



Appeal Decision

Site visit made on 31 July 2014

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

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

Decision date: 14 October 2014

Appeal Ref: **APP/J1915/A/14/2218786**

Place Farm, Bayford Green, Hertford, Herts SG13 8PU

- 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 Ettridge Farm Limited against the decision of East Herts Council.
 - The application Ref 3/13/2292/FP, dated 20 December 2013, was refused by notice dated 12 February 2014.
 - The development proposed is to demolish existing building and replace with dwelling following approval ref. 3/12/0672/FP.
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Decision

1. I dismiss the appeal.

Procedural Matters

2. The site address as listed within the planning application form simply states "Bayford" and the postcode. For the avoidance of doubt as to the precise location of the appeal site, I have used the address as listed on the Council's decision notice and set out in the Design and Access Statement submitted with the planning application.

Main Issues

3. The main issues are:
 - i. Whether the proposal would constitute inappropriate development for the purposes of the National Planning Policy Framework; and
 - ii. If the development is deemed inappropriate, whether the harm by reason of inappropriateness, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site comprises three inter-connected timber framed redundant agricultural barns of a traditional appearance. It is located within the centre of an active farmyard, which is within the Metropolitan Green Belt. The existing building has the benefit of an extant planning permission (3/12/0672/FP) to permit its conversion to a single dwelling.
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Whether Inappropriate Development

5. Pursuant to paragraph 89 of the National Planning Policy Framework (the 'Framework') the construction of new buildings is considered to be inappropriate in the Green Belt. However, an exception to this is where, amongst other things, the proposal involves the replacement of a building, provided that the new building is in the same use and not materially larger than the one that it replaces.
6. The appeal proposal is to replace the existing barn with a new purpose built dwelling of a very similar design and proportions, and therefore it would not be materially larger. However, the new building would not be in the same (agricultural) use and therefore would amount to inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Framework para. 87).

Other Considerations

7. Paragraph 88 of the Framework goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.
8. I understand that it is the appellant's intention to build the replacement dwelling to level 6 of the Code for Sustainable Homes, and that the proposals would utilise green technologies. These include solar photovoltaic panels, enhanced insulation, grey water recycling, whole house ventilation with heat recovery and air source heat pumps, amongst other things. However, since the recent revision of the Building Regulations many of these technologies are now quite widely used. Furthermore, there is nothing in the submissions before me that demonstrates that they could not be used within the conversion of the current barn, which would involve the retention and repair of its existing timber frame. In addition, the reasons as set out within the Sustainability Statement as to why the conversion of the existing building would result in an inefficient and energy form of construction have not been quantified.
9. Whilst the site is in relative close proximity to the village, I have not been provided with details of the mainline railway service. However, the submitted Centrebus timetable does show that an infrequent service of 3no. buses each way serves Bayford Railway Station, between the settlements of Hertford and Cuffley. This does not demonstrate that the site is in a particularly accessible location, and which would not change irrespective of the outcome of this appeal. I also say this notwithstanding the fact that the Council cannot currently demonstrate a 5 year supply of deliverable housing land and the Framework's presumption in favour of sustainable development.
10. I sympathise with the appellant's wishes to undertake a 'once in a lifetime' project. However the dismissal of this appeal would not deny them the opportunity to develop a sustainable living environment for their family and future generations, that would also have minimal energy requirements and could be (re)constructed in an efficient and environmentally sound manner. Further, the building has stood the test of time for, I would suggest, several generations already and its sensitive repair and conversion could well see that trend continue.

11. I acknowledge that all of the above factors, including the environmental credentials and the physical form of the proposed building, in addition to the five purposes of the Green Belt are material to this appeal. However, they do not demonstrate that very special circumstances exist, to the extent that they outweigh the harm to the Green Belt by reason of inappropriateness. The proposal is therefore contrary to the Framework. Policy GBC1 of the East Herts Local Plan Second Review (2007) is however aligned with the tests of the former Planning Policy Guidance note 2: Green Belts, which was deleted on the issue of the Framework and therefore can only be given limited weight.

Conclusion

12. For the reasons given above, I conclude that the proposal represents inappropriate development in the Green Belt. Substantial weight has to be attached to that harm and those considerations put forward in favour of the proposal fail to clearly outweigh the totality of the harm, and the very special circumstances needed to justify the proposals do not exist. Therefore, having regard to all other matters raised, the appeal is dismissed.

C J Tivey

INSPECTOR



Appeal Decision

Site visit made on 24 September 2014

by **K E Down MA (Oxon) MSc MRTPI MBS**

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

Decision date: 15 October 2014

Appeal Ref: APP/J1915/A/14/2222116

Clements Farm, Brickendon Lane, Brickendon, Herts, SG13 8FG

- 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 Russell Bone against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0596/FP, dated 3 April 2014, was refused by notice dated 25 June 2014.
 - The development proposed is the erection of a farm manager's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a farm manager's dwelling at Clements Farm, Brickendon Lane, Brickendon, Herts, SG13 8FG in accordance with the terms of the application, Ref 3/14/0596/FP, dated 3 April 2014, 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 plans: B01/19/07, B01/19/08, B01/19/09, B01/19/10.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking, re-enacting or modifying that Order) no development shall be carried out under Schedule 2, Part 1, Classes A, B or E of that Order.
 - 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.
 - 5) Prior to the commencement of the development hereby permitted a scheme, setting out details of means for generating decentralised energy (as defined in the National Planning Policy Framework) equivalent to 10% of the energy supply of the dwelling, or achieving an equivalent reduction in carbon dioxide emissions through thermal improvement of the building fabric, and including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The approved scheme
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shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Main Issues

2. There are three main issues. Firstly, whether the proposed dwelling would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed dwelling on the openness of the Green Belt, the purposes of including land within the Green Belt and on its character; and thirdly, if the dwelling would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm to the Green Belt is clearly outweighed by other considerations, such as to justify the development. Specifically in this case the issue is whether there is an essential agricultural need for a rural worker to live permanently at the site and if so whether the scale of the proposed dwelling is justified by that need.

Procedural matter

3. The High Court judgement regarding *Redhill Aerodrome Ltd v SSCLG* altered the way in which "other harm" not directly related to the Green Belt was assessed in decisions relating to development in the Green Belt. That judgement has very recently been overturned in the Court of Appeal. Both parties have been given the opportunity to comment on the relevance of the High Court judgement to this appeal. Both have confirmed that in their view it would have no bearing on the case. I agree that is so because the only harm identified by the Council is harm to the Green Belt. There is thus no "other harm" to consider. Therefore, neither the original High Court judgement nor its overturning in the Court of Appeal alters the way in which this appeal is decided or makes any difference to the finding on very special circumstances.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site lies adjacent to the main farm complex of Clements Farm which comprises a number of large, modern agricultural buildings set within an extensive yard. The buildings include a grain barn, suckler barn, hay barn and general barn. The farm is mixed arable and beef cattle. There is a modest mobile home at the site which has temporary planning permission as an agricultural worker's dwelling. The farm lies within open countryside and within the Green Belt.
5. Policy GBC1 of the East Herts Local Plan Second Review, 2007 (LP), accords with the National Planning Policy Framework (NPPF) in resisting inappropriate development in the Green Belt. The NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. The construction of new buildings is inappropriate except in a number of specific cases. Although both Policy GBC1 and paragraph 89 of the NPPF include buildings for agriculture within the list of exceptions a new dwelling, albeit to support an agricultural enterprise, falls outside the definition of a building for agriculture.
6. In consequence, I conclude on the first main issue that the proposed dwelling would amount to inappropriate development in the Green Belt. The NPPF

advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt, the purposes of including land within it and its character

7. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed dwelling would be situated on land which is currently open countryside and set within a large garden. It would be separated from the farm buildings by an existing bund. It would be a generously proportioned, two storey house with an additional basement. There is no doubt that the dwelling would significantly encroach on the openness of the Green Belt and into the countryside, the safeguarding of which from encroachment is one of the purposes of Green Belts. The significant harm to openness and the purposes of including land in Green Belts must be afforded substantial weight.
8. The proposed dwelling would be substantially hidden from the public highway to the west by existing vegetation and from the south by the Clements Farm complex. However, it would be seen from the countryside to the east and to a lesser extent from the north. Although well screened from most directions and unlikely to be seen in wider views or from public places it would, nevertheless, compromise the character of the immediate area to some extent and to this I give moderate weight.
9. Overall, I conclude on the second main issue that the proposed dwelling would, owing to its size and location, cause significant harm to the openness of the Green Belt, conflict with the purposes of including land within it and cause some detriment to its local character.

Other considerations

10. The appellant seeks to justify the proposed dwelling, including its size, on the grounds that it is necessary to support the growing agricultural enterprise at Clements Farm. This, he considers, would amount to the very special circumstances necessary clearly to outweigh the harm to the Green Belt.
11. The NPPF at paragraph 55 sets out that the essential need for a rural worker to live permanently at or near their place of work in the countryside may amount to special circumstances to justify a dwelling. This paragraph does not specifically apply in the Green Belt but there is nothing to suggest that it would not be relevant.
12. An Agricultural Appraisal (AA) submitted by the appellant shows that the agricultural enterprise has grown significantly since 2007 when beef cattle were first introduced to the farm. The herd has grown from 20 to 75 suckler cows during that period, in addition to which there are some 170 young cattle up to 2 years old and two bulls. There has also been substantial investment in new buildings at the site. The AA shows that the business is profitable and there is every reason to believe that it is viable and has good prospects of continuing to be so in the future, contributing to the local rural economy.
13. The Council accepts the need for an on-site agricultural worker. A temporary dwelling was first permitted in 2009 for a stockman and that permission was

extended for a further three years in 2012. It also accepts that a permanent dwelling is now justified by the business need to secure the ongoing welfare of the cattle. In the light of the evidence before me I would agree with this assessment. However, the Council disputes the justification for a dwelling of the size proposed, based on the functional need and profitability of the holding, and also questions the need for a new building, suggesting that an existing building could be converted.

14. With respect to conversion the appellant points out that none of the buildings at the site is either available or suitable for conversion to a dwelling. Observations during my site visit satisfy me that this is indeed the case.
15. Turning to the size of the proposed dwelling, it would be considerably larger than the existing temporary dwelling and would be for a farm manager, rather than a stockman. However, I draw a distinction between a temporary dwelling that was intended to provide accommodation while the holding became established and a permanent dwelling for a permanent farm worker, tending a now established enterprise of some scale. I am not convinced that there is a material difference in the housing needs of an experienced and skilled stockman and a farm manager since both may have families to accommodate. The provision of family sized accommodation is therefore necessary. The appellant explains that skilled agricultural workers are in short supply and that in order to recruit and retain a person of the necessary calibre a good package of incentives, including high quality housing, is necessary. I have no evidence that would contradict this.
16. The proposed dwelling would have three good sized bedrooms, one en suite, a large kitchen with family/dining area, a living room and a modest study. I do not consider this excessive for a family and although the Council points out that it is materially larger than the minimum standard for a three bedroom dwelling I am persuaded that in this case there are good reasons why a significantly higher standard of accommodation is needed.
17. The house would also have a basement which could be used for storage and a variety of ancillary residential purposes. However, as it has no natural light it would not be suitable as primary living accommodation. The Council disputes the need for the basement, especially since it is shown as a gym/games room on the submitted drawings. However, the appellant points out that no garage has been applied for and, in the expectation that permitted development rights would be withdrawn for extensions and curtilage buildings, the basement was intended to provide space to compensate for this. It is to be expected that the needs of an employee will change over time, particularly if the position changes hands, and the basement, although identified on the plans as a gym/games room could be put to a wide range of ancillary residential uses. Moreover, its presence would limit the need for extensions and outbuildings which, being above ground, would cause greater harm to the openness of the Green Belt. I do not therefore regard the basement as excessive.
18. The Council suggests that a single storey dwelling would be more acceptable. However, I have accepted that the size of the proposed dwelling is reasonable. If a similar amount of accommodation was to be provided on one level the dwelling would have a significantly greater footprint. Whilst the maximum height would be lower, I am not convinced that there would be any clear

advantage in a single storey building since its mass, whilst differently arranged, is likely to be similar and have a similar effect on the Green Belt.

19. Concluding on the third main issue, there is evidence that the farm enterprise has a firm economic base and that it is continuing to expand. The need for a permanent worker to reside at the site is proven and accepted and I am satisfied that the scale of the dwelling proposed is justified. The essential functional need for an agricultural worker is a matter that carries very substantial weight which I consider to be sufficient clearly to outweigh the substantial harm that would be caused to the Green Belt by reason of inappropriateness, harm to its openness, the harm resulting from encroachment into the countryside and the modest detriment to its character. The very special circumstances necessary to justify the development therefore exist and in consequence there would be no conflict with the NPPF or LP Policy GBC1. The appeal should therefore succeed.

Conditions

20. In addition to the statutory commencement condition the Council has suggested that the development should be carried out in accordance with the approved plans and I agree this is necessary for the avoidance of doubt and in the interests of proper planning. A condition limiting the occupation of the dwelling to an agricultural worker and his/her dependents is also necessary since the need for such a dwelling is the justification for allowing the appeal. In addition, to protect the openness of the Green Belt in this rural location I agree that the withdrawal of permitted development rights for extensions and outbuildings, which should only occur in exceptional circumstances, is justified in this case. A condition is also necessary to secure details of sustainable construction and/or renewable energy measures to be employed in order to accord with sustainable development objectives set out in the NPPF. However, I have altered the Council's suggested wording to make the condition precise, in accordance with guidance set out in the Planning Practice Guidance.
21. The Council suggests a further condition, requiring wheel washing facilities to be installed prior to the commencement of development, but I do not consider this necessary or reasonable in the context of the construction of a single dwelling and given the significant area of hard surfacing between the construction site and the public highway.

Conclusions

22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Karen Down
INSPECTOR



Appeal Decision

Site visit made on 30 September 2014

by **D Spencer BA (Hons) DipTP MRTPI**

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

Decision date: 7 October 2014

Appeal Ref: APP/J1915/D/14/2224858

Winchfield, Sacombe Green, Ware, Hertfordshire SG12 0JE

- 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 David Stoten against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0658/FP was refused by notice dated 25 July 2014.
 - The development proposed is an oak framed domestic garage and workshop / store building.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed garage and workshop building on the character and appearance of the surrounding rural area.

Reasons

3. The appeal site is at the edge of the small, rural hamlet of Sacombe Green and is the last residential property on an unmade track connecting the settlement to parkland countryside to the south. Whilst there are a handful of dwellings fronting onto the track, they are generally set back within landscaped grounds. A young tree belt runs along the western boundary of track. As such the track, which is a well-signed public bridleway, retains a rural character. On approaching the appeal site from the north, the curve of the track and the set back position of the existing single storey dwelling, means that the view is drawn directly to the site of the appeal proposal.
4. The appeal proposal would be a sizeable timber framed and tiled roof structure and when viewed from the north, as described above, it would be of a similar height to the dwelling. An appreciable proportion of the building would be positioned forward of the front elevation of the existing single storey dwelling. Whilst a mature tree belt forms the backdrop the appeal proposal, nonetheless it would be harm to the rural character by introducing a prominent built form that would visibly conflict against the surrounding verdant characteristics. In particular the appeal proposal would harmfully intrude on the rural, open qualities of the adjacent right of way as described above.
5. The appeal proposal would replace a smaller outbuilding which runs parallel to the southern elevation of the dwelling. However, this structure, similar to the outbuildings and garage at the adjacent Winches Farm, is set back thereby maintaining the open, rural quality of the locality. My attention was also drawn

to an oak framed garage at 'The Old Stables', a property on the corner of the track and Marshall's Lane. Whilst this garage building is positioned forward of the property, I found little comparison to the open, rural position of the appeal site, by virtue of being partially screened by hedging and other outbuildings and set against a backdrop of residential dwellings at Winches Farm and Appletree Cottage. Furthermore, I do not have details of this garage building and so cannot be certain that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.

6. The appellant submits that the appeal proposal would be necessary to ensure that vehicles are not exposed to dust and dirt from passing traffic on the adjacent track and to avoid any awkward manoeuvring. However, the appeal site benefits from a spacious, open driveway area to the front such that alternative access and garaging arrangements would not be difficult nor expose vehicles to additional dust and dirt.
7. Whilst a repositioned garage and workshop building set back to the south of the dwelling would be closer to the woodland and would potentially result in the loss of a small tree and a flower bed I am not persuaded that there would be any significant environmental harm. The loss of these features could be compensated elsewhere within the large grounds to the property.
8. I therefore conclude that the proposed garage and workshop building would result in significant harm on the character and appearance of the surrounding rural area. As such, it would conflict with policy ENV5 of the East Hertfordshire Local Plan Second Review April 2007 (the LP) which states that new outbuildings in the countryside should not intrude into the openness or rural qualities of the surrounding area. Consequently, it would not be the sort of new building in the countryside that would be allowed for under LP policy GBC3. Furthermore, it would also conflict with the design considerations in LP policy ENV1 relating to layout and existing pattern of buildings. Accordingly, it would be contrary to the objectives of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside and to secure high quality design.
- I have taken into account that the LP pre-dates the publication of the Framework by some margin. However, I find the LP policies cited by the Council to be consistent with delivering the environmental dimension of sustainable development as set out at paragraph 7 of the Framework. This includes, amongst other things, protecting and enhancing the natural and built environment. Given the harm that has been identified to the rural environment, I do not share the appellant's view that the appeal proposal would be the sustainable development to which the Framework, at paragraph 14, states there would be a presumption in favour of.

Conclusion

10. For the reasons above, and having regard to all other matters raised, including the lack of harm to the amenity of neighbouring properties, I conclude that the appeal should be dismissed.

David Spencer

INSPECTOR

Appeal Decision

Site visit made on 30 September 2014

by **Mr Kim Bennett BSc DipTP MRTPI**

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

Decision date: 7 October 2014

Appeal Ref: APP/J1915/A/14/2222278

Rear of 36 West Road, Sawbridgeworth, Hertfordshire CM21 0BN

- 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 Lee French against the decision of East Herts Council.
 - The application Ref 3/14/0679/FP, dated 14 April 2014, was refused by notice dated 19 June 2014.
 - The development proposed was described as 'proposed 1 & 1/2 storey dwelling at land to the rear of No 36 West Road Sawbridgeworth CM21 0BN'
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises part of the rear garden of no 36 West Road which is a detached bungalow located on the corner of West Road and a private road leading to a primary and nursery school to the north of the site. There is currently a large pitched roof garage on the appeal site which serves no 36 and which has an existing access onto the private road. No 36 also has an alternative access and parking provision on West Road itself. Immediately to the north of the site is a recently constructed chalet bungalow, no 34 West Road, which was formerly part of the curtilage of no 36. Its rear elevation faces towards the appeal site. There is no footway on the western side of the private road but there is a footway on the eastern side, and also a zebra crossing immediately to the north of the appeal site, presumably because of the proximity of the school.
 4. The proposed design of the chalet bungalow would be similar to that of no 34, and given the variety of architectural styles within the area, would not be out of place. The site is physically large enough to accommodate the dwelling in terms of providing off road parking and an adequate garden area. There would also be no direct amenity issues in respect of its immediate relationship with nos 34 and no 36, whilst overlooking from first floor windows could be controlled through obscure glazing.
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5. However, the distance between the northern flank wall of the proposed dwelling and the northern boundary with no 34 would be approximately 1 metre only, and approximately 6 metres only from the rear elevation no 34 itself. On the opposite side, the remaining garden of no 36 would be reduced still further so that the southern flank wall of the dwelling would be just over 5 metres from the new boundary with no 36. The dwelling would also have a limited depth of frontage to the private road of approximately 4 metres only and a combination of those factors, together with its substantially greater bulk and scale than the existing garage, would make it appear cramped on the site. This would be compounded by the fact that it would be clearly visible in both directions along the private road and seen in the context of both nos 34 and 36, further adding to the cramped appearance in the street scene. In my view this would be harmful to visual amenity and adversely affect the character and appearance of the area.
6. Although the Council considers that the orientation of the dwelling would be out of keeping with properties along West Road, I do not think that would be critical given the fact that it would directly align with the frontage of the private road. However, that in itself would not be sufficient to overcome the above concerns and consequently the dwelling would be contrary to policies HSG7 and ENV1 of the East Hertfordshire Local Plan Second Review 2007 in that it would not be compatible with the surrounding area or well sited in relation to surrounding buildings.

Other Matters

7. A number of local representations raised concerns about pedestrian and highway safety having regard to the proximity of the nursery school. Whilst I can understand those concerns and can appreciate from photographs supplied that the private road is congested at dropping off and picking up times, I am also mindful that the access would remain as existing and there would be provision for vehicle parking and turning on the site. The footpath along the private road would be unaffected, as would the zebra crossing which lies beyond the appeal site. I do not consider therefore that highway or pedestrian safety would be compromised as a result of the proposal, and those concerns have not therefore been decisive in my findings. I note that the highway authority arrived at a similar conclusion.

Conclusion

8. I acknowledge that the site is in a sustainable location and that the dwelling would add, albeit modestly, to housing supply, in accordance with the principles of the National Planning Policy Framework (the Framework). However, the Framework also makes it clear that good design is a key aspect of sustainable development and that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of the area. For the above reasons and policies referred to, I consider the proposed design would be in conflict with those objectives. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR



Appeal Decision

Site visit made on 20 October 2014

by **Chris Couper BA (Hons), Dip TP, MRTPI**

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

Decision date: 22 October 2014

Appeal Ref: APP/J1915/D/14/2225246

Wellfields, Slough Road, Allens Green, Sawbridgeworth, Hertfordshire, CM21 0LR

- 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 Zoe Cooke against the decision of East Herts Council.
 - The application Ref 3/14/1057/FP was refused by notice dated 8 August 2014.
 - The development proposed is to demolish the side porch and lounge extension, front porch extension, rear conservatory extension and main roof, also demolish the existing double garage. Reconstruction of one and a half storey side and rear extensions, raise the main roof 400mm above existing and construct open front porch. Construct new front 2 bay carport and increase the existing front entrance to an entrance and separate exit driveway with automated gates.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the side porch and lounge extension, front porch extension, rear conservatory extension and main roof, also demolish the existing double garage. Reconstruction of one and a half storey side and rear extensions, raise the main roof 400mm above existing and construct open front porch. Construct new front 2 bay carport and increase the existing front entrance to an entrance and separate exit driveway with automated gates at Wellfields, Slough Road, Allens Green, Sawbridgeworth, Hertfordshire, CM21 0LR, in accordance with the terms of the application, Ref 3/14/1057/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) Other than as required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 1327/PL/100, 1327/PL/150, 1327/PL/200, 1327/PL/201, 1327/PL/300, 1327/PL/301, 1327/PL/400 and 1327/PL/500.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the driveway and car parking area, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development shall not begin until a scheme setting out details of the sight lines at the proposed new junction of the driveway with the highway have been submitted to and approved in writing by the local planning

authority. Those sight lines shall be implemented in accordance with the approved details, to a timescale to be agreed in writing with the local planning authority, and shall be kept clear thereafter.

- 5) Arrangements shall be made for the interception and disposal of surface water from the site to ensure that it does not discharge onto the public highway, in accordance with a scheme and timescale to be agreed in writing with the local planning authority.
- 6) A scheme detailing measures to limit the emission of dust, mud, slurry or other debris on to the highway from all vehicles leaving the site during construction shall be submitted to and approved in writing by the local planning authority. Those measures shall be implemented in accordance with the approved scheme for the duration of the construction works.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and on the area.

Reasons

Character and appearance

3. The buildings along this stretch of Slough Road display considerable variety in terms of their size, scale, appearance and facing materials. However, they are generally set back some distance from the highway, often on large plots. Some of the properties have significant hedgerows facing Slough Road, although the front gardens of others is more open. These attributes, together with a field hedgerow along the southern side of the highway, give the area a spacious and landscaped character which contributes to its rural ambiance.
4. The existing property on the appeal site has two floors of accommodation, and a separate detached garage. Whilst not unattractive, the buildings are of no particular architectural merit or design quality. They are set back a considerable distance from the highway, and the plot has significant areas of landscaping to its front and side boundaries.
5. The Council states that when considered with previous alterations, this scheme would add 141% to the floor area of the dwelling. Although the proposed increase in the dwelling's maximum ridge height would be relatively modest, and various sections of the dwelling would be demolished, I accept that the proposal would add considerably to its overall size. Given the width of the front gable and the height of its eaves, and the length of the proposed extension on the north-western elevation, I agree that those elements would not appear subordinate to the original property. However, I note that in those parts of the retained dwelling where the form and scale would not be significantly altered, the proposal would generally include new facing materials and fenestration. Consequently, in many respects Wellfields would take on the appearance of a new property, and I am therefore not persuaded that it is necessary for the proposed extensions to appear subservient to, or in keeping with, the character of the original building.
6. The form of the proposal, including its roof lines and articulation, together with the palette of facing materials, would break-up the apparent bulk of the dwelling. Following the implementation of this scheme, the dwelling would still be set back from the highway and other boundaries, on a spacious landscaped

plot. Given the siting, design, scale and size of this proposal, and the characteristics of other dwellings in the vicinity, this scheme would not harm the character and appearance, or openness, of this rural area.

7. My conclusions on this matter are supported by the examples I observed on my visit, albeit of replacement dwellings, that the appellant has referred to at The Slough and Greenviews. Given the form and siting of this scheme, and the proposed new hedge behind a post and rail fence on the site's frontage, there would not be a significant difference in terms of its prominence and effect on the area, compared to those examples.
8. In broad terms, and amongst other matters, policies GBC3 and ENV5 of the East Herts Local Plan Second Review 2007 state that extensions and alterations to dwellings should be limited to a size and scale that would not disproportionately alter the size of the original dwelling or harm its character, or intrude into the open and rural qualities of the area. Although the size and scale of this proposal is such that there would be a limited conflict with those policies, it would not harm the character and appearance of the host dwelling or the wider area.

Other matters

9. Whilst the Council states that one of its objectives is to maintain a supply of smaller dwellings outside of the main towns and settlements, I have very limited evidence before me against which to assess the availability of smaller dwellings in the area, and what impact this scheme would have on that objective. Consequently this has not been a determinative matter in this appeal.

Conditions and conclusion

10. Turning to the matter of conditions, I have considered those suggested by the Council against the tests in the National Planning Policy Framework, the Planning Practice Guidance, and the model conditions set out in Appendix A of Circular 11/95 ('Circular'). In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
11. The Council has suggested a condition requiring that the development be carried out with external surfaces to match those in the existing building. However, the application form and drawings show that many of those existing materials would be replaced as a result of this scheme. As full details of all the proposed materials, including their colour, have not been provided, in the interests of the character and appearance of the area, I have imposed a condition, based largely on the model condition in the Circular, requiring that details of the proposed external surfacing materials are submitted to and approved in writing by the local planning authority. My condition also addresses the Council's suggested condition requiring details of the hardsurfaced areas to be approved.
12. The Council has suggested a condition requiring that sight lines of 2.4 x 33m are provided each side of the means of access. I have noted that the proposal involves the regrading of the existing access and the creation of a new exit close to the boundary with The Slough. Although drawing no. 1327/PL/201 shows a visibility splay of 2.4 x 30m at that exit, it is not clear from the

evidence before me whether all the land within that splay to the south-east falls within the appellant's control. In the Officer's report it is stated that although the visibility splay extends marginally over The Slough, this is not sufficient to warrant refusal of the application.

13. This stretch of Slough Road is relatively straight and, at the time of my visit it had limited traffic, although I appreciate that that may not always be the case. The proposal is for the alteration and extension of an existing dwelling, and, once occupied, it would be unlikely to result in a significant increase in traffic entering or exiting the site compared to movements that could be generated from occupation of the existing property. For those reasons, I am satisfied that, even if the suggested splays cannot be achieved, suitable sight lines could be provided at the new access to ensure that the proposal would not have a significant effect on the safety and convenience of users of the public highway. I have therefore imposed a condition requiring that details of the proposed visibility splays at that point be submitted to and approved in writing by the local planning authority. As some works during construction could be undertaken using the existing access, I have stipulated that those sight lines at the exit shall be provided in accordance with a timetable to be agreed with the local planning authority.
14. Hertfordshire County Council ('HCC') has also suggested conditions to ensure that arrangements are put in place to prevent surface water discharging on to the public highway, and to prevent mud or other debris getting onto the highway during construction. Given that a new access point is proposed, and that significant construction works to implement this scheme would be required, I consider that, in the interests of the safety and convenience of highway users, conditions broadly as suggested by HCC are necessary.
15. Summing up, the proposal would not cause significant harm to the character and appearance of the area or the host property. Having regard to all other matters raised, and subject to the conditions set out in this decision, the appeal is therefore allowed.

Chris Couper

INSPECTOR