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## Appeal Decision

Site visit made on 3 March 2014

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 12 March 2014

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**Appeal Ref: APP/J1915/A/13/2207257**

**12 South Road, Bishop's Stortford, Hertfordshire CM23 3JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Elaine Balbinski against the decision of East Hertfordshire District Council.
  - The application Ref 3/13/1249/OP, dated 9 July 2013, was refused by notice dated 5 September 2013.
  - The development proposed is outline application for one detached dwelling to rear of 12 South Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was made in outline, with all matters being reserved for future consideration. I have therefore treated the application drawings as being illustrative.
3. The Government's Planning Practice Guidance came into force on 6 March 2014. I have had regard to the new guidance but, given the issues raised by this case, its provisions have not altered my conclusions.

### Main Issue

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

### Reasons

5. The appeal site comprises part of the garden area of 12 South Road, a detached bungalow. The rear garden area of No 12 has a depth of around 40 metres and is essentially laid to grass and there are a number of trees within the site and along its boundaries. No 12 is bounded to: the north by a detached bungalow at No 10; the south by a two storey, detached house at No 16; and to the west (rear) by semi detached houses in Zambesi Road.
  6. The illustrative drawing shows the provision of a chalet type bungalow with a ridge height of in the region of 5.9 metres, which would be sited in the region
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of 20 metres to the rear of No 12<sup>1</sup>. The proposed dwelling would be accessed via a driveway passing between the flank wall of No 12 and the shared boundary with No16, the width of this gap being 2.7 metres<sup>2</sup>. I am told that the width of the proposed access would widen to at least 3.0 metres behind No 12's rear elevation<sup>3</sup>. The indicative drawing also suggests that the proposed dwelling would have a detached double garage available to it.

7. The western side of South Road, between Nos 4 and 20, is characterised by dwellings with comparatively long and verdant rear gardens, with a number of mature trees being present in these gardens and the proposed dwelling would be sited more or less in the middle of this run of gardens. I find it appropriate to consider the effect of the proposal upon the properties between Nos 4 and 20, rather than South Road per-se, because to my mind the rear garden areas of this grouping of properties unquestionably sets the context within which the proposed dwelling would sit. Within this context the addition of a dwelling would result in an unacceptable hardening of the area to rear of No 12 that would be at odds with its established leafy back garden environment.
8. I also find that the hardening in the appearance of the appeal site would be exacerbated by the installation of a 2.0 metre high fence along the whole length of the shared boundary with No 16<sup>4</sup>, screening that I find would be necessary to safeguard the living conditions for the occupiers of No 16. The resulting plot density would approach twice that of the adjoining dwellings resulting in the erosion of the spacious character of the immediate area, providing a further indication of this proposal being uncharacteristic for this part of South Road. While the proposal would result in the removal of some fruit trees, I do not find this aspect of the development to be objectionable of itself.
9. In coming to my conclusion that the proposed development would be harmful to the character and appearance of the area, I am mindful of the other developments in South Road that have been drawn to my attention at Nos 2, 11 to 15 and rear of 20 to 26 (1, 1a and 1b Rhodes Avenue), which I viewed as part of my site visit. However, I do not find these other developments to be comparable to the appeal proposal because: No 2 is set within a large plot and the frontage cottages are part of an early 20<sup>th</sup> century development with its own very distinctive character; Nos 11 to 15 form part of the redevelopment of a former nursery, a site that would have been of a different character to No 12 and these houses are served by an access integral to the design of the scheme; and the properties at 1, 1a and 1b Rhodes Avenue read as being part of that street and are therefore not backland development in the usually recognised sense.
10. I have also taken into consideration the developments in Hadham Road and Havers Lane brought to my attention by the appellant and for which drawn details were submitted as part of her case, which I also visited. However, I do not find either of these sites to be comparable to the appeal proposal, with the Hadham Road site being between two higher density developments, while the Havers Lane site forms part of a former public house and is therefore

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<sup>1</sup> Dimensions taken from the Design and Access Statement accompanying the planning application

<sup>2</sup> Dimension agreed between the appellant and Council during the course of the Inspector's site visit

<sup>3</sup> Paragraphs 46 and 50c of the appellant's grounds of appeal

<sup>4</sup> Paragraph 45 of the appellant's grounds of appeal

quite different in character. I have been unable to come to a view about the comparability or otherwise of the site at 210/212 Stansted Road, because there was insufficient drawn information before me to make an evaluation. In any event I am required to consider the appeal proposal on its individual merits, which is what I have done.

11. For the reasons set out above I conclude that the appeal development would be harmful to the character and appearance of the area. Accordingly there would be conflict with the objectives of Policies HSG7 and ENV1 of the East Herts Local Plan Second Review (2007), which amongst other things, seek to ensure that all development is appropriately sited and complementary to its surroundings. I also find there to be conflict with the provisions of paragraph 58 of the National Planning Policy Framework (the Framework) because the development would fail to ‘...add to the overall quality of the area...’ and ‘...respond to local character...’.

### **Other Matters**

12. The appellant has submitted that the proposed dwelling would be sustainably located, while contributing to the housing supply in the Council’s area and in these respects the appeal scheme accords with the Framework. However, the contribution the appeal development would make to housing provision in the area would be very modest and I conclude that this benefit would not outweigh the harm to the character and appearance of the area that I have identified. As it would not be possible to satisfactorily mitigate this harm through the imposition of reasonable conditions, it follows that when the Framework is read in the round, the appeal scheme cannot be considered to constitute sustainable development.
13. I have some sympathy with the noise and disturbance concerns raised by the occupants of No 16, with the proposed access passing between the comparatively narrow gap between Nos 12 and 16. The vehicular and pedestrian activity associated with an additional dwelling would be likely to be very different to that generated by the previously permitted garage and would therefore not be directly comparable. Equally the occupants of No 12 could also experience some disturbance as a consequence of the comings and goings to the proposed dwelling and it is unclear how No 12’s flank window would be affected by the development.
14. While I have reservations about the impact of the proposal upon the living conditions of the occupants of Nos 12 and 16, a factor weighing against the development, it is not something which in itself would amount to a reason for me dismissing this appeal.

### **Conclusions**

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

*Grahame Gould*

INSPECTOR

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## Appeal Decision

Site visit made on 3 March 2014

**by Grahame Gould BA MPhil MRTPI**

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

Decision date: 6 March 2014

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**Appeal Ref: APP/J1915/D/14/2212820**

**Avenue Lodge, Albury Hall Park, Albury, Ware, Hertfordshire SG11 2HZ**

- 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 Nuala Barrett against the decision of East Hertfordshire District Council.
  - The application Ref 3/13/1927/FP was refused by notice dated 23 December 2013.
  - The development proposed is 'single storey rear extension to form family area, conversion of garage to form new kitchen and changes to rear elevation (bedroom) window to form door opening with balcony, and change to rear ground floor window, also take out garage door and brick up opening to match existing brickwork'.
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### Decision

1. The appeal is allowed and planning permission is granted for part single storey rear extension, alteration and conversion of garage to habitable accommodation, changes to rear first floor window to form door opening with balcony at Avenue Lodge, Albury Hall Park, Albury, Ware, Hertfordshire SG11 2HZ in accordance with the terms of the application Ref 3/13/1927/FP subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: OS Site Map; 00183/EE-EXT(1); 00183/EE-EXT(2); 00183/EE-GF; 00183/EE-FF; 00183/PE-EXT(1); 00183/PE-EXT(2); 00183/PP-GF; and 00183/PP-FF.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Procedural Matter

2. The Council in determining the appealed application has altered the description of the proposal and I note from the appellant's questionnaire that this amendment has not been objected to. The Council's description more succinctly describes the proposed development and I have therefore adopted it for the purposes of my formal decision.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

### **Reasons**

4. Avenue Lodge is a detached, two storey, house, which has been extended on several occasions. The appeal property occupies a corner plot and is accessed via Parsonage Lane. The appeal property, like The Vicarage, to the west, and the other neighbouring houses to the east and south on Church End, is of an individual design and is set within a substantial plot.
5. Avenue Lodge has an 'L' shaped footprint and the appeal proposal would involve the construction of a flat roofed, single storey, rear extension that would be used as a family room and dining area. The proposed extension would occupy the majority of the patio area between the house's north eastern and south eastern wings. The appeal proposal would also involve the conversion of the garage into a kitchen and changes to a bedroom window to form a Juliet balcony.
6. The appeal property is situated within the countryside and is therefore within an area of rural restraint for the purposes of Policies GBC3 and ENV5 of the East Herts Local Plan Second Review (April 2007) (the Local Plan). Policy ENV5 indicates that extensions individually or cumulatively should not disproportionately alter the size of the original dwelling, but no quantitative threshold is set out within this policy or its supporting text, against which the impact of a proposal should be judged. Policy GBC3 indicates that limited extensions to 'existing' dwellings will be permitted, provided that the proposal complies with Policy ENV5 and again no numerical threshold against which individual or cumulative enlargements should be assessed as being acceptable or otherwise is contained within this policy or its supporting text.
7. Avenue Lodge has been subject to significant enlargement, which the Council calculates to be of the order of 125% (in floorspace terms) since 1972. The Council contends that the proposed extension, by increasing cumulatively the property's floor area by 145% above the pre 1972 figure, would amount to its disproportionate enlargement, taking it beyond its tipping point for the purposes of Policies GBC3 and ENV5 of the Local Plan. However, the proposed extension would be comparatively modest and I find that its construction would still leave Avenue Lodge with a continuingly spacious presence within its plot and this addition's appearance would also be in keeping with that of the host property. I also find it significant that, because of the property's boundary fencing and planting, only fleeting glimpses of the proposed extension would be possible from outside the Avenue Lodge's curtilage, with the result that it would not detract from the appearance of the wider streetscene.
8. I therefore find that the appeal proposal of itself or cumulatively would not be harmful to the character or appearance of Avenue Lodge or the openness of the surrounding area. Accordingly under the circumstances of this proposal, I find there would be no conflict with the objectives of Policies ENV5 and GBC3 of the Local Plan.

**Conclusion and Conditions**

9. For the reasons set out above I conclude that the appeal should succeed, subject to conditions relating to: the standard time limit for the commencement of the development; and requirements for the development to be carried out in accordance with the approved plans and constructed in external materials to match those of the existing house, both in the interests of the proper planning of the area.

*Grahame Gould*

INSPECTOR