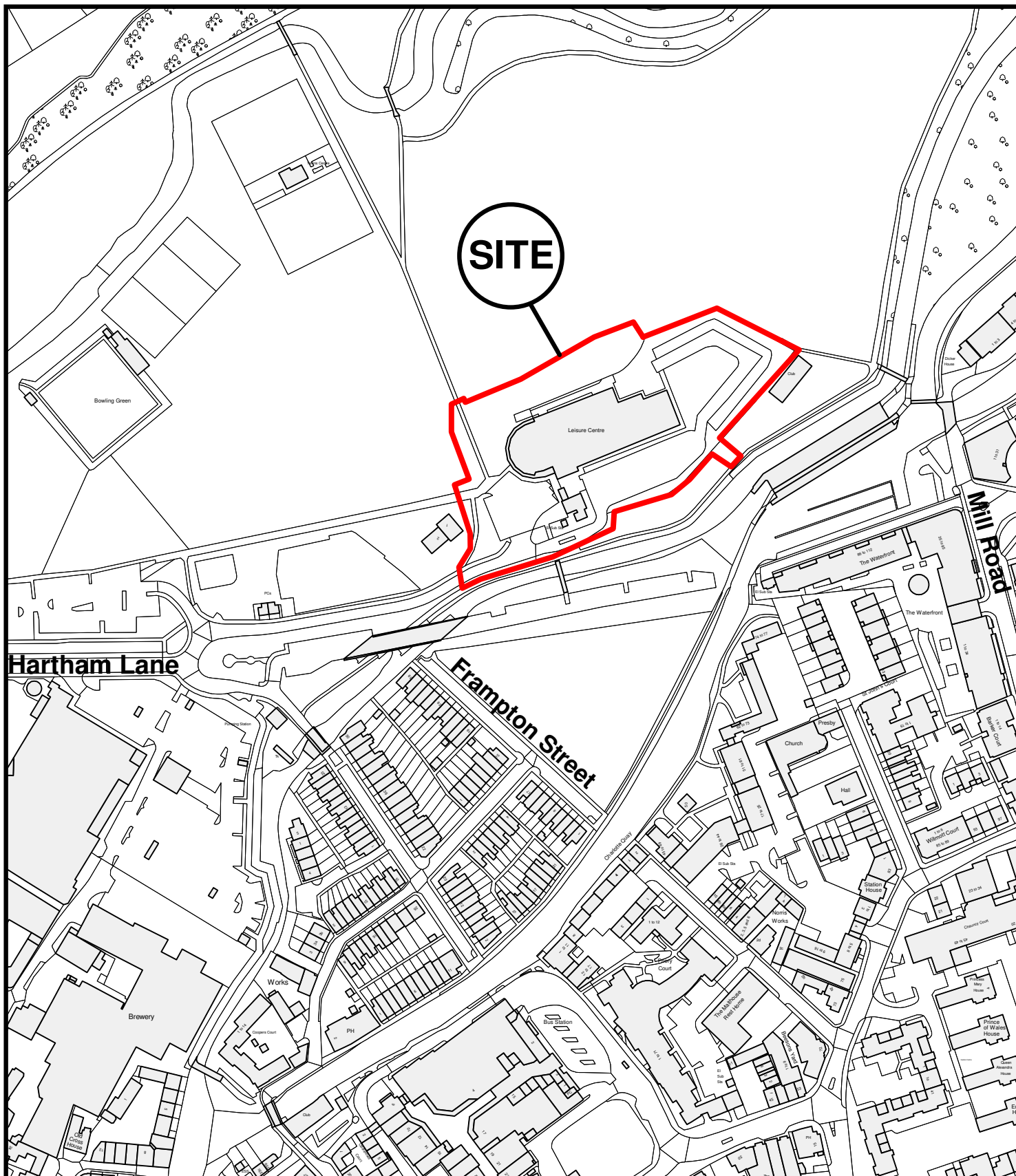
**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace sq.m</b>
Proposed: Leisure	3,454
Existing: Leisure	2,440
Increase:	1,018

<b>Parking</b>	
Existing	93
Proposed	86
Policy Requirement	243
Zone 4 Accessibility reduction 25%	60
Requirement	183

<b>Cycle Parking</b>	
Existing	57
Proposed	84

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**East Herts Council**  
 Wallfields  
 Pegs Lane  
 Hertford  
 SG13 8EQ  
 Tel: 01279 655261

**Address: Hartham Leisure Centre, Hartham Lane, Hertford, SG14 1QR**

**Reference: 3/20/1814/FUL**

**Scale: 1:2500**

**O.S Sheet: TL3213**

**Date of Print: 17 November 2020**

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**EAST HERTS DISTRICT COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**  
**ITEMS FOR REPORT AND NOTING**  
**October 2020**

<b>Application Number</b>	3/19/0293/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	WhiskersSouth EndPerry GreenMuch Hadham SG10 6EP
<b>Appellant</b>	Mr P Matthews
<b>Proposal</b>	Retention of flat roof front two storey extension (with juliet balcony).
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/19/1170/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	The Courtyard Garden LodgeWestmillBuntingford SG9 9LT
<b>Appellant</b>	Mr L Morgan
<b>Proposal</b>	Change of use from the courtyard building (D1) and attached stables to residential (C3).
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/19/1804/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	1 High RoadStaplefordHertford SG14 3NW
<b>Appellant</b>	Mr Simmonds
<b>Proposal</b>	First floor rear extension.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/19/1810/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	58 Prestwick DriveBishops Stortford CM23 5ES
<b>Appellant</b>	Mr Anthony Hornett
<b>Proposal</b>	Sub-division of the plot and the erection of a 3 bedroomed detached dwelling, together with new access, parking and landscaping.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/19/1833/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Pelican CottageChippingBuntingford SG9 0PQ
<b>Appellant</b>	Mr A Dalrymple
<b>Proposal</b>	Proposed erection of 3 private detached bungalows, creation of 6 car parking spaces and associated works.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/19/1992/LBC
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	26 Drury LaneHunsdonWare SG12 8NU
<b>Appellant</b>	Mrs Michelle Mackie
<b>Proposal</b>	Single storey rear extension. Demolition of wall to rear and door height raised for access to extension.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/19/2281/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	The OaksFactory Rear Of Ginns RoadStocking PelhamBuntingford SG9 0JD
<b>Appellant</b>	Mr Richard Newman

<b>Proposal</b>	Demolition of commercial unit (B8 use) and other outbuildings and erection of nine dwelling houses, creation of 23 parking spaces and associated external works.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0172/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land Adj WelgelegenThe StreetHaultwickWare SG11 1JQ
<b>Appellant</b>	Ms S Albiston
<b>Proposal</b>	Erection of detached one bedroom bungalow
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0249/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	11 New RoadHertford SG14 3JJ
<b>Appellant</b>	Ms Stephanie Garner
<b>Proposal</b>	Retention of rear dormer.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0251/CLPO
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	45 DovedaleWare SG12 0XL
<b>Appellant</b>	Miss Kate Branston
<b>Proposal</b>	Single storey rear extension
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/20/0287/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land Adjacent To 17 Highfield RoadHertford SG13 8BH
<b>Appellant</b>	S & H Chapps and Rockwell Homes Ltd
<b>Proposal</b>	Construction of new detached house with garage to include creation of 3 parking spaces, new site entrance and associated landscaping.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0432/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	16 Revels RoadHertford SG14 3JU
<b>Appellant</b>	Mr & Mrs I. Reynolds
<b>Proposal</b>	First floor side extension, a loft extension and conversion to create additional living space to include a rear dormer and rooflights.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0461/ODPN
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Mill Studio Business CentreCrane MeadWare
<b>Appellant</b>	
<b>Proposal</b>	Change of use from offices (class B1(a)) to 45 residential apartments (class C3): 33 x 1-bed and 12 x 2-bed.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/20/0592/VAR
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	44 Thorley Park RoadBishops Stortford CM23 3NQ
<b>Appellant</b>	Mr Robert Jones



<b>Proposal</b>	Removal of condition No3 (not to occupy other than for purposes ancillary to the residential use of the dwellinghouse) of planning permission 3/15/1117/HH (Single storey Annex). The effect of the removal of the condition will enable the annex to be used as an independent dwelling.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/20/0629/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	66 Rib Vale Hertford SG14 3LF
<b>Appellant</b>	Mr And Mrs R. Haworth
<b>Proposal</b>	Erection of a single storey front extension of a front porch & partial conversion/extension of existing garage to main dwelling, first floor front extension & a first floor rear extension. Work to also include alterations to fenestration on side and rear elevations, installation of 1 x front facing roof light, extension of 1 x existing front facing dormer & pitched roof to existing front dormer
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/20/0716/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Dormers Crouchfields Chapmore End Ware SG12 0NZ
<b>Appellant</b>	Mr V Monawer
<b>Proposal</b>	Erection of 1 new detached dwelling with a basement and 4 off-street car parking spaces.
<b>Appeal Decision</b>	Dismissed

Background Papers

Correspondence at Essential Reference Paper 'A'

Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656

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## Appeal Decision

Site visit made on 17 September 2019

**by Matthew Woodward BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> October 2019**

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**Appeal Ref: APP/J1915/D/19/3232630**

**Whiskers, South End, Perry Green, SG10 6EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Matthews against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/0293/HH, dated 12 February 2019, was refused by notice dated 9 May 2019.
  - The development proposed is front dormer with flat roof.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a front dormer with flat roof at Whiskers, South End, Perry Green, SG10 6EP in accordance with the terms of the application, Ref 3/19/0293/HH, dated 12 February 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1929-PL10, 1929-PL10A, 1929-PL11, 1929-PL11A, 1929-PL12.

### Procedural Matters

2. I observed on my site visit that development had already been carried out and, apart from the absence of a balcony panel which appears on the submitted plans, the development appears to generally accord with the submitted plans, against which I am considering this appeal.
3. The Council have raised that some works to the existing property are not authorised. However, I have been provided with limited detail of the Council's concerns and in any event, those matters are not part of the development for which permission is sought in the appeal. I have determined the appeal on the basis of the development applied for detailed on the plans submitted and any other development, whether authorised or not, is a separate matter between the Council and the appellant in the first instance.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal site comprises a detached dwelling located behind a small hardstanding area. Properties on the street differ in terms of their size, layout

and design and are unevenly distributed along its length. They are generally set in spacious plots with varying degrees of set back from the road.

6. The overall roof form of the appeal dwelling is rather unusual, but the flat roof of the dormer is situated centrally within the front roof slope in between, and set some distance behind, two front facing gable roof elements. It is also positioned below the ridge line of a roof slope which is situated behind the dormer. It sits comfortably between roof slopes without undermining the presence of the prominent gables, or overwhelming the host dwelling. I understand that previous permissions<sup>1</sup> allowed significant alterations to the original dwelling. However, the inclusion of a flat roof dormer in this case does not disrupt the symmetry of the dwelling, either in comparison with the original dwelling, or the altered dwelling, and whilst I did not see any other examples of similar flat roof designs or front facing balconies on the street on my site visit, the design and appearance of it does not appear out of kilter with the notably varied house types in the area.
7. The separation between individual plots and the verdant appearance of the street means that there are limited views of the appeal dwelling in combination with any of the dwellings which sit on either side. The setback position of the dwelling and the subservient nature of the flat roofed dormer further reduces its prominence in the street. Consequently, the development is not harmful to the wider street scene or detrimental to the character and appearance of the area.
8. I appreciate that Policy HOU11(C) of the East Herts District Plan October 2018 (the District Plan) precludes flat roofed extensions other than in exceptional circumstances where the character of the original dwelling allows a flat roofed design to be successfully incorporated. However, my foregoing findings concerning the limited impact the development has on the character and appearance of the street and appeal building represents exceptional circumstances in this case.
9. I therefore find that the development is not harmful to the character and appearance of the area. There is no conflict with the general aims of Policies HOU11, VILL3 or DES4 of the District Plan which seek, amongst other matters, to ensure high quality design and layout that reflects the character of the site, the village and its surroundings.

### **Conditions**

10. As the development has already been carried out, it has not been necessary for me to attach the standard time-limit condition. However, I have attached a condition requiring any remaining part of the development to be undertaken in accordance with the approved plans, in the interests of clarity.

### **Conclusion**

11. Having had regard to all matters raised, the appeal is allowed.

*Matthew Woodward*

INSPECTOR

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<sup>1</sup> East Hertfordshire District Council planning permission references - 3/16/1503/HH and 3/17/0756/HH



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## Appeal Decision

Site visit made on 29 September 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> October 2020**

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**Appeal Ref: APP/J1915/W/20/3256475**

**The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Leslie Morgan against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1170/FUL, dated 31 May 2019, was refused by notice dated 17 January 2020.
  - The development proposed is the change of use from the courtyard building (D1) and attached stables to residential (C3).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use from the courtyard building (D1) and attached stables to residential (C3) at The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT in accordance with the terms of the application, Ref 3/19/1170/FUL, dated 31 May 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8225 A4 LP (Location Plan) and 2 (Site plan) insofar as they relate to the site area of the change of use.

### Main Issues

2. The main issues are whether the change of use of the existing building is an appropriate use for its rural location and whether the proposal would unacceptably result in the loss of an employment or community facility.

### Reasons

#### *Use*

3. The appeal site is located in a rural location with only a very limited amount of development in the area. As I understand it Westmill village is around 1.3km from the site but this has only limited facilities such as a tea room, public house and a church. There is also only occasional public transport from there too. The nearest town which has a range of facilities is Buntingford which is around 3km away.

4. The appeal building itself is clearly of substantial and permanent construction and has previously been used as an Environment Studies Education Centre (ESEC) for which planning permission<sup>1</sup> was granted for that change of use in April 2010. The Appellant has stated that this use ceased in April 2016. At my site visit I saw that the interior of the building appeared to be in domestic use, although it is unclear whether a domestic use has already commenced.
5. Given the rural location of the site, the occupiers of the proposed dwelling would be heavily reliant on the private motor car to gain access to even the most basic of services, which is the least sustainable mode of transport. This is particularly the case as the surrounding road network is characterised by country lanes with no footpaths or street lighting. These roads do little to encourage walking or cycling to such facilities.
6. Notwithstanding that, I am also conscious that the appeal development would result in the re-use of an existing building which is very much domestic in scale. It is also clear that alternative uses of this building would invariably result in levels of traffic generation which would also be likely to be by private motor vehicle. To my mind, this is a significant factor in this case.
7. Taking this into account, despite the harm as a result of the unsustainable location of the site, I consider that this is not a factor which should prevent the reuse of this existing building for residential purposes.
8. For the above reasons the proposal would be broadly consistent with the aims of Policy GBR2 of the East Herts District Plan (2018) (EHDP) which amongst other matters seeks to protect the rural area beyond the Green Belt as a valued countryside resource. It would also accord with the overarching aims of the National Planning Policy Framework (the Framework).

#### *Community/employment facility*

9. The Council have also raised concern over the loss of a community facility and/or an employment site. As I have already noted, the use of the building for the ESEC ceased some time ago. From the limited information before me, this was very much a private enterprise and not open for members of the general public to freely and openly utilise the facility. As such, despite the use class of the building, I am not convinced that the facility was truly a community use in the context of Policy CFLR8 of the EHDP.
10. Notwithstanding that, there is some evidence which indicates that the facility is no longer needed in its current form (or form prior to any works being undertaken to facilitate the domestic use of the building). This is key as one of the supportive criterion set out in Policy CFLR8 allows for the loss of a community use in such circumstances.
11. Similarly, a Class D1 use is such that it would not normally be considered to be an employment use in the traditional sense. Whilst I have not been provided with any details on the amount of people employed by the business, given its nature, the level of employment was unlikely to be significant.
12. In addition to all of the above, I am also conscious of the planning history to the site which indicates that the two-storey element of the building was previously part of the domestic use of Garden Lodge. Whilst there have clearly

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<sup>1</sup> Reference 3/09/1279/FP

been changes to the building (and the stable block element) since that time, the fact that the site has been in domestic use historically also weighs in favour of the current proposal.

13. Taking all of these issues together, I consider that whilst the proposal would result in the loss of a building with a Class D1 use in a rural area, such a loss would not be unacceptable and would be consistent with Policies CFLR8 and ED2 of the EHDP which amongst other matters seek to ensure that employment and community uses are not lost without sufficient justification. The proposal would also be in accordance with the Framework.

#### *Other matters*

14. To the north-east of the appeal site is Garden Lodge which is a Grade II Listed Building. Additionally, part of the appeal building itself is a curtilage Listed Building to Garden Lodge.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
16. The Council have not identified any harm to this Listed Building and in my view the change of use would have a neutral impact on the setting of the principle listed building. Similarly, it would have a neutral impact on the character of the curtilage building itself. I therefore consider that the proposal would accord with the heritage aims of the Framework and the Development Plan.
17. The Council has also made reference to the lack of correct detail on the plans. From my site visit I saw that the internal layout of the building was not exactly as shown on the plans before me. That said, the variances between the building on site and the plans themselves were largely insignificant given that the Council have not raised any issues other than matters relating to the use of the building and its location.
18. Finally, the Council have referred to Policy DES4 of the LP in their reason for refusal. However, I note that this is not referenced in the Officers' report in the assessment of the proposal and no specific conflict with it has been identified. Considering that this policy is largely concerned with design aspects, such as the alterations to buildings or landscape, I consider that the proposal does not conflict with any aspect of this Policy.

#### **Conditions**

19. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
20. Other than the standard time limit condition restricting the implementation of the permission to within 3 years, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. However, given that the floor and elevation plans do not exactly match the building I observed on site (and that no alteration works are proposed as part of the development) I consider that it is not necessary to specify these plans.
21. The Council has suggested conditions relating to refuse storage and collection and the restriction of permitted development rights for extensions and

alterations to the dwelling and for buildings within the curtilage of the dwelling which would normally be permitted under Classes A, B, C and E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

22. However, given what I observed on site, and the obvious refuse collection point, I consider that further details in respect of refuse storage and collection are not necessary. In respect of permitted development rights, I do not find there to be any exceptional circumstances that would justify their removal.

### **Conclusion**

23. Taking all matters into consideration, I conclude that the appeal should be allowed.

*Chris Forrett*

INSPECTOR





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## Appeal Decision

Site visit made on 22 September 2020

**by C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> October 2020**

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**Appeal Ref: APP/J1915/D/20/3244785**

**1 High Road, Stapleford SG14 3NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Simmonds against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1804/HH, dated 3 September 2019, was refused by notice dated 29 October 2019.
  - The development proposed is a first floor rear extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the revised National Planning Policy Framework ("the Framework");
  - The effect on the openness of the Green Belt;
  - The effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road with regard to outlook, sunlight and daylight; and
  - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. The appeal site lies within the Green Belt. The proposed first floor rear extension would house a bedroom.
4. Policy GBR1 of the East Herts District Plan (2018) ("the EHDP") sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
5. The Framework states, at paragraph 143, that inappropriate development is harmful to the Green Belt and should not be approved except in very special

circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One of the exceptions (at paragraph 145c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. The Council states that, combined with previous extensions to the original building, the proposal would result in an increase in size of approximately 55.8%. I concur with these calculations, and the appellant does not dispute them. On this basis, therefore, the proposal would result in a substantial increase in the size of the dwelling, which would amount to disproportionate additions over and above the size of the original building.
7. As a result, the proposal would be inappropriate development in the Green Belt and, in this regard, it conflicts with Policy GBR1 of the EHDP and with the Framework.

*Effect on the openness of the Green Belt*

8. Paragraph 133 of the Framework states that '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'. Openness has both visual and spatial dimensions.
9. The appeal property forms the limit of development in the village and lies at the edge of a substantial area of open countryside. Whilst the extension would not generally be visible from the adjacent highway due to its location at the rear of the dwelling, the property has a relatively prominent position within views from the landscape to the rear due to its edge of settlement location.
10. The proposal would have a limited volume above an existing room. Thus, it would increase the dwelling's bulk by a modest degree. The proposal's impact on openness in visual terms would consequently be modest.
11. The proposed increase in the volume of the dwelling would result in a reduction in the spatial aspect of openness by a modest degree, due to the relatively small size of the extension.
12. I saw other examples of two-storey rear elements within the same row of housing on High Road. However, there is minimal indication that any of these developments have a comparable visual effect to the appeal proposal, or that they were considered according to the same local policy provisions. Furthermore, as the last dwelling in the village the appeal property has an enhanced prominence that the other dwellings do not. Thus, I do not consider that there are particular similarities between the other developments and the appeal proposal. Accordingly, I attach minimal weight to them in determining the appeal.
13. Thus, the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site. This harm would be modest because, whilst the dwelling has a prominent location, the proposed development is of a limited scale.

*Effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road ("No 3")*

14. The appeal dwelling appears to have been subject to a combined single and two-storey rear extension in the past. Only a single storey element projects from the rear elevation of the adjoining semi-detached dwelling. However, an unbalanced appearance is avoided as the two-storey section of the appeal dwelling is set away from the neighbouring property, allowing for a graduated increase in the building's bulk and for legibility of the appeal dwelling's original rear elevation.
15. Whilst the proposed extension would not generally be visible from the adjacent highway it would be visible from the gardens to adjacent properties and from the land to the rear of the site. The proposal would extend two-storey built form to the boundary between No 1 and No 3. This disproportion between the appeal dwelling and its neighbour would consequently give the building undue prominence which would unacceptably visually unbalance the pair of properties. This would cause harm to the character and appearance of the area. The harm would be limited because of the limited visibility of the proposal.
16. Turning to the effect of the proposal on the outlook, sunlight and daylight available at No 3, that dwelling has a first floor bedroom window which would lie adjacent to the proposed extension. This has a spacious outlook which partially arises from its location looking over the appeal dwelling's rear single storey element. A glazed door lies within the single storey rear element to No 3, which faces the appeal dwelling. Two further ground floor windows are set back within the main rear elevation. These ground floor wall openings all benefit in outlook terms from the spaciousness above the single storey element at the appeal site.
17. The proposed first floor extension would lie close to the bedroom window at No 3. It would project forward of the window by a significant degree, producing an enclosing effect which would significantly harm the window's outlook. The proposal would additionally unacceptably increase the sense of enclosure experienced from ground floor rear wall openings at No 3, due to the introduction of substantial built form to the detriment of the current relative spaciousness.
18. The proximity of adjacent built form would also be likely to reduce the levels of daylight and sunlight to all the wall openings concerned. However, the proposal does not appear likely to significantly interrupt the afternoon/evening sunlight that would result from their position facing approximately west. Furthermore, the single storey rear section of No 3 would still allow for the admission of daylight to the majority of the wall openings concerned. Moreover, I have no substantive evidential basis on which to conclude that the proposal would cause unacceptable harm to the levels of sunlight and daylight available to these rooms.
19. I note that the occupiers and owner of No 3 did not object to the proposal. However, I am not bound by their lack of objection to find the development's effect acceptable in light of all other available evidence.
20. The proposed development would consequently cause limited harm to the character and appearance of the area and significant harm to the living conditions of the occupiers of No 3 with regard to outlook. It therefore conflicts

with Policy DES4 of the EHDP, which states that extensions must be of a high standard of design and must avoid significant detrimental impacts on the amenity of the occupiers of neighbouring properties and land. Further conflict exists with Policy HOU11 of the EHDP, which sets out that extensions should generally appear as a subservient addition to the dwelling and that appropriate space should be left between extensions and neighbouring properties.

*Other considerations and the Green Belt Balance*

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
22. I note the submitted evidence concerning the personal circumstances of family members, and I am sympathetic to these. Nevertheless, the limited evidence which is before me on these matters does not suggest that significant harm in this regard would result without permission for the proposal, or that the scheme would be the only potential means of accommodating the circumstances concerned. As a result, I attach limited weight to this consideration in determining the appeal.
23. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

*C Beeby*

INSPECTOR

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## Appeal Decision

Site visit made on 7 October 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 26 October 2020**

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**Appeal Ref: APP/J1915/W/20/3254038**

**58 Prestwick Drive, Bishops Stortford CM23 5ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Anthony Hornett against the decision of East Hertfordshire District Council.
  - The application Ref: 3/19/1810/FUL, dated 3 September 2019, was refused by notice dated 16 December 2019.
  - The development proposed is the sub-division of the plot and the erection of a detached dwelling together with parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. One of the reasons for the refusal of planning permission refers to the effect of the development upon the living conditions of the occupiers of 54a Prestwick Drive. It has subsequently been confirmed that this reference is erroneous and should refer to 52a Prestwick Drive. I have therefore proceeded on this basis.
3. A revised layout plan has been submitted with the appeal. However, I am not certain that this has been the subject of formal consultation with the local highway authority, or with the occupiers of neighbouring properties. In consequence, I have therefore proceeded on the basis of the plans originally considered by the Council.

### Main Issues

4. The main issues are:
  - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook;
  - whether suitable living conditions would be provided for the future occupiers of the development;
  - the effect of the development upon highway safety;
  - the effect of the development upon the character and appearance of the surrounding area.

## Reasons

### *Living conditions of the occupiers of neighbouring properties*

5. The proposed dwelling would be located to the rear of the existing house. The appeal site adjoins 56 Prestwick Drive. At the side of the appeal site is 52a Prestwick Drive.
6. The proposed dwelling would encompass a significant proportion of the site's width. This means that the proposed dwelling would be close to the shared boundary with No. 56. In addition, the neighbouring dwelling features a rear projecting element. Owing to the position of windows on this part of the neighbouring house and the layout of the garden, the proposed development would have a significant enclosing effect on this dwelling's windows and rear garden.
7. Whilst the dwelling at No. 52a is orientated differently, the proposed dwelling would encompass a significant proportion of the neighbouring property's garden. In consequence, in conjunction with the neighbouring dwellings at No. 54 and No. 56, the proposed development would have a significant enclosing effect on this existing neighbouring dwelling.
8. In addition, the proportions of the neighbouring properties would mean that the proposed dwelling would be in proximity to the windows of the existing dwellings.
9. As the proposed building would have a foot print equivalent to a significant proportion of the appellant's garden, this would also have an overbearing and enclosing effect. This would be increased due to the height of the proposed dwelling and would be exacerbated by reason of the proportions of the garden that the proposed development would have.
10. I acknowledge that the proposed development would be separated from the rear elevations of the existing neighbouring gardens. However, the proposed development would be readily perceptible from the gardens of the adjoining properties. This poses a concern as, owing to the layout of the existing dwellings, the rear gardens are the only areas where private outdoors recreation or play might take place. In consequence, the effect on the outlook of the neighbouring properties would be significant.
11. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of existing properties. The development, in this regard, would conflict with Policy DES4 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that new developments avoid significant detrimental effects on the amenity of the occupiers of neighbouring properties.

### *Living conditions of future occupiers*

12. The proposed development features a garden to the side of the dwelling and has two storeys. The main point of access would be via a door on the front elevation.
13. By reason of the layout of the development, the garden would have a narrow depth. As this would need to have boundary treatments in order to ensure that the users of this garden space benefit from appropriate levels of privacy, the

levels of outlook from the garden would be very limited. Furthermore, the boundary treatment would have an overbearing effect.

14. This poses a concern as the garden is the only area where residents of the development might undertake outdoors recreation, or activities such as outdoor play. In consequence, the lack of a garden space with an appropriate outlook would prevent residents of the development from experiencing appropriate living conditions. In reaching this view, I have had regard to the fact that the proposed development would feature three bedrooms. Therefore, there is a reasonable likelihood that the proposed development would be occupied by families, who are likely to require an adequate garden.
15. The proposed development would feature sufficient internal room for a variety of activities to take place. I have not been directed towards any adopted policy that specifically requires that new developments be carried out in conformity with the Nationally Described Space Standards. In addition, the layout of the proposed development would include sufficient space for the storage of personal effects and household items.
16. In addition, by reason of the design, layout and orientation of the site, the proposed development would enable future residents to experience suitable levels of light, outlook and privacy.
17. Whilst I have not found any harm arising from the layout and proportions of the proposed dwelling itself, this does not overcome the adverse effects arising from the lack of appropriate outlook for the garden.
18. I therefore conclude that the proposed development would not secure appropriate living conditions for the future occupiers of the proposed dwelling. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design and layout

#### *Highway safety*

19. The proposed development would be accessed from Rochford Road. Many of the dwellings in this road feature dropped kerbs, leading to driveways or garages. In addition, a feature of the surrounding area is the presence of front boundary treatments.
20. Whilst the property currently features a vehicular access into the rear garden, the proposed development would feature a different layout. By reason of the shape of the new parking area, users of this space would need to undertake a convoluted manoeuvre in order to access the space. In addition, space for manoeuvring would also be limited in the event of a vehicle being parked in the development's other car parking space.
21. By reason of this complicated manoeuvre, motorists leaving the site would not have sufficient visibility of other road users or pedestrians within the surrounding area. Therefore, a vehicle might leave the development at an inopportune time, which could cause conflict with other motorists or pedestrians and potentially erode highway safety.
22. In addition, visibility for motorists leaving the site would be further impeded by boundary treatments that might be installed at the proposed development. In



- addition, there would be a lamp post in proximity to the access, which would result in less visibility.
23. Whilst many of the nearby dwellings feature driveways, these have a different arrangement and layout to the scheme before me. In consequence, they do not have the same effects on highway safety. In consequence, the presence of driveways elsewhere does not enable me to disregard my previous concerns.
24. The proposed development would remove the possibility of the rear access being utilised by the occupiers of the existing dwelling. However, I note that there is an area of hardstanding in front of the existing house. On my site visit, I noted this being used for the parking of vehicles.
25. There is a reasonable separation distance between this area of hardstanding and the junction between Prestwick Drive and Rochford Road and the overall visibility to and from this area. Therefore, had I been minded to allow this appeal, I could have imposed a condition requiring the implementation and retention of a new dropped kerb. This would enable this space to be used for car parking throughout the life of the proposed development.
26. Whilst I have identified that appropriate car parking could be provided for the occupiers of the existing house, this does not overcome my previous concerns regarding the effect of the development upon highway safety.
27. I therefore conclude that the proposed development would result in an erosion of highway safety. The development, in this regard, would conflict with Policies TRA2 and TRA3 of the District Plan. These, amongst other matters, seek to ensure that new developments be acceptable in highway safety terms and that car parking should be integrated as a key element of design in order to ensure a good quality safe, secure and attractive environment.

#### *Character and appearance*

28. Despite the address of the appeal site, the proposed development would have a frontage onto Rochford Road. Dwellings in this road, whilst generally of two storeys, are a combination of semi-detached and detached houses. In addition, the existing dwellings feature several different design approaches, including projecting gables, different architectural details and some varying palettes of materials.
29. In consequence, the surrounding area can be defined as being reasonably varied. In result, the proposed development whilst being of a different design to the other houses in the vicinity, would be viewed against a backdrop of varied dwellings of different designs. In consequence, the proposed development would not appear unduly incongruous or strident.
30. In addition, the proposed dwelling would have a height that would be consistent with a significant number of other dwellings that are present within Prestwick Drive and Rochford Road. This would provide further assistance in enabling the proposed development to harmonise with its surroundings.
31. The proposed dwelling would be set further forward of the adjoining dwelling in Rochford Road. However, owing to the variety of house types in the surrounding area and the separation distances that would be involved, this arrangement would not be particularly jarring or discordant. In addition, had I been minded to allow this appeal, I could have imposed a condition covering



the materials from which the development would be constructed. This would also contribute to the proposed development harmonising with its surroundings.

32. The building's side elevations would be visible from a comparatively limited number of view points. In consequence, this view would not be prominent and would therefore not lead to a significant erosion of the area's character.
33. The proposed development would feature a garden to the side of the dwelling. A garden would also be retained to serve the existing house. These gardens, when combined, would provide a sufficiently sized area that would create a visual break between the dwellings in Prestwick Drive and Rochford Road. This would enable the delineation between the two streets to be maintained.
34. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design that promotes local distinctiveness.

### **Other Matters**

35. My attention has been drawn to some other developments within the surrounding area. I have not been provided with the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that these dwellings are located in different locations, are constructed from different designs and have different relationships with other dwellings. Accordingly, these different circumstances mean that they are not directly applicable to the scheme before me. Therefore, the presence of development elsewhere does not allow me to disregard my previous conclusions.
36. My attention has been drawn to the Bishops Stortford Neighbourhood Plan. However, the Council's refusal reasons do not cite any specific policies from this document. I have also been directed towards adopted Development Plan policies that are relevant to the proposed scheme. I have assessed the proposed development against the requirements of these policies.
37. Whilst the proposed development would increase the supply of housing within the existing urban area, such benefits are limited by reason of the scale of the development. Furthermore, this is outweighed by the adverse effects to the living conditions of the occupiers of neighbouring properties; the lack of appropriate living conditions for the future occupiers of the development; and the adverse effects on highway safety, which would arise from the scale and layout of the proposed development.
38. It appears that no objections to the proposed development have been raised by the Bishops Stortford Town Council. Whilst this is a matter of note, it is only one of the matters that must be considered in assessing a proposal. In consequence, it does not outweigh the adverse effects as previously identified.

### **Planning Balance and Conclusion**

39. Whilst I have found that the proposed development would not result in harm to the character and appearance of the surrounding area, this is outweighed by

the harm to the living conditions of the occupiers of neighbouring properties, the lack of appropriate living conditions for the future occupiers of the development and the effect on highway safety. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



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## Appeal Decision

Site visit made on 28 September 2020

**by A Denby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 October 2020**

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**Appeal Ref: APP/J1915/W/20/3244724**

**Land at Pelican Cottage, A10 through Chipping Village, Chipping, SG9 0PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Dalrymple against the decision of East Herts Council.
  - The application Ref 3/19/1833/FUL, dated 4 September 2019, was refused by notice dated 18 December 2019.
  - The development proposed is proposed erection of 3no private detached bungalows, associated works and change of use on land at Pelican Cottage, Chipping.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant has stated that the description of the proposed development was amended, without agreement, by the Council. To clarify, the description of development given above is as per the planning application form.

### Main Issues

3. The main issues are:
  - whether the proposed development would provide a suitable location for housing with particular regard to the character and appearance of the area; and
  - the impact of the proposed development on highway safety, with particular regard to the site access.

### Reasons

4. The site comprises an area of agricultural land situated to the rear of existing ribbon development and accessed via an unmade track from the A10. The site is located within an area identified within the East Herts District Plan, 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB). DP Policy GBR2 seeks to maintain the open and largely undeveloped nature of the RABGB by concentrating development within existing settlements and permits certain types of development, provided that they are compatible with the character and appearance of the rural area, and this includes limited infilling.
5. DP Policy VILL 3 identifies Chipping as a Group 3 village and states that limited infill development, identified in an adopted Neighbourhood Plan, will be

- permitted. It also further sets out criteria for all development which includes a need to relate well to the village in terms of location and layout.
6. The Buntingford Community Area Neighbourhood Plan 2014-2031 (NP) at Policy HD1 states that outside the 2 main settlement boundaries of Buntingford and Cottered, small scale infill development within or immediately adjoining significant existing clusters of development, will be permitted subject to protection of the landscape and character of the surrounding countryside.
  7. The proposal is to erect 3 single storey dwellings, with substantial rear gardens, that would be positioned around a courtyard area in close proximity to the existing access track.
  8. The appeal site lies to the north of Chipping, and I saw on my site visit that whilst there is more clustered development to the south, the settlement pattern to the north of the access track is loose knit ribbon development, which is predominately concentrated closer to the A10. The separation between existing built form increases significantly towards the end of the ribbon development, with detached properties being set within substantial plots, and built development generally being sparser.
  9. The land to the other side of the access track is largely devoid of built development though there is a detached residential annexe, associated with Pelican Cottage, and adjoining stable block. These however are not substantial structures and there is considerable separation between them and the existing dwelling at Pelican Cottage.
  10. The site does, in part, adjoin the garden boundary of an existing property, The Homesteads, which also sits to the other side of the access track. This is a detached property set within a very substantial plot with mature landscaping to the site boundary. There is significant separation between that existing property and the existing residential annexe and stables. Similarly, whilst there are existing buildings, associated with a nearby covered reservoir, these are also separated from the site with intervening fields that are devoid of buildings.
  11. Furthermore, both developments are at a lower ground level than the appeal site and, considering the above, any visual interrelationship is limited and only in the context of wider views. Consequently, the site cannot be considered as lying within or adjacent to a significant cluster of development, nor forming a gap in an otherwise substantial built-up frontage and would therefore not constitute limited infilling.
  12. There are extensive views to the rear of the site across the open countryside beyond, although views to and from the north and south are more restricted due to level changes and existing landscaping, the appeal scheme would be viewed in the context of a rural setting. The site itself is devoid of buildings and although the grass is manicured, visually it relates more to the open countryside and makes a positive contribution, having an open and spacious character.
  13. The appeal scheme would introduce a significantly more concentrated form of development, that would be at odds with the established pattern and character of development in the surrounding area. It would result in the creep of built development further into the countryside. This would have an urbanising impact, which would harm the rural character of the site and surrounding area

and would not be appropriate in terms of the existing settlement form and pattern. Furthermore, the development would erode the contribution that the existing site makes to the character and appearance of the countryside around the settlement.

14. There are a variety of housing styles and designs in the surrounding area, and whilst the development takes some cues from the existing property at Pelican Cottage, such as materials and height, it would lack the simplicity of the existing development, with varying roof lines and complicated arrangement, particularly to the dwellings proposed to Plots 1 and 3. The spread of built development would also be substantially greater, and although set in substantial plots the gaps between the dwellings would be limited. The development would appear cramped, lacking the spaciousness that is characteristic of development in the vicinity.
15. It would have a more urbanising effect, and along with other urban influences, such as boundary treatment, parked vehicles, domestic paraphernalia, such as washing lines and children's play equipment and the proposed dwellings themselves, detract from the rural character of the surrounding area.
16. The appellant considers the provision of additional planting could mitigate this, and a condition would address this concern. Whilst existing landscaping provides some screening, I saw on my site visit that there is little landscaping currently to the rear site boundary, and it would take some considerable time for any landscaping to establish and provide an effective screen.
17. For the above reasons, I conclude that the development would conflict with DP Policies GBR2, VILL3 and DES4 which amongst other things seek to ensure that development is compatible with the character and appearance of the rural area, relating well to the village and achieving a high standard of design and layout reflective of local distinctiveness, and NP Policies HD1 and HD2 which seek to direct small scale infill development to sites within or immediately adjoining significant existing clusters of development, and ensure they are sensitive to the landscape and character of the surrounding countryside.
18. The appellant has referred to a previous appeal decision<sup>1</sup> at Chipping House (CH) where the Inspector considered the proposal for 2 dwellings in the rear garden of an existing property constituted limited infilling. Whilst accessed via the same track from the A10, there are distinct differences between the sites.
19. The CH appeal site sits to the south of the access track where, as detailed above, the existing settlement pattern is more clustered. It was the location of the site immediately adjoining a significant cluster of development, and that other developments in the vicinity had already added depth to the settlement at that point, that persuaded the Inspector in that case that the proposal accorded with the NP and could be considered as limited infilling. As detailed above this is not the case with the current appeal scheme.
20. The Inspector attached significant weight to the terms of NP Policy HD1 and did not find the argument that the proposal constituted limited infilling due to its relationship to The Homesteads alone to be convincing. The substantial landscaping to the rear of the site was also considered to limit the impacts of the development on the character and appearance of the countryside. With

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<sup>1</sup> APP/J1915/W/19/3222257

regards to this main issue I therefore do not consider this development to be directly comparable to the appeal site or scheme and this does not, therefore, lead me to a different conclusion.

21. The appellant has also drawn my attention to another development referred to as Chipping Hall Barns. Whilst I do not know the full circumstances of that scheme, from the details before me its design, scale, and layout comprising of a mix of single and two-storey barn style buildings that have a simple and uncomplicated form, adjacent to a traditional brick barn, does not appear directly comparable to the appeal scheme, though it is noted that some materials may be similar. This does not, therefore, lead me to a different conclusion and in any event each case must be considered on its own merits.

#### Highway safety

22. The proposed dwellings would be accessed via an existing unmade track from the A10, which currently serves adjacent development. The appeal scheme would however intensify the use of this access and significantly increase vehicular movements along the access track. The proposals include no assessment on the suitability of the access or track, and no provision for any improvement or alterations to support the proposed development.
23. I saw on my site visit that this is a busy road and the access is narrow, with visibility restricted by existing planting. There is a lack of detail within the submission and it is not clear whether the existing access would be of sufficient width to permit 2 vehicles to pass. This could result in vehicles either having to reverse along the access or wait on the highway. Any vehicles waiting on the carriageway would impede the free flow of traffic, and this could lead to conflicts between vehicles, to the detriment of highway safety.
24. The width of the track remains restricted up to the appeal site, with vehicles parking informally alongside the track, adjacent to the existing properties and paddocks. It is clear that at this point it would not be possible for vehicles to pass each other on the track. This would result in vehicles either having to reverse or overrun onto grass verges and rear driveways of existing properties, where available, particularly in the event of a large vehicle, such as a refuse vehicle or delivery van, using the access road. Vehicles and pedestrians would be required to share this space and given the restricted width and absence of any formal passing or refuge places this could lead to conflicts between vehicles and pedestrians.
25. The appellant has stated that a condition imposed on the CH scheme requires improvements to the access from the A10, and they would accept a similarly worded condition. However, the current appeal scheme would further intensify the use of the access and it is not clear if the improvements considered for the CH scheme would be sufficient to support the additional use now proposed. I also note that the Highways Officer raised no objection to the CH proposal. This is not the case with the current appeal scheme.
26. Whilst the submission indicates that the owners of the track would be amenable to works being undertaken, the extent of their ownership is not clear. The submission only appears to refer to the section of the track to the rear of existing properties, with the access and section of track from the A10 being referred to as a farm track. As detailed above, the extent of any works necessary is currently unknown and, on the basis of the above, I cannot be

certain that the appellant would have control over any works required to the access, existing vegetation or track and this matter could therefore not be addressed by condition.

27. There is sufficient parking provision included within the proposed layout, though the manoeuvring area does appear restricted. Whilst there would be sufficient space within the plots to relocate the cycle parking, and this could be subject of a condition, I am not persuaded that the layout would achieve satisfactory manoeuvring space.
28. On the basis of the above, the proposal has failed to demonstrate that a safe and suitable access to the site can be achieved for all users or that any impacts on highway safety can be mitigated. The proposal would therefore not accord with DP Policy TRA2 and TRA3 which seek to ensure that developments ensure safe and suitable access.

### **Planning Balance**

29. The Council has stated that they are able to demonstrate a 5year housing land supply and therefore paragraph 11 d) of the National Planning Policy Framework (the Framework) is not engaged in this appeal. I note that the DP and the Framework seek to balance the need for development in rural locations and direct development close to larger, more sustainable centres and the site would be within walking and cycling distance of local services and facilities and close to local transport provision. The proposed dwellings would make a contribution toward sustaining rural communities and local housing supply, and these would be benefits of the scheme.
30. However, given the small scale of the proposal, these contributions would be modest, and would carry only limited weight in favour of the proposal. The DP Policies and the Framework are also clear that developments should achieve a high quality of design and layout, reflective of the established character of development and need to be sensitive to their surroundings. As detailed above this is not the case with the appeal scheme.
31. That the development would not adversely impact on neighbouring amenity and provide sufficient garden area for potential future occupants would have a neutral effect, and therefore do not weigh in favour of the appeal. Therefore, whilst I have taken the above matters into account, I do not consider any benefits would be sufficient to outweigh the harm I have identified.

### **Conclusion**

32. For the reasons stated above I therefore conclude that the appeal should be dismissed.

*A Denby*

INSPECTOR



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## Appeal Decisions

Site visit made on 7 October 2020

**by H Butcher BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2020**

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### **Appeal A: APP/J1915/W/19/3244024**

#### **26 Drury Lane, Hunsdon SG12 8NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Michelle Mackie against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1991/HH, dated 1 October 2019, was refused by notice dated 15 November 2019.
  - The development proposed is a single storey rear extension.
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### **Appeal B: APP/J1915/Y/19/3244018**

#### **26 Drury Lane, Hunsdon SG12 8NU**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Michelle Mackie against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1992/LBC, dated 1 October 2019, was refused by notice dated 15 November 2019.
  - The works proposed are a single storey rear extension.
- 

## **Decision**

### **Appeal A**

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 26 Drury Lane, Hunsdon SG12 8NU in accordance with the terms of the application, Ref 3/19/1991/HH, dated 1 October 2019, subject to the conditions in the attached schedule.

### **Appeal B**

2. The appeal is allowed and listed building consent is granted for a single storey rear extension at 26 Drury Lane, Hunsdon SG12 8NU in accordance with the terms of the application Ref 3/19/1992/LBC dated 1 October 2019 subject to the conditions in the attached schedule.

## **Main Issue**

3. The main issue in both appeals is the effect of the proposed works on the special architectural and historic interest of 26 Drury Lane which is Grade II listed.



## Reasons

4. 26 Drury Lane forms one half of a pair of traditional, semi-detached, timber framed, roughcast and pink-washed houses. Part of the significance of the appeal property is derived from its overall age, form, and fabric.
5. Planning permission 3/19/1347/HH and Listed Building Consent 3/19/1348/LBC have been granted for a single storey rear extension to the property. The proposal which forms the basis of these appeals differs only insofar as it includes an additional projection from the extension into a rear courtyard area, and a roof lantern.
6. The additional projection to the single storey rear extension would be very modest in size adding only around 2.57m<sup>2</sup> to the property. It would make minimal difference to the appearance of the extension already granted planning permission and would simply allow for a more workable dining area than that approved. In spite of the additional projection into the courtyard there would remain a good gap between this and an extended garden room opposite. The courtyard in question comprises a relatively modern paved area. On the evidence before me I do not find its reduction in size to be harmful.
7. The roof lantern would be mostly glazed and although it would, to a small degree, obscure part of the rear elevation of the property when viewed straight on from the rear garden, this would be minimal and not harmful. The rear elevation would still be appreciable from other areas of the property.
8. Bringing the above points together the proposal would have no detrimental impact on the special architectural and historic interest of the listed building. I therefore find no conflict with Policies DES4, HOU11, HA1 and HA7 of the East Herts District Plan 2018 which promote good design and seek to protect character and, specifically, listed buildings.
9. Although the Council's questionnaire indicates that the site is not in a conservation area, the Planning Officer's report states that it is located within the Hunsdon Conservation Area. Included in the evidence is also a map of the adopted conservation area and the appeal site would appear to fall within this. I have therefore had regard to section 72 of the act which obliges me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Council raised no concern in this regard and similarly, given the siting of the extension to the rear of the property, its single storey nature, and that it would be well screened from public view, I find that the proposal would preserve the character and appearance of the conservation area.

## Conditions

10. In addition to the standard time limit conditions I have attached plans conditions as this provides certainty. I have also included conditions requiring the use of matching materials to ensure a satisfactory finish, but it is not necessary to go further than this. There are no replacement windows to the listed building proposed and a condition requiring detailed drawings of the proposed windows in the extension is not necessary. It is necessary, however, to include a condition on Appeal B requiring details of the replacement door to the kitchen, in order to preserve the special architectural and historic interest of the Listed building. Conditions relating to 'making good' of the existing

building, are also necessary for the same reason. That such conditions were not attached to a previous appeal does not alter my findings in this respect.

11. I have not included a condition requiring all new or replacement rainwater goods to be in black painted cast iron as rainwater goods on the existing property are black plastic and this would be unreasonable.
12. For the reasons given, and subject to the above conditions, the appeals are allowed.

*Hayley Butcher*

INSPECTOR

### **Schedule of Conditions**

#### **Appeal A: APP/J1915/W/19/3244024**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1068-SP-00 Rev B, 1068-GA-02 Rev A, 1068-GA-01 Rev B, 1068-SV-01 Rev B, 1068-SV-02, 1068-DM-01 Rev B.
- 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.
- 4) Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building.

#### **Appeal B: APP/J1915/Y/19/3244018**

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1068-SP-00 Rev B, 1068-GA-02 Rev A, 1068-GA-01 Rev B, 1068-SV-01 Rev B, 1068-SV-02, 1068-DM-01 Rev B.
- 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.
- 4) Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building.
- 5) No above ground works shall commence on site until detailed drawings of the new/replacement door to the kitchen, together with a detailed description or specification, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.



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## Appeal Decision

Site visit made on 22 October 2020

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 November 2020**

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**Appeal Ref: APP/J1915/W/20/3247445**

**The Oaks Factory, Rear of Ginns Road, Stocking Pelham, Hertfordshire SG9 0JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Newman of Newman Property Group Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/2281/FUL, dated 7 November 2019, was refused by notice dated 13 January 2020.
  - The development proposed is for the demolition of commercial unit (B8) and other outbuildings and erection of 9no. dwellinghouses and associated external works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. For clarity and precision, I have inserted 'Hertfordshire' into the address in the banner heading above as it is listed on the appeal form.
3. Policy VILL3 of the Council's District Plan 2018 (DP) was not cited on the Council's decision notice. However, it was provided with its Questionnaire. Consequently, I will not prejudice any party in taking this policy into account during the determination of the appeal.

### Main Issues

4. The main issues of this appeal are:
  - i. whether the proposed development would conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development;
  - ii. whether the proposed development would result in the loss of employment land; and,
  - iii. the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

### Reasons

#### *Sustainable location*

5. The appeal site is located in the countryside, set back from Ginns Road and a little distance away from Stocking Pelham (SP), which is a small village identified as a Group 3 Village in the DP. DP Policies GBR2 and VILL3 apply to

SP in terms of the Rural Area Beyond the Green Belt (RABGB) and Group 3 Villages, respectively.

6. DP Policy DPS2 advises the strategy of the DP is to deliver sustainable development in accordance with a hierarchy, including sustainable brownfield sites, amongst other things. DP Policy GBR2 outlines the development that would be permitted in RABGB provided that they comply with various criteria. One criterion includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) in sustainable locations where appropriate to the character, appearance and setting of the site and/or surrounding area.
7. During my visit I noted that SP has little in the way of shops and services, but does have some facilities comprising a church, recreation ground and village hall. Furthermore, I have no details relating to public transport services serving the area. Nonetheless, SP is a short distance away from the site, along Ginns Road. Whilst Ginns Road is unlit and without footpaths, I consider that SP could be easily accessed through walking or cycling. I accept that the site is not located within easy access to shops and services, other than by car. The appellant has referred to a Judgment<sup>1</sup>, which I consider represents a material consideration of significant weight in this appeal. In this instance, and for the purposes of paragraph 79 of the National Planning Policy Framework (the Framework), I do not find the proposed development would amount to isolated residential development in the countryside.
8. Both main parties have referred to an appeal decision<sup>2</sup> in their respective submissions. However, whilst I have had regard to this decision as the site in this appeal is in proximity to the site in the case before me, I note that this appeal was surrounding the separation of ancillary accommodation from the main dwelling through the sub-division of the planning unit, which differs significantly from the appeal scheme. Nonetheless, the site currently comprises various commercial buildings, including a large storage building<sup>3</sup> to the rear of the site. The proposed development would replace the existing commercial units and whilst the future occupiers of the proposed dwellings, would, in all likelihood, be largely reliant on private vehicles to get to and from the site, the same could be said equally of any employees or visitors to the existing commercial units.
9. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. Furthermore, the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby. In this case, I find the proposed development would contribute in supporting the existing, albeit modest facilities in SP and to the surrounding villages. Additionally, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making<sup>4</sup>.

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<sup>11</sup> Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

<sup>2</sup> APP/J1915/W/18/321040

<sup>3</sup> Building C

<sup>4</sup> Paragraph 103

10. For the reasons given above, I find that the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development. Consequently, there would be no conflict with the sustainability aims or the Council's overall development strategy contained within Policies DPS2, GBR2 and VILL3. Furthermore, the location of the proposed development can be considered sustainable as it would accord with guidance contained within Paragraphs 78 and 103 of the Framework.

#### *Employment land*

11. Located to the rear of 'The Oaks' and its former residential annexe, the appeal site comprises of 5no. buildings<sup>5</sup> which vary in size and appearance. All of the buildings are single storey in height, apart from Building C, which is 2-storeys in height. Additionally, there are a number of other structures, including shipping containers and a mobile home.
12. The key policy for considering the loss of employment land in this instance is DP Policy ED1. This policy permits the redevelopment of a non-designated employment area, subject to a number of criteria. Criterion (a) of DP Policy ED1 is that before loss of an employment use is allowed the retention of the site or premises for use Classes B1, B2 and B8 should be fully explored without success, including consideration of whether improvements to the site/premises would make it more attractive to alternative B1, B2 or B8 uses. Although it also says that evidence of a period of marketing of at least 12 months must be provided, it also states that for a non-designated area, a proportionate approach must be taken. Paragraph 15.2.2. of the justificatory text explicitly states that for non-designated sites this would normally be a minimum period of six months. The main parties do not dispute that the appeal site comprises a non-designated employment area.
13. The appellant has alerted me to the extensive planning history that surrounds the site at 3.1 of his Statement of Case (SoC) and has also included a number of appeal decisions<sup>6</sup> to which I have had regard. However, these appeal decisions are not directly relevant to the case before me and thus, carry moderate weight in the determination of this appeal. Furthermore, the appellant seeks to demonstrate the authorised use of the site in his SoC<sup>7</sup>. However, this is not a matter for my consideration in this appeal. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
14. I noted that a number of units were in operation during my visit, including Building C. Additionally, I noted that Building E was occupied. The Council refer to a motor service company, occupying all or part of Building C. This would correspond with the signage<sup>8</sup> at the entrance of the site, which is not disputed by the appellant. Additionally, I noted during my visit that another automotive business was operating from Building A and that a notable number of vehicles were parked in the area between Building B and Building D. Consequently, whilst I acknowledge the marketing details<sup>9</sup>, this only refers to Building C, in

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<sup>5</sup> Listed as: A, B, C, D and E

<sup>6</sup> T/APP/J1915/A/90/173723/P6; PP/J1915/A/06/2020454 and APP/J1915/C/07/2056741

<sup>7</sup> Paragraph 2.5

<sup>8</sup> Unit 8 – SG9 Auto Service and Tyres

<sup>9</sup> Jonathan Hunt Letting Agency dated 15 October 2019

particular Unit 7. Thus, I do not find that this accurately reflects the commercial activity on the site.

15. Even if I did consider lawful status of the businesses operating from the site and the period of marketing undertaken, which appears to be ongoing due to the presence of the 'Unit to Let' sign at the site entrance. There are significant misgivings surrounding the marketing evidence, when comparing the commercial activities being undertaken at the site to provide enough clarity to convince me that the proposed development complies with the requirements of DP Policy ED1.
16. For all of these reasons, I therefore conclude that the proposed development would result in the unacceptable loss of employment land. Consequently, the proposed development would be contrary to the employment and economic aims of DP Policy ED1 and the requirements of the Framework.

#### *Character and appearance*

17. The site currently represents 'backland' development, comprising various commercial units, extending further into the surrounding countryside than the neighbouring properties by a notable distance. Nonetheless, the site and its buildings contribute to the existing character and appearance of the surrounding area. In this context Building C is particularly prominent due to its overall size and height.
18. The proposed development would extend the length of the site to approximately the current extent of built development and would generally be located on areas of the site where there are currently buildings. However, apart from Building C, the other buildings on the site are single storey, which accounts for a large proportion of the site. Whilst I do not have any particular concerns regarding the approach to the design of the individual dwellings, I only consider in this instance that potentially 2-storey development would be appropriate in the location of Building C.
19. The neighbouring dwellings in the surrounding area, are largely single storey in form and appearance. This gives a distinct sense of place and rhythm of development, making a positive contribution to the surrounding countryside. In the context of the area surrounding the appeal site, the proposed development would be distinctly at odds with the character of neighbouring dwellings, as it would appear discordant in its location and more visually intrusive in its appearance. I note the condition and appearance of the existing buildings and I acknowledge that, in principle, demolition offers an opportunity for possible visual improvements to the character and appearance of the surrounding area. However, on the details before me, this would not provide a sufficient reason to outweigh the harm identified. I have considered whether suitably worded conditions could be imposed to ensure that otherwise unacceptable development could be made acceptable in this respect, but this is not possible in this instance.
20. For all of these reasons, I therefore conclude that the proposed development would harm the character and appearance of the appeal site and surrounding area. As a consequence, it would conflict with the design, character and appearance aims of DP Policy DES4, GBR2 and the requirements of the Framework.

## **Planning Balance and Conclusion**

21. Whilst I accept the absence of other harm arising from the proposed development, including the location of the site, and the social and economic benefits that would occur from the construction phase of the development and its subsequent occupation, these factors, do not outweigh my assessment of the main issues.
22. Given my findings above, the proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. The proposed development would conflict with part of the economic and environmental objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development and would be at odds with the requirements of the Framework.
23. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR



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## Appeal Decision

Site visit made on 6 October 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 26 October 2020**

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**Appeal Ref: APP/J1915/W/20/3252892**  
**Welgelegen, The Street, Haultwick SG11 1JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms S. Albiston against the decision of East Hertfordshire District Council.
  - The application Ref: 3/20/0172/FUL, dated 22 January 2020, was refused by notice dated 27 March 2020.
  - The development proposed is the erection of a detached one-bedroom bungalow.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the site represents a suitable location for a residential development.

### Reasons

3. The appeal site consists of an area to the front of the existing dwelling of Welgelegen. Adjoining properties contain some residential dwellings. To the rear of the site is open countryside.
4. The proposed development would result in a greater number of people residing within the locality. In consequence, and owing to the nature of the settlement, future residents would be compelled to travel to other settlements in order to access all of the services and facilities that they are likely to require on a day to day basis.
5. Although the appeal site is near to other dwellings and therefore would not be isolated in a physical sense, the lack of access to services and facilities poses a concern as the settlement is relatively small and does not appear to be well served by public transport. In consequence residents would be required to travel on the surrounding road network, which is narrow, sinuous and unlit.
6. In addition, the surrounding road network does not include separate infrastructure for pedestrians. In consequence, the lack of a welcoming pedestrian environment is likely to encourage journeys by private car.
7. Residents could use one of the number of footpaths within the surrounding area. However, as would be reasonably expected, these generally have an unmetalled surface and are also unlit. In result, they are unlikely to be an



- attractive environment for pedestrians during the hours of darkness, or during periods of inclement weather.
8. It appears that there is a greater array of services in the settlement of Dane End. However, owing to the distances between this settlement and the appeal site, combined with the nature of the surrounding roads and footpaths, these are unlikely to be accessed by methods of transport such as walking or cycling on a regular basis, particularly as the prevailing weather conditions might not always encourage travelling by such a means of transport.
  9. For similar reasons, I do not believe that the availability of public transport routes in Dane End would be readily accessible for all future occupiers of the development and therefore does not serve to overcome the lack of an appropriate pedestrian environment.
  10. Whilst the proposed development is situated within a settlement, would be in between buildings and would provide an additional dwelling in a rural settlement, this is outweighed by the lack of appropriate access to services and facilities for all future residents of the proposed dwelling.
  11. The proposed development would increase the level of housing in the vicinity of the appeal site. In addition, it is likely that future residents of the development would be able to offer additional support to local businesses. However, given that the proposed development is for a single dwelling only, the increase to the local housing supply would be limited. Furthermore, any support of local businesses and services would also be limited by reason of the likely small number of people that could be accommodated within the proposed development. Accordingly, any such benefits do not outweigh my previous concerns.
  12. The proposed development would replace an existing outbuilding. However, the weight that I can attribute to this is limited as the building does not appear to have been used for residential purposes and is some distance away from the siting of the proposed development. Accordingly, this existing building has differing effects to the scheme currently before me.
  13. I therefore conclude that the proposed development would represent an unsuitable location for a residential dwelling. The development, in this regard, would conflict with Policies DPS2, GBR2, TRA1 and VILL3 of the East Herts District Plan (2018). These, amongst other matters, seek to ensure that there is a delivery of sustainable developments in accordance with a hierarchy of sites; that limited infilling in sustainable locations is encouraged; that limited infilling takes place in accordance with the provisions of adopted Neighbourhood Plans; and developments enable journeys to be made to key services and facilities to aid carbon emission reduction.

### **Other Matters**

14. I have had regard to the appellant's personal circumstances. Whilst I am sure that the proposed development would be of some benefit in assisting with these circumstances, I am mindful that, in general, planning decisions should be made in the public interest. Accordingly, for the preceding reasons, I do not consider that these circumstances outweigh my previous concerns. Furthermore, such benefits would not necessarily apply to all future occupiers of the proposed development.

15. I acknowledge that the proposed development is of an appropriate design and could be constructed from a suitable palette of materials. Whilst this is a matter of note, it is only one of all the issues that must be considered in assessing a proposed development. In consequence, this does not overcome my findings in respect of the Main Issue.
16. My attention has been drawn to various elements that can be included within the proposed development to aid environmental sustainability, in addition to the provision of a vegetable plot. Whilst such matters are of some benefit, they do not overcome the adverse effects arising from the location of the proposed development.

### **Conclusion**

17. For the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



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## Appeal Decision

Site visit made on 22 September 2020

**by C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> October 2020**

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**Appeal Ref: APP/J1915/D/20/3254737**

**11 New Road, Bengeo, Hertford SG14 3JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Stephanie Garner against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0249/HH, dated 27 January 2020, was refused by notice dated 8 April 2020.
  - The development proposed is the retention of an existing rear dormer.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development concerned has occurred and therefore I am considering this matter retrospectively.
3. There are some minor differences between the styles of windows shown on the submitted plans and the development which has been carried out. Whilst these discrepancies have not had a bearing on my decision, I have determined the appeal based on the scheme as it has been built.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal dwelling lies within a row of properties which have a markedly similar appearance. Roof forms within the row are generally as originally built, and dormer windows are not a prevailing characteristic of their appearance. This design continuity contributes positively to the appearance of the area.
6. The appeal dwelling has a two-storey rear extension with a hipped roof, and an adjoining single storey extension. The dormer lies above and behind the extension, and occupies much of the rear roof slope. The scheme is highly visible from several neighbouring properties. Accordingly, whilst it has less visibility from New Road, it is apparent within the wider residential area.
7. The dormer has substantial proportions and a significant projection from the roof. These add an unduly dominant degree of bulk to the roof, which

produces an unbalanced appearance. As a result, the scheme has a lack of subservience to the existing building.

8. Furthermore, the cumulative effect of the roofs of the two-storey and single storey extensions in close proximity to that of the dormer produces a visual complexity in the juxtaposition of roof structures. This is at odds with the prevailing uniformity of roofs within the row of properties.
9. Thus, the development appears as an inharmonious and visually intrusive feature. The scheme consequently causes harm to the character and appearance of the area, and therefore it conflicts with Policies HOU11 and DES4 of the East Herts District Plan 2018, which require development to complement the appearance of the existing dwelling and to be of a high standard of design.

### **Other Matters**

10. The appeal site lies within the Hertford Conservation Area (the CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. The town's natural and historic environment make a substantial positive contribution to the significance of the CA, according to the CA Appraisal and Management Plan (2017). Trees, water features, areas of open space, listed and unlisted buildings are identified as elements of primary importance.
12. The appeal dwelling lies opposite the Holy Trinity church, which is a listed building within a substantial churchyard which contains several mature trees. Its historic appearance and natural surroundings contribute positively to the significance of the CA. The dormer has limited visibility within the church's setting and a relatively neutral effect within views from the street. Furthermore, it does not adversely affect important views of natural or historic form.
13. Accordingly, I conclude that the scheme reflects the relevant defining characteristics of the CA, and that its effect on its significance is one of preservation as a result. The Council's view supports my own on this matter.
14. My attention has been drawn to a number of schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, the majority lie outside the CA, according to the evidence before me. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) grants permission for the classes of development described as permitted development in its Schedule 2. Part 1, Class B permits certain additions to the roof of a dwellinghouse. Thus, if the other schemes referred to comprised permitted development according to the GPDO, they would not require an application to the local planning authority for planning permission.
15. However, permitted development rights are more restricted within certain designated areas, including Conservation Areas. As a result, the appeal scheme necessitates an application for planning permission as a result of its location within the CA. It therefore falls to be assessed against development plan policies.

16. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.
17. I acknowledge the stated household need for greater space, and I am sympathetic to this. Nevertheless, planning in general is concerned with land use in the public interest. It is probable that the development would remain long after the current personal circumstances cease to be material. For these reasons, this factor is a benefit to which I can attach only minimal weight.
18. The use of similar materials to those of the main building for the scheme is a neutral matter that does not overcome my concerns regarding its overall effect.
19. I acknowledge the support of interested parties for the scheme. However, this does not include substantive evidence which leads me to an alternative view on the main issue of the appeal, in this instance.
20. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.

### **Conclusion**

21. For the reasons given above, I conclude that the appeal should be dismissed.

*C Beeby*

INSPECTOR



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# Appeal Decision

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

**an Inspector appointed by the Secretary of State for Housing Communities and Local Government**

**Decision date: 12 October 2020**

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**Appeal Ref: APP/J1915/X/20/3249498**

**45 Dovedale, Ware SG12 0XL**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Miss Kate Branston against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0251/CLPQ, dated 7 February 2020, was refused by notice dated 9 March 2020.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The for which a certificate of lawful use or development is sought is:  
*Single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres.*
- 

## Decision

1. The appeal is allowed and a lawful development certificate is attached below.

## Matters of clarification

2. Further to the case officer's letters to the parties, I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the initial submissions, supplemented by additional information being supplied. The appellant and the Council have agreed to the appeal proceeding without a site visit and I am satisfied that, in dealing with it in this manner, no injustice is caused.

## Background information

3. The appeal property is a two storey, end of terrace dwelling which is located in the southern part of the cul-de-sac, Dovedale, to the north of Quincey Road . It lies within the built up area of Ware but is not within the Conservation Area
4. Planning permission was refused on 7 January 2020 (3/19/2476/PNHH) for a single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres. On 6 February 2020 the LPA determined that Prior Approval was not required for the single storey rear extension, depth 4 metres; maximum height 4 metres; height at the eaves 2.6 metres (3/20/0034/PNHH).
5. The application (3/20/0251/CLPO), the subject of this appeal, was then refused on 9 March 2020. Following the refusal a LDC was granted under application 3/20/0623/CLPQ for the single storey rear extension (depth 4 metres, height 4 metres, height at eaves 2.6 metres) in accordance with the details pursuant to the Prior Approval application (3/20/0034/PNHH).

## Reasons

### *Introduction*

6. An appeal relating to a Certificate of Lawful Use or Development (LDC) is confined to the narrow remit of reviewing the Local Planning Authority's (LPA) reason for refusal and then deciding whether the reasons are well founded. The planning merits of the case do not fall to be considered.

7. National Planning Practice Guidance (PPG) indicates that an applicant is responsible for providing sufficient information to support a LDC application and that, without sufficient, precise and unambiguous information, a LPA may be justified in refusing to grant a certificate. In this case relevant plans were submitted and these are set out in the Council's delegated report. The LDC application form referred in two places to the Prior Approval decision.

### *The gist of the case for the appellant*

8. It is stated that this is a simple issue in that the Council's case officer had not looked at the submitted information and had missed the fact that Prior Approval had been deemed not to be required (see above). This was referred to on the application form and it is stated that another of the Council's officers has accepted that a refusal of the LDC application should not have been issued. This appeal was made in order to rectify the situation.

### *The gist of the case for the Council*

9. The Council indicates that it did not consider that the proposed development under 3/20/0251/CLPO was permitted development as the proposal failed A.1.(f) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). It is stated that the description of development did not include details of the extant Prior Approval application and, therefore, the depth of the proposed extension under 3/20/0251/CLPO did not fall within the scope of the LDC.

10. However, it is accepted that the refusal of the LDC application was issued incorrectly. The Council then states that *'the description provided by the agent, within part 5 of the application should have included reference to the extant Prior Approval Commission'*.

### *My assessment*

11. The Council's comments, regarding the LDC application and part 5 of the application form, infer that no reference was made regarding the extant Prior Approval application and permission. However, I note that in section 5 (Grounds of application) of the application form (dated 7 February 2020), it is stated that *'Prior Approval was carried out and deemed not required on 6/2/20'*. Furthermore, in section 7 (Pre-Application Advice), reference is again made to the Prior Approval and the fact that it was not deemed to be required. It is difficult to reconcile the Council's statement with these facts. Nevertheless I must still consider whether the proposed development was lawful on the date of the LDC application.

12. The GPDO at paragraph A.4.(1) of Schedule 2, Part 1, Class A, sets out the conditions which apply to development permitted by Class A which exceeds the limit set out in paragraph A.1.(f) but which is allowed by paragraph A.1.(g). In this case A.1.(g) was relevant and the application details were in accordance with the conditions set out in A.4.(1). In particular all of the relevant required details set out in A.4.(2) had been complied with and there is no dispute that the Prior Approval application was valid.

13. The LPA did not refuse the application and no adjoining owner(s) objected to the proposal. On that basis condition A.4.(7) did not apply and the LPA confirmed that Prior Approval was not required (6/2/20).

14. Article 7 of the GPDO sets out the statutory time periods for which a LPA must comply for a Prior Approval application. But also, through Article 7 (and the relevant parts and paragraphs) an applicant can proceed with permitted development if a LPA does not make a determination; fails to make a determination within the statutory timescale or determines that Prior Approval is not required. In all such cases Prior Approval is deemed to have been granted.

15. Thus, if the LPA informed the appellant, on 6 February 2020, that Prior Approval was not required, then at the time of the application on 7 February 2020 the proposal as applied for was lawful for planning purposes. It follows that a LDC should have been issued. On that basis I do not consider that the Council's decision was sound. It follows that the appeal must succeed and a lawful development certificate is attached below.

### **Other Matters**

16. In reaching my decision I have taken all other matters into account. But these do not alter the situation that a certificate should have been issued by the Council.

### **Formal Decision**

17. The appeal is allowed and a lawful development certificate is attached .

*Anthony J Wharton*

Inspector





The Planning Inspectorate

## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2010: ARTICLE 35

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**IT IS HEREBY CERTIFIED** that on 7 February 2020 the development described in the First Schedule hereto, in respect of the property specified in the Second Schedule hereto, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

No enforcement action could be taken in respect of the development.

Signed

Anthony J Wharton  
Inspector

Date: 12 October 2020  
Appeal Reference: APP/J1915/X/20/3249498

### **First Schedule**

*Single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres.*

### **Second Schedule**

45 Dovedale, Ware, Hertfordshire SG12 0XL

### **Notes:**

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended) and relates only to the above property.

It certifies that the development described in the First Schedule, at the property specified in the Second Schedule, was lawful on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the development described in the First Schedule; to the property specified in the Second Schedule and to the plans submitted to the LPA with the LDC application (P100A; 101A; 102A and P201) on 6 February 2020.

Any other development which is materially different from that shown on the above plans may result in a breach of planning control which is liable to enforcement action by the local planning authority.



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## Appeal Decision

Site visit made on 6 October 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 26 October 2020**

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**Appeal Ref: APP/J1915/W/20/3254490**  
**17 Highfield Road, Hertford SG13 8BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by S & H Chapps and Rockwell Homes Ltd against the decision of East Hertfordshire District Council.
  - The application Ref: 3/20/0287/FUL, as received by the Council on the 11 February 2020 was refused by notice dated 15 April 2020.
  - The development proposed is to construct a new detached house with garage and parking, with new site entrance and associated landscaping.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development upon the character and appearance of the Hertford Conservation Area.

### Reasons

3. The appeal site is located within the Hertford Conservation Area (the CA). The significance of this is, in part, derived from the predominance of larger, traditional design buildings arranged in a broadly linear form. Such dwellings are generally sited within landscaped sites, which gives the surrounding areas an open and verdant character. In consequence, the presence of less developed areas is an important characteristic of the CA.
4. Whilst the appeal site features a garden to the side of the existing dwelling, this is prominently located and makes a notable contribution to the verdant and open character of the vicinity. In consequence, the erection of a new dwelling would lead to an erosion of the character.
5. The proposed development, owing to the significant increase in built form, would be particularly prominent within the surrounding area. This arises from the prominence of the appeal site, is in proximity to the junction between Highfield Road and Morgan's Road. In addition, the proposed development would also be visible from the junction between Highfield Road and Bullocks Lane.
6. On account of the siting and scale of the proposed dwelling, it would be visible from a large proportion of Morgan's Road as it would project beyond the front elevation of many of the existing dwellings within this road. Whilst this would

- be screened to some degree by landscaping, some views would still be possible. Furthermore, the siting of the development would also allow for some views of the rear elevation, which would be discordant given the positioning of existing dwellings within the surrounding area.
7. Therefore, whilst dwellings in Morgan's Road are set back from the highway by varying amounts, the different views of the proposed dwelling would mean that it would appear incongruous.
  8. Furthermore, the proposed development includes a driveway. This would result in a greater amount of hardstanding being installed at the property, which would lead to a further erosion of the CA's character. This effect would be exacerbated by the proposed garage as this would increase the built form of the development and would lead to a further erosion of the verdant and open character of the site.
  9. This is particularly concerning given that the proposed development would also result in the removal of part of the existing boundary treatments, which would also erode the traditional forms of architecture that are a feature of the appeal site and the surrounding area.
  10. The proposed development would include some landscaping. However, the screening effect would be partial and may take some time to become established. Given that the overall form of the building would not be adequately screened, the development would remain readily perceptible within the surrounding area. I understand that the existing trees could be retained, however this would not overcome the adverse effects arising from the loss of the site's open and verdant character.
  11. I acknowledge that the proposed development could be constructed from materials that are complimentary to the historic environment. Whilst this is a matter of note, it does not overcome the adverse effects arising from the siting of the proposed dwelling as previously identified.
  12. My attention has been drawn to other developments in the surrounding area, where the dwelling takes up a larger proportion of the site. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. However, I note that these dwellings are either located either in line with other dwellings or are well screened by existing, mature landscaping.
  13. In consequence, the existing dwellings do not have the same prominence as the appeal proposal would have. Therefore, whilst I acknowledge that it appears that some of these dwellings would take up a greater proportion of their respective sites, I find that the presence of developments elsewhere does not allow me to disregard my previous concerns.
  14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, conflicts with Policies DES2, DES3, DES4, HA1, HA4 and HOU11 of the East Herts District Plan (2018). These, amongst other matters, seek to ensure that new developments conserve, enhance or strengthen the distinctiveness of the local landscape and its features; that developments be of a high standard of design and layout to reflect local distinctiveness; that development preserve and, where appropriate, enhance the historic environment, including the

special interest of Conservation Areas; and be appropriate to the character, appearance and setting of the surrounding area.

### **Other Matter**

15. It appears that the proposed development would not have an adverse effect upon the highway system. Whilst this is a matter of note, it is only one of all the matters that must be considered. In consequence, this does not allow me to disregard my previous conclusions.

### **Planning balance**

16. The harm to the CA would not be severe and therefore would be 'less than substantial' as defined by the National Planning Policy Framework (the Framework). Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal
17. In this instance, the proposed benefits amount to an increase in the local housing supply within the existing settlement, plus potentially some economic benefits during the construction process and patronage of local businesses post occupation. However, given that the scheme is for a single dwelling only, such benefits would be of a small scale. Accordingly, I can only attribute moderate weight to each of these benefits.
18. In addition, benefits arising from the repair of the boundary wall and the planting of replacement trees would be tempered by the removal of a section of the wall in order to provide access to the development and the loss of openness of the site.
19. Therefore, as I must pay special attention to preserving or enhancing the character and appearance of the CA, I find that the harm as previously identified would not be outweighed by the moderate public benefits. In result, the proposed development would conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification.

### **Conclusion**

20. For the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



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## Appeal Decision

Site visit made on 22 September 2020

**by C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> October 2020**

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**Appeal Ref: APP/J1915/D/20/3255457**

**16 Revels Road, Bengeo, Hertford SG14 3JU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs I. Reynolds against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0432/HH, dated 28 February 2020, was refused by notice dated 19 May 2020.
  - The development proposed is a first floor side extension, a loft extension and conversion to create additional living space to include a rear dormer and rooflights.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. A lawful development certificate (LDC) of February 2020 certifies that a hip to gable roof extension and the creation of a rear dormer and two rooflights was permitted development at the appeal property at that date. Whilst I have taken this matter into account in reaching my decision, I am required to consider the appeal scheme as a whole. Therefore I have used the full description of proposed works from the Council's decision notice, rather than the shorter description used in the application form.

### Main Issues

3. The main issues are the effect of the appeal proposal on:
  - The character and appearance of the area; and
  - The living conditions of the occupiers of No 40 Parker Avenue with regard to outlook and privacy.

### Reasons

#### *Character and appearance*

4. The appeal property (No 16) is a semi-detached dwelling within a corner plot on a residential street. The surrounding residential estate comprises relatively uniform dwellings of a generally similar scale. The adjoining semi-detached dwelling at No 18 Revels Road (No 18) has largely retained its original form. Whilst the appeal dwelling has existing porch and single storey side extensions,

these do not unacceptably disrupt the symmetry of the pair of dwellings as a result of their limited scale.

5. The combination of the proposed works to the dwelling at first and second floor levels would result in a substantial increase in its scale which would cause the pair of semi-detached dwellings to have an unbalanced appearance. As a result, although the proposal would not reduce the area of garden space available, the building would appear disproportionately large within both public views and those from the rear of surrounding dwellings. The potential for extensions at No 18 cannot be relied on to “balance out” the proposal as there is no substantive evidence that these are planned, or that they would receive permission if this were the case.
6. I acknowledge that elements of the side extension’s design would result in a greater subservience to the host dwelling than that identified regarding a previous appealed proposal<sup>1</sup> at the site. Nevertheless, the appeal scheme would result in an unduly dominant building within the relative uniformity of surrounding development as a result of its scale and prominent corner plot location. Thus, it would cause unacceptable harm to the character and appearance of the area.
7. The proposal consequently conflicts with Policies HOU11 and DES4 of the East Herts District Plan 2018 (the EHDP), which require development to complement the appearance of the existing dwelling and to be of a high standard of design.

#### *Living conditions*

8. No 40 Parker Avenue (No 40) lies on a corner plot on the adjacent road, in close proximity to the rear of the host dwelling. It has a rear garden of a modest scale which nonetheless offers outdoor space as an alternative to the larger side/front garden area which is also available.
9. The built form of the rear of No 16 lies relatively close to the rear garden and rear windows of No 40. However, the single storey scale of the side extension at No 16 and the unaltered nature of its roof form allow for outlook over those points.
10. The appeal proposal would increase the view from the rear of No 40 of substantial built form by a significant degree. The first floor side extension would replace views across the side area of No 16 by a significant projection of built form which would form an unduly dominant and overbearing frame to the outlook from the dwelling and garden at No 40. This enclosing effect would be exacerbated by the presence of the substantial dormer which would occupy almost the full extent of the original rear roof slope. The proposal would consequently cause significant harm to the living conditions of the occupiers of No 40 with regard to outlook.
11. A degree of mutual overlooking is already possible between the rear elevations and gardens to Nos 16 and 40. The proposal would increase the potential for overlooking by the inclusion of a second floor bedroom window within the dormer. Nevertheless, views from this would be oblique and would include only a slightly greater extent of the rear garden to No 40 than those available from the current first floor window at No 16.

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<sup>1</sup> APP/J1915/D/18/3215970

12. Furthermore, the remaining two additional windows within the rear elevation would serve bathrooms and the use of suitable opening arrangements and obscure glazing for these could reduce the potential for overlooking from them to an acceptable level.
13. The proposal would consequently have an acceptable effect on the living conditions of the occupiers of No 40 with regard to privacy. Nevertheless, it would cause significant harm to the outlook available from that property. The proposal consequently conflicts with Policy DES4 of the EHDP, which states that proposals should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties.

### **Other Matters**

14. My attention has been drawn to a number of schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, none of the four developments referred to had a sufficiently similar visual effect to the appeal proposal for me to be able to draw comparisons. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*C Beeby*

INSPECTOR





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## Appeal Decision

Site visit made on 22 October 2020

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 October 2020**

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**Appeal Ref: APP/J1915/W/20/3256369**

**Mill Studio Business Centre, Crane Mead, Ware, Hertfordshire SG12 9PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Paul Dixon of Robert Dixon Limited against the decision of East Hertfordshire District Council (LPA).
  - The application Ref 3/20/0461/ODPN, dated 28 February 2020, was refused by notice dated 12 May 2020.
  - The development proposed is for the change of use from offices (Class B1(a)) to 45no. residential apartments (Class C3).
- 

### Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3, Schedule 2, Part 3, Class O of the GPDO for the change of use from offices (Class B1(a)) to 45no. residential apartments (Class C3): 33 x 1-bed and 12 x 2-bed at Mill Studio Business Centre, Crane Mead, Ware, Hertfordshire SG12 9PY in accordance with the terms of the application Ref 3/20/0461/ODPN, dated 28 February 2020, and the plans submitted with it.

### Procedural Matters

2. For clarity, the description in the banner heading above is taken from the appeal form as one is not listed on the application form. However, in my decision I have used the Council's description on its decision notice as it is more precise.
3. The Council have confirmed in writing that they do not wish to contest the appeal submission<sup>1</sup>. I have dealt with the appeal on this basis.

### Background and Main Issue

4. Development permitted by Class O is subject to the conditions in paragraph O.2(1). One of these conditions requires that, before beginning the development, the developer must apply to the LPA for a determination as to whether prior approval is required as to certain specified impacts.
5. Paragraph W of the GPDO sets out the procedure for applications for prior approval under Schedule 2, Part 3. Paragraph W.(11)(c) says that development must not begin before the expiry of 56 days following the date on which the application was received by the LPA without the authority notifying the

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<sup>1</sup> Development Management Letter dated 30 September 2020



applicant as to whether prior approval is given or refused. The appellant asserts that the 56 days had expired before the notification or refusal was issued.

6. Therefore, the main issue of this appeal is whether planning permission is deemed to have been granted by reason of the timing of the LPA's decision

### **Reasons**

7. The application for prior approval was submitted to the LPA on 28 February 2020. The LPA's acknowledgement letter dated 19 March 2020 confirmed receipt and stated that, if a decision was not made by 12 May 2020, the applicant would have a right to appeal. The LPA's decision notice refusing the application was dated 12 May 2020. The appellant has quoted various Judgments in his submission, including the *Murrell*<sup>2</sup> case, which I find to be a material consideration in the determination of this appeal.
8. This being the case, it is argued that the 56-day determination period would have expired in advance of 12 May 2020 due to a valid application being received on 28 February 2020. I also note that additional documents were submitted to the Council on 11 March 2020. However, even if I used this date, the 56-day determination period would have still expired before the Council issued its decision. Additionally, the confirmation from the Council stating that they do not contest the appeal is a matter that I attach significant weight.
9. Consequently, I conclude that the Council failed to provide a decision within the required 56-day determination period and prior approval is deemed to have been given under the provisions of paragraph W(11)(c) of Schedule 2 Part 3 of the GPDO on 24 April 2020. Given my findings above, it is not necessary for me to consider whether prior approval should be granted as to those specified in paragraph O.2, specifically, the transport and highways impacts of the development on the site.

### **Conditions**

10. The GPDO attaches standard conditions to this type of development, including that development must be completed within a period of 3 years, starting from the prior approval date. The GPDO also requires that the development must be carried out in accordance with the details provided in the application. There is no reason therefore for specific conditions on timescales or plans.

### **Conclusion**

11. Taking all matters into consideration, I conclude the appeal is allowed and prior approval is granted.

*W Johnson*

INSPECTOR

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<sup>2</sup> Murrell v Secretary of State for Communities and Local Government [2011] 1 P.& C.R. 6



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## Appeal Decision

Site visit made on 28 September 2020

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 October 2020**

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**Appeal Ref: APP/J1915/W/20/3256367**

**44 Thorley Park Road, Bishops Stortford CM23 3NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Robert Jones against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0592/VAR, dated 17 March 2020, was refused by notice dated 12 May 2020.
  - The application sought planning permission for single-storey attached granny annexe without complying with a condition attached to planning permission Ref 3/15/1117/HH, dated 27 July 2015.
  - The condition in dispute is No 3 which states that: The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse within the application site and for no other purpose.
  - The reason given for the condition is: To ensure the Local Planning Authority retains control over any future development.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey attached granny annexe at 44 Thorley Park Road, Bishops Stortford, CM23 3NQ in accordance with the application 3/20/0592/VAR, dated 2 March 2020, without compliance with condition No 3 previously imposed on planning permission 3/15/1117/HH dated 27 July 2015.

### Main Issue

2. The main issue is the effect that removing the condition would have on the character and appearance of the area.

### Reasons

3. The annexe is a single-storey addition to the side elevation of the host property. It is capable of independent occupation, with no internal link between the annexe and house and separate gates in the front boundary wall providing separate approaches to the two front doors.
4. The character of Thorley Park Road principally comprises a mix of semi-detached and detached dwellings on spacious plots. The use of the annexe as an independent dwelling would create a terrace of three separate houses. However, there would be no change to the existing appearance of the

buildings, and the annexe is a small structure with a subordinate relationship to its host dwelling. The appeal proposal would not change this relationship, and the annexe would not be a prominent feature in the street scene.

5. The setting of the annexe has an established domestic appearance comprising a small area of garden with a mix of hard and soft landscaping. Any accumulation of domestic paraphernalia associated with the separate use would accordingly be modest in scale. I acknowledge that planning permission may not ordinarily be granted for a dwelling of the nature proposed. However, the annexe already exists and there would be no change in operational terms resulting from the creation of a separate planning unit. There would be no material change to the overall appearance of the appeal site or the host property. Accordingly, there would be no harm caused to the area's character and appearance.
6. The removal of the condition would accord with Policy DES4 of the East Herts District Plan 2018, which includes a requirement for development to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

#### *Other Matters*

7. The annexe and host property would continue to use the existing shared parking area. This provides space for parking of up to four cars, and there are no parking restrictions on the road in the vicinity of the appeal site. The appeal proposal would not result in a significant increase in on-street parking on the nearby bend in the road, given the scale of the annexe and that it is already in use.

#### **Conclusion**

8. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR



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## Appeal Decision

Site visit made on 28 September 2020

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2020**

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**Appeal Ref: APP/J1915/D/20/3256191**

**66 Rib Vale, Bengoe, Hertford, SG14 3LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R. Haworth against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0629/HH, dated 24 March 2020, was refused by notice dated 19 May 2020.
  - The development proposed is described as "erection of a single storey front extension to facilitate the erection of a front porch & partial conversion/extension of existing garage to main dwelling, first floor front extension & a first floor rear extension. Work to also include alterations to fenestration on side and rear elevations, installation of 1 x front facing roof light, extension of 1 x existing front facing dormer, installation of pitched roof to existing front dormer and the extension of & installation of pitched roof to existing rear dormer".
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. The Council's sole reason for refusal only refers to the proposed front extension, and the officer's report makes clear that it is only this element of the development proposed to which the Council objects. I see no reason to disagree with this conclusion and have determined the appeal accordingly.
3. The main issue is therefore the effect of the proposed front extension on the character and appearance of the surrounding area.

### Reasons

4. Houses in Rib Vale comprise a mix of design styles, predominantly two-storey or 1.5 storeys facing the street. The appeal property is part of a group of houses of similar appearance located on both sides of the street towards one end of Rib Vale. There is some variety in the appearance of individual properties within this group, with side extensions and roof alterations added in some instances. However, there is overall uniformity of character with each property being 1.5 storeys in height facing the street with between one and three dormers on the front roof slope. In addition, the alignment of these properties follows the curve of the road, with a staggered building line revealing each property in turn when seen from the street. Together these houses form a distinct group within the Rib Vale street scene.

5. The development proposed would involve the addition of a substantial front extension to the appeal property. This extension would include two-storey gable-roofed projections flanking the front entrance. While set down from the ridgeline of the roof, these projecting elements would be substantial additions to the front elevation of the dwelling and would significantly alter its appearance. The appeal property would as a result appear as an uncharacteristic and incongruous two-storey house within this distinct group of 1.5 storey houses both from the front and the side and would be out of keeping within the street scene.
6. There is variety in the appearance of properties within Rib Vale as a whole. However, properties of similar appearance are commonly grouped together, and this results in a pleasing consistency and rhythm within the wider street scene. Extensions to other properties in Rib Vale have generally been sympathetic and maintained the overall character of the host properties within the street scene. The property on Windmill Lane referred to by the appellant is not part of a uniform group as the appeal property is. The planning permission granted for front extensions to that property therefore attracts limited weight in the determination of this appeal.
7. The proposed front extension would result in the appeal property appearing out of keeping within the Rib Vale street scene and would therefore be harmful to the character and appearance of the surrounding area. It would be contrary to the requirements of policies HOU11 and DES4 of the East Herts District Plan 2018. These policies require, amongst other criteria, extensions to dwellings to be of a form and design appropriate to the character, appearance and setting of the existing dwelling and the surrounding area.

### **Conclusion**

8. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR

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## Appeal Decision

Site visit made on 6 October 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 26 October 2020**

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**Appeal Ref: APP/J1915/W/20/3254399**

**Land at Dormers, Crouchfields, Chapmore End SG12 0NZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr V. Monawer against the decision of East Hertfordshire District Council.
  - The application Ref: 3/20/0716/FUL, dated 8 April 2020, was refused by notice dated 2 June 2020.
  - The development proposed is the erection of one new detached dwelling with a basement and four off-street car parking spaces.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council amended the description of the proposal from 'erection of new detached dwelling' to the 'erection of one new detached dwelling with a basement and four off-street car parking spaces'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposal and have therefore proceeded on this basis.

### Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt;
  - the effect of the development upon the character and appearance of the surrounding area;
  - the effect of the development upon flood risk;
  - the effect of the development upon trees;
  - the effect of the development upon ecology;
  - whether suitable living conditions would be provided for the future occupiers of the development, with particular regard to access for refuse collections; and
  - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations, so as to amount to the very special circumstances necessary to justify the development

## **Reasons**

### *Whether inappropriate development*

4. The site is located within the Metropolitan Green Belt. The appeal site consists of an existing rear garden, with several trees close to the boundaries of the site.
5. The National Planning Policy Framework (the Framework) regards the erection of new buildings within the Green Belt as being inappropriate. There are some exceptions to this, however, the proposed development does not pertain to agricultural, forestry, outdoor sport or recreation activities. The development is not a replacement dwelling, nor is the evidence indicative of the proposed dwelling being made available for occupation on affordable tenures.
6. The proposal would be accessed from Crouchfield Lane, whilst the existing dwelling is accessed from The Dell. There are other dwellings in the surrounding area. Whilst this arrangement means that the proposal would not represent an isolated dwelling, I note that the surrounding dwellings are accessed from a variety of different roads. This means that there are limited connections between them. Furthermore, the immediate vicinity does not include some of the services that residents might require on a day-to-day basis.
7. In consequence, the surroundings of the appeal site cannot be appropriately described as a village.
8. Furthermore, the siting of the proposed dwelling is such that there would be a notable distance between this and other dwellings. The proposed building would also be surrounded by some landscaping. Therefore, whilst the proposed development would be near to other buildings, it would not represent a limited infill within a village. In consequence, the proposal represents an inappropriate development in the Green Belt.
9. In addition, the proposed development would be sited a reasonably large distance away from the existing dwellings. In consequence, it would be viewed as single dwelling surrounded by landscaping, rather than as part of a larger group of dwellings. Due to this, it would not represent an infilling between buildings.
10. Due to the resultant increase in built form arising from the proposed development and the fact that views would be possible into the site means that the proposal would result in an erosion of the open character of the surrounding area, in addition to a loss of the intrinsic sense of openness that exists within the surrounding area. For this reason, it would be contrary to the reasons for including land within the Green Belt.
11. I therefore conclude that the proposed development would represent an inappropriate development in the Green Belt. The development, in this regard, conflicts with Policy GBR1 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that planning applications within the Green Belt will be considered in line with the provisions of the Framework.



### *Character and appearance*

12. The appeal site consists of an undeveloped area with trees adjacent to most boundaries. The proposed development would be sited near to an annexe. Dwellings in the surrounding area are constructed to different designs, although these generally feature pitched roofs and have consistently sized windows. Dwellings are also set back from roads by differing amounts.
13. Whilst there are dwellings in the surrounding area that feature different designs, a unifying trend is the traditional style of architecture present within the vicinity. Although the proposed development would have a limited height, it would be at variance with the prevailing character by reason of the significantly sized windows and the use of flat and mono-pitched roof sections. In consequence, the proposed development would appear incongruous.
14. The shape of the windows within the proposed development would also differ from those utilised on many of the surrounding area. This would exacerbate the differences in appearance between the proposed development and the existing dwellings. These factors, when combined, would contribute towards the creation of an incongruous form of development.
15. In addition, the proposed vehicular access would run from a service road that also serves as access to some other properties. These factors mean that the incongruous form of development has the potential to be experienced by a notable number of people, which would render the proposal strident.
16. This causes concern as the site is prominently located. In particular, a several dwellings in Crouchfield Lane would have views of the appeal site and some views of the development would be possible via the proposed vehicular access.
17. Although the site contains several trees, which would provide some screening, there are some gaps through which the increase in built form would be readily perceptible. In consequence, the presence of such trees does not enable me to disregard my previous concerns.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policies DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that all development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness; and where losses to landscaping are unavoidable, these should be justified by other material considerations.

### *Effect on flood risk*

19. The appeal site is predominantly grassed and located on a gradient. Land in Crouchfield Lane is located on higher land than the appeal site.
20. The proposed dwelling, along with the driveway and parking spaces would result in an increase in the level of impermeable surfaces at the site. This causes a concern as this would result in a diminished ability for the site to absorb any surface water run-off. The presence of such a diminished ability to absorb such run-off has the potential to increase flood risk either on the appeal site, or elsewhere. This is particularly concerning given that there are other impermeable surfaces on higher ground than the site of the proposed dwelling.



21. It has been suggested that this issue can be overcome through the imposition of a planning condition to secure a Sustainable Urban Drainage System (SUDS). However, without certainty regarding the extent of surface water run-off, or the type of SUDS that would be necessary to manage this process, a condition cannot be drafted with sufficient precision. In consequence, such a condition would be unreasonable.
22. In addition, the SUDS is likely to require on-going maintenance in order to ensure that it is fully operational throughout the life of the development. Without certainty regarding the type of system, it is therefore not possible to establish whether such a system could be effectively maintained. In consequence, I do not believe that a condition covering maintenance can be reasonably imposed.
23. It appears that the Local Water Authority did not raise objections to the proposed development. Whilst this is a matter of note, it does not conclusively demonstrate that an appropriate SUDS can be installed at the property.
24. Therefore, in the absence of an assessment regarding the level of surface water run-off and the lack of appropriate conditions to overcome this means that I conclude that the proposed development would have an adverse effect on flood risk. The development, in this regard, conflicts with District Plan Policies WAT1 and WAT5. These, amongst other matters, seek to ensure that development should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people and that proposals will be required to preserve or enhance the water environment.

#### *Effect on trees*

25. The appeal site includes a number of trees that occupy a prominent position within the surrounding area and particularly when viewed from Crouchfield Lane. These trees therefore make a significant contribution to the definition of the area's character and some are protected by a Tree Preservation Order.
26. The proposed development would result in the removal of grassed areas from which the existing trees could potentially draw moisture. Furthermore, the proposed development would result in foundations being dug in areas that might feature root growth of the protected trees.
27. This causes concern as there is a notable likelihood that the development has the potential to significantly impinge upon the health of these trees.
28. It would appear that no objections were received to the planning application from the Council's Arboricultural Officer, however, this does not overcome the fact that development would be carried out in proximity to notable trees that define the character of the site and the surrounding area. Furthermore, I have been directed towards policies that seek to maintain the health of such trees.
29. Owing to the lack of certainty regarding the effects of the development of the development upon these trees and the extent of any root protection area it is not possible to impose conditions to overcome this matter.
30. I am aware that conditions could be imposed in respect of the installation and upkeep of new landscaping, however, this would not overcome the previously identified concerns as the development should seek to retain the protected trees.

31. I therefore conclude that the proposed development would have an adverse effect on protected trees. The development, in this regard, would conflict with DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that new developments retain, protect and enhance existing landscape features and maximise opportunities for urban greening.

*Effect on ecology*

32. The appeal site is located close to open countryside, which includes fields and hedgerows. The appeal site, and particularly its boundaries, features trees and hedgerows.
33. The existing garden is relatively large. In result of the subdivision of the site to create the proposed dwelling and garden, the erection of the new dwelling and installation of driveway and vehicle parking has the potential to disrupt, or remove, some wildlife habitats. This would not be desirable as it would fail to promote improved ecology. This is also concerning as the surrounding area, by reason, of the various trees and hedges has the potential to support various items of ecology.
34. Whilst I am conscious that conditions could be imposed to secure mitigation or replacement habitats, without certainty regarding the type of species that might be affected by the proposed development it is not possible to draft a condition that would clearly specify the works that are necessary to be undertaken.
35. Such a condition would also lack sufficient precision regarding the timespan for appropriate installation and the required maintenance regime. In consequence, it would represent an unreasonable condition and would not overcome my previous concerns.
36. I therefore conclude that the proposed development would have an adverse effect upon ecology. The development, in this regard, would conflict with Policy NE3 of the District Plan. This, amongst other matters, seek to ensure that development should always seek to enhance biodiversity and to create opportunities for wildlife.

*Living conditions*

37. The proposed development would feature a driveway running from Crouchfield Lane and leading to the proposed dwelling, which would feature a hard surface treatment.
38. Owing to the siting of the proposed development, future residents would be required to carry refuse and materials for recycling to the highway edge for collection. I have not been directed towards a planning policy that specifically prescribes a maximum distance that should be travelled carrying such items.
39. Whilst the journey to the highway edge would be over a relatively lengthy route and would be on a gradient, such journeys would only need to be carried out on a relatively infrequent basis. Furthermore, had I been minded to allow this appeal, I could have imposed conditions ensuring that the driveway was suitably surfaced and provided prior to the first occupation of the development. This would result in easier movement of such items.

40. The result of this is that all the time the dwelling is occupied, residents would have use of a suitable surfaced driveway, including during periods of inclement weather. In consequence, such arrangements would overcome the inconvenience derived from the relatively lengthy distance.
41. I therefore conclude that the occupiers of the proposed development would experience appropriate living conditions. The development, in this particular regard, would be in conformity with Policy DES4 of the District Plan. This, amongst other matters, seeks to ensure that new developments make provision for the storage of bins and ancillary household equipment.

### **Other Matter**

42. I acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

### **Other Considerations and Planning Balance**

43. Whilst I have concluded that the proposed development would provide appropriate living conditions for the future occupiers of the development, this is outweighed by the harm to trees, ecology, flood risk, the character and appearance of the surrounding area, and the Green Belt.
44. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment has been eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and the other identified harm are clearly outweighed by other considerations.
45. The proposal would result in an increase in the local housing supply, however, the benefits of this are small given that the proposal would result in the creation of a single additional dwelling. Given that the proposal would contain a single household, any economic support of businesses and services within the area is also likely to be small. Accordingly, I give each of these matters limited weight.
46. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.

### **Conclusion**

47. For the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR

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PLANNING APPEALS LODGED OCTOBER 2020  
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/19/2099/FUL	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Refused Delegated	06/10/2020	Hearing
3/20/0144/FUL	Demolition of all buildings. Erection of 9 dwellings (3 detached, 6 semi-detached), together with associated cart lodges/car ports served by a new access and 24 parking spaces.	Land At South End Perry Green Much Hadham SG10 6EW	Refused Delegated	22/10/2020	Written Representation
3/20/0236/FUL	Erection of barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.	Cromer Hill Common Near B1037, Ardeley White Hill Cromer Stevenage SG2 7QA	Refused Delegated	06/10/2020	Written Representation
3/20/0717/FUL	Change of use of land from agricultural/equestrian to residential and erection of a new two bedroom dwelling with associated parking - revised scheme	Rooks Nest Paddock Stevenage Road Walkern	Refused Delegated	12/10/2020	Written Representation
3/20/0838/HH	Raising of roof and addition of 2 dormers to create first floor accommodation. Creation of a new vehicular cross over to accommodate two cars.	68 Gilders Sawbridgeworth CM21 0EH	Refused Delegated	13/10/2020	Fast Track
3/20/0862/HH	Demolition of outbuildings, relocation of swimming pool, erection of an outbuilding with spa facilities, garage, office and annexe.	93 Aston End Road Aston Stevenage SG2 7EY	Refused Delegated	15/10/2020	Fast Track
3/20/0919/FUL	Creation of garage and home office	Ellenglade Bramfield House Well Green Bramfield Hertford SG14 2QT	Refused Delegated	27/10/2020	Written Representation
3/20/0937/TEL	The installation of a 20m high slimline tower supporting 12 no. antenna apertures with the installation of 8 no. ground-based equipment cabinets and ancillary development.	Highways Land Great Hadham Road Bishops Stortford	Refused Delegated	26/10/2020	Written Representation
3/20/1081/FUL	Proposed single storey extension and change of use of existing barn outbuilding into 1 self-contained residential unit, alterations to fenestration and associated development.	29 Station Road Sawbridgeworth CM21 9JY	Refused Delegated	09/10/2020	Written Representation
3/20/1114/HH	Single storey oak framed garden room rear extension.	Woolpack Croft Westmill Buntingford SG9 9LJ	Refused Delegated	26/10/2020	Written Representation
3/20/1115/LBC	Single storey oak framed garden room rear extension.	Woolpack Croft Westmill Buntingford SG9 9LJ	Refused Delegated	26/10/2020	Written Representation
3/20/1165/HH	Two storey side and rear extension, incorporating dormer windows. Single storey front and rear extension. Garage conversion.	3 The Orchards Sawbridgeworth CM21 9BB	Refused Delegated	09/10/2020	Fast Track
3/20/1200/FUL	Change of use of annex to dwelling. External alterations, including insertion of windows, creation of parking and access with gates and erection of wall.	Cedar Cottage Goldings Lane Waterford Hertford SG14 2PX	Refused Delegated	26/10/2020	Written Representation
3/20/1201/LBC	External alterations, including insertion of windows in connection with change of use of annex to a separate dwelling, creation of parking and access with gates and erection of wall.	Cedar Cottage Goldings Lane Waterford Hertford SG14 2PX	Refused Delegated	26/10/2020	Written Representation

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

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**Public Inquiry and Hearing Dates**  
**All Hertford Council Chamber unless specified**

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Date
3/19/1148/FUL	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings, together with the construction of 4no. three bedroom dwellings with associated parking.	INPROG	Hearing	03/11/2020
3/19/1149/LBC	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings.	INPROG	Hearing	03/11/2020
3/19/2002/FUL	Bruce O'Brien	St Michael's Masonic HallSpringfield CourtBishops Stortford	Demolition of a non-designated heritage asset. Erection of a two storey building containing 4, one bed apartments and 2, two bed apartments. To include 2 rear juliet balconies, creation of bin store, drying area, bike store and 10 designated parking spaces.	VALID	Hearing	TBA
3/19/2099/FUL	Nick Reed	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	VALID	Hearing	TBA
3/20/1040/FUL	Eilis Edmonds	Land At Millfield LaneBury GreenLittle HadhamWare SG11 2ED	Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.	Logged	Public Inquiry	TBA

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# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
(calculated from April 2020)

	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
<i>Total Applications Received</i>	143	298	488	706	873	1072	1300					

<i>Percentage achieved against Local and National Targets</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21		<b>Targets for Local Performance (set by East Herts)</b>	<b>National Targets (set by Government)</b>
<b>Major %</b>	100%	100%	100%	100%	100%	87%	78%						<b>Major %</b>	<b>60%</b>	<b>60%</b>
<b>Minor %</b>	92%	93%	92%	92%	92%	92%	90%						<b>Minor %</b>	<b>80%</b>	<b>65%</b>
<b>Other %</b>	92%	92%	90%	91%	92%	91%	92%						<b>Other %</b>	<b>90%</b>	<b>80%</b>

<i>Appeals</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Total number of appeal decisions (Monthly)	4	6	3	5	2	14	13					
Number Allowed against our refusal (Monthly)	1	2	1	3	1	6	3					

Total number of appeal decisions (Cumulative)	4	10	13	18	20	34	47					
Number Allowed against our refusal (Cumulative)	1	3	4	7	8	14	17					

AGENDA ITEM NO. 6D

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