



Appeal Decision

Site visit made on 30 January 2015

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 19th February 2015

Appeal Ref: APP/J1915/A/14/2227980

30 Northgate End, Bishop's Stortford CM23 2EU

- 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 Yum III Ltd against the decision of East Hertfordshire District Council.
 - The application Ref. 3.14.0739/FP, dated 22 April 2014, was refused by notice dated 20 August 2014.
 - The development proposed is a change of use from car showroom A5, erection of new shop front and the erection of extract and ventilation system.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 4th February 2015.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of nearby residential occupiers in terms of noise and disturbance.

Reasons

3. The appeal premises comprise a small car showroom with a yard to the rear. It sits on the southern side of the junction of Northgate End and Bryan Road within the Bishop's Stortford Conservation Area. The site is outside the main town centre and there is a mix of commercial and residential uses. To the south is a small pub while on the other side of Bryan Road is a car repair workshop and yard, a small contractor's office and then residential properties. To the rear in Bryan Road is another commercial unit (Class B1) and flats (Remo House), beyond which are houses. Opposite the site there is a petrol station and houses fronting Northgate End and in Brookhouse Place and Barells Down Road.
4. Despite the mixed nature of the uses in the area, the Council notes that the area is becoming increasing residential, with several sites being redeveloped for housing. I note that planning permission has been granted for housing on the site of the petrol station on the opposite side of the road and, from the representations, it seems that proposals to redevelop the site on the other side

of Bryan Road for housing are being discussed with the Council, though an application has not yet been submitted.

5. It is proposed to change the use of the premises to a Class A5 hot food takeaway. The appellant proposes that the premises would be occupied by a pizza firm, with deliveries by moped which would be stored in a fenced area at the rear. Most of the large windows on the northern elevation would be filled in and rendered and there would be minor alterations to the shop front to create a doorway. The Council has no objections to these alterations or to the proposed extraction flues on the rear elevation and I have no reason to disagree. The signage (to which there are several objections) shown on the drawings would need separate advertisement consent from the Council and is not for consideration as part of this appeal.
6. It is proposed that the business would be open between 11.00am and 11.00pm. The main objections to the proposal concern noise and disturbance for residents from extraction and ventilation plant, mopeds arriving and departing and from customers.
7. I am satisfied that it would be possible to require, by condition, that any plant installed at the premises could be attenuated to operate below the measured background noise levels during the day and the night. This is common practice and there is nothing to suggest that satisfactory noise levels could not be achieved in this case.
8. The appellants have submitted a noise assessment (not available when the Council determined the application). This measured noise levels at 3 points, one on the façade on the Northgate End frontage, one on the front façade of Remo House in Bryan Road and the other in the yard at the rear of the showroom. The study followed generally accepted methodology for such measurements.
9. It is stated that the takeaway unit would be serviced from the rear with customer collections at the frontage. The noise assessment shows that there would be only a slight increase in the ambient noise levels at the measured points on the building facades as a result of moped deliveries and customer collections which, it is argued, should not be readily discernable in comparison with ambient noise levels.
10. I am not persuaded by this assessment for a number of reasons. Firstly, it is assumed that the mopeds would arrive and depart from the rear yard. I find this somewhat unlikely when there would be forecourt space to the front of the unit and no outside door at the rear. There is also no basis for claiming that the delivery drivers operate individually so that there would be no conversations as they arrive and depart: there may well be times when several are waiting for orders to be prepared.
11. Northgate End is a busy road so that background noise levels are dominated by passing traffic. The noise assessment shows that there would not be a significant increase in ambient (dB L_{Aeq}) noise levels at the various measurement points, but these are 'averaged' figures. It is the 'spikes' in noise which are generally more disturbing for residents and the figures show that the noise of mopeds starting up and arriving/departing is considerably higher than that of the background noise. There would also be likely to be noise from slammed car doors/radios etc when customers collect orders.

Although the premise would be open all day, it is stated that the peak time for trade is in the evening. It is at this time when additional noise is most likely to be disturbing for residents.

12. There are parking restrictions along Northgate End and Bryan Road and there is insufficient forecourt space available for safe customer parking. I note that the Highway Authority is requiring the reinstatement of the kerb in Bryan Road in the interest of highway safety. It is therefore likely that customers driving to the unit would seek to park in the nearby residential roads where noise from additional car movements and customers would be more likely to be disturbing. This view is reinforced by the fact that the noise assessment notes that the noise levels in Bryan Road were significantly lower although there was still occasional noise of vehicle pass-bys on that road in addition to the regular traffic noise from the main road.
13. The appellant states that it is expected that numbers of customers would be similar to that at the company's Golders Green store, but there is no detail given with the figures explanation with the figures i.e. day/date to which the figures apply, comparative location of the outlet or why the proposed unit is seen as being comparable.
14. It is expected that most of the trade would come from pre-ordered collections and deliveries but I see no reason why customers would not also arrive on foot, especially on their way home from pubs/bars etc in the town centre. It is claimed that, because of the nature of the product, in comparison with other A5 uses there would be a very limited amount of on-street eating which would also reduce the potential for litter. Again I find no substantiated evidence for such assertions.
15. Moreover, the premises may not always be occupied by a pizza company and other A5 uses may well operate differently. Although the appellant has suggested a condition to limit the use in this way, on the basis of the evidence before me and having regard to the advice in the Planning Practice Guidance, I do not consider that this would be acceptable.
16. I conclude that the proposed change of use would have a detrimental effect on the living conditions of nearby residential occupiers. It would not accord with policy ENV1 of the East Hertfordshire Local Plan Second Review (2007) which, among other things, requires development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance. It would also not accord with the National Planning Policy Framework, one of the core principles of which is to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

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

Isobel McCretton

INSPECTOR

Appeal Decision

Site visit made on 9 February 2015

by Thomas Shields DipURP MA MRTPI

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

Decision date: 13 February 2015

Appeal Ref: APP/J1915/A/14/2222076

12 Archers, Buntingford, Hertfordshire, SG9 9HF

- 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 Jolene Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0784/FP, dated 28 April 2014, was refused by notice dated 3 July 2014.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Archers is reflective of the narrow road layout and arrangement of housing development within the surrounding area. There is generally, with little exception, a regular building line of houses behind modest front gardens. Rear gardens are larger and generally share the same rectangular layout. Overall, the layout of housing and spaces in the area contributes to a consistent and uniform pattern of development having a coherent and strong definition. No. 12 Archers is the southern end and corner property in a straight run of 4 terraced houses. The terrace mirrors the built form and layout of dwellings and gardens at the block of 4 terraced houses opposite, reflective of the strongly defined and uniform layout of the wider area I have described.
4. The proposed development involves the sub-division of the plot and the erection of a new 2 storey dwelling attached to and between the existing dwelling and the boundary with the highway. It has been designed to carefully replicate the architectural detailing of the adjoining houses and in this respect the proposal would be compatible with the character of the surrounding area.
5. The proposed dwelling would replace an existing flat roofed single storey element and would infill most of the open corner between No. 12 and the property's boundary with the highway. I consider that this space, particularly at first floor level, forms part of the coherent and uniform layout I have previously described. As such, the proposed infilling would result in a

prominent and incongruous feature, out of keeping with the existing pattern and layout of development in the street and the wider area, and consequently would detract from its character and appearance.

6. I acknowledge that the existing hedgerow and further boundary treatment would provide a degree of screening, but in my view the appeal site nonetheless is overtly legible as the open garden to No. 12. The proposed dwelling would remove this space from the strongly defined layout and replace it with a building which would, by virtue of its siting, height and bulk, appear as a noticeable incursion into the more open space on this corner.
7. I acknowledge that some aspects of the appellant's proposal are more positive. For example, it would provide a further dwelling to the housing stock and would be located close to shops and bus services. It would also have adequate amenity and parking space. However, these factors are not sufficient to outweigh the harm to the character and appearance of the area I have identified above.
8. In conclusion, I find the proposal would significantly harm the character and appearance of the area contrary to Policies HSG7 and ENV1 of the East Herts Local Plan Second Review (2007) which together seek to ensure that new residential developments within existing plots are of a high standard of design and layout to reflect local distinctiveness, and complement the existing pattern of street blocks, plots, buildings and spaces. These policies are also consistent with paragraphs 56 and 57 of the National Planning Policy Framework (2012).

Conclusion

9. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed

Thomas Shields

INSPECTOR



Appeal Decision

Site visit made on 30 January 2015

by **Isobel McCretton BA(Hons) MRTPI**

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

Decision date: 2nd February 2015

Appeal Ref: APP/J1915/A/14/2227926
35D Townshend Street, Hertford SG13 7BP

- 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 Glenn Graney against the decision of East Hertfordshire District Council.
 - The application Ref. 3/14/0822/FP, dated 7 May 2014, was refused by notice dated 1 July 2014.
 - The development proposed is described as new fencing to secure storage facility.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the Hertford Conservation Area and the effect on highway safety.

Reasons

3. The appeal site lies toward the northern end of Townshend Street, between nos. 33 and 35. It comprises a low, single storey workshop/store towards the rear of the site with a partly covered storage area to the front. A close boarded fence around 1.8m high, topped with trellis to a height of around 2.1m, has been erected along the frontage and part of the side boundary, with double gates adjoining the access to the parking space at no.35. Retrospective planning permission is sought for this fence.
4. The site lies within the Hertford Conservation Area. Townshend Street consists of mainly 2-storey terraced and semi-detached houses. The front boundaries are predominantly marked with low brick walls, picket fences or railings, often with planting or hedging. The high fence which has been erected is uncharacteristically high and prominent in the street scene and intrudes into the view along the road. It appears to encroach on the pavement and impedes access to a telegraph pole and a manhole. One local resident has claimed that it has also meant that bins are left on the pavements, which impedes use by pedestrians.
5. The appellant argues that the fence conceals an unsightly open storage area, and provides security, enabling valuable equipment to be stored at the site to

the benefit of the business. I accept that may be the case, and I note the support of other residents who have welcomed the fact that the site is now screened. Nevertheless, there is no substantiated evidence before me to show that screening and security could not be provided by a more sympathetic boundary treatment. Although the appellant has indicated a willingness to paint or stain the fence, I am not persuaded that this would sufficiently reduce its visual dominance in the street scene which results from its height and forward position. I accept that close boarded fences are found in parts of the large Conservation Area, but in this instance it is seen in the context of the adjoining small terraced houses with low front boundaries and appears out of scale.

6. I conclude that the development is detrimental to the street scene and that the character and appearance of the Hertford Conservation Area is not preserved. As such, it does not accord with policy ENV1 of the East Hertfordshire Local Plan Second Review (2007) which, among other things, requires a high standard of design which reflects local distinctiveness and relates well to the surrounding townscape. It also does accord with the National Planning Policy Framework which, as well as seeking a high standard of design, places great weight on the conservation of heritage assets.
7. The Highway Authority has objected to the scheme as the height and nature of the fence completely blocks visibility for drivers exiting from the site, especially for those reversing vans. In particular, pedestrians on the adjoining footway would not be seen. Normally the authority requires that gates are set back by 5.5m, though this would severely reduce the available space on the site. The appellant maintains that while at one time a van was parked on the site from time to time, since the fence was erected no vehicle has been parked at the site and it is not the intention to use the site in this way. However, the submitted drawings show the area behind the gates as 'open storage area for van/trailer'.
8. The appellant suggests that the gates could be reduced in size to prevent vehicular access. This may overcome the highway safety objection, but it would not address the issue of visual amenity identified above. As built, I find that the boundary fence and gates compromise highway safety for both pedestrians and vehicles.
9. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

Appeal Decision

Site visit made on 12 November 2014

by **Phillip J G Ware BSc(Hons) DipTP MRTPI**

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

Decision date: 3 February 2015

Appeal Ref: APP/J1915/A/14/2225149

Land at Holly House, Anstey, Buntingford SG9 0BP

- 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 Alan Neale against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0913/FP, dated 19 May 2014, was refused by notice dated 14 July 2014.
 - The development proposed is "the erection of a 3 bed detached house, on surplus land".
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Decision

1. The appeal is dismissed.

Main issues

2. There are two main issues in this case:
 - Whether the proposal would accord with the principles of sustainable development in the light of national and local policies.
 - The effect of the proposal on the character and appearance of the Ansty Conservation Area (including the effect of trees on the site) and on the setting of the Listed Wellhead and Shelter.

Reasons

Settlement policy

3. The development plan context is provided by the saved policies of the East Herts LP Review (2007) (LP). In particular LP policies GBC2 and GBC3 aim to restrict development in the rural area beyond the Green Belt. The supporting text to the policies explains that development in smaller settlements, which I take to include Anstey, will only be accommodated to support existing facilities and services, and to meet the employment and housing needs of the settlement.
4. The appellant is of the view that these policies are out of step with national policy in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance), in that blanket policies restricting housing development should be avoided. However the advice is that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan/Neighbourhood Plan process. This does not lend weight to

particular planning applications and appeals. In my view, the LP policies summarised above do not represent a blanket ban, as they allow for development under certain circumstances. I do not find the policies to be out of date or in conflict with national policy.

5. The overall emphasis in the Framework and the Guidance is the achievement of sustainable development. Given the isolated rural location of the settlement, I am not persuaded that the proposal would contribute to the economic role of sustainability. I will return to the environmental role below, but note that I find the proposal in conflict with that role. Aside from the provision of one house, I find no contribution to the social role of sustainability – and this is a very limited benefit, which could be claimed for any housing development regardless of the conflict with other aspects of sustainability.
6. For the above reasons the proposal would conflict with the principles of sustainable development in the light of local and national policies.

The effect on the area – the Conservation Area

7. Anstey is a dispersed settlement which has a strongly rural character, and includes a church and public house. Generally speaking it is characterised by a scatter of buildings on reasonably sized plots, with front and rear gardens. In particular the buildings to the northeast of the appeal site (Hope House and Chapel Bungalow) are set back from the road frontage behind mature landscaping, whilst the houses to the west are similarly set back in a linear form along the road. There are some new infill developments, but they have generally retained the character of the settlement.
8. The site is located at a three-way road junction. This appellant maintains that this part of Anstey differs materially from the main part – however in such a dispersed settlement it is hard to define the location of the main part of the village. Certainly this is one of the focal points of the settlement because of the road junction and the presence of the Wellhead.
9. The proposed dwelling would be in part of the curtilage of Holly House, and is designed to face towards the host property. There would be a shared access. The site is partly laid to lawn and partly unmaintained, and includes a number of mature trees – mainly on or just beyond the boundaries.
10. The development plan context is provided by three policies in the LP¹ dealing with the design of development and the need for new proposals to reflect the pattern and grain of the local area, especially in the case of conservation areas. The siting of the proposed house would be forward of its neighbours to the east, and would be out of keeping with the area when considered in this context.
11. Perhaps more seriously the proposal would, as the appellant notes, be effectively a mirror image of the host property – Holly House. The new building would face towards that property and consequently present a side elevation to the road and a rear elevation towards the location of the Wellhead to the south. These matters would render it entirely out of keeping with the established grain of the area.

¹ Policies ENV1, HSG7 and BH6

12. I do not agree with the Council's general characterisation of the proposal as appearing cramped on its site, as there would be ample vehicle space and a reasonably sized rear garden. However the proximity of the western flank wall of the proposed house to the road would tend to make it appear cramped in that respect. This would exacerbate the uncharacteristic appearance of the development.
13. Overall, the proposal would fail to preserve or enhance the character and appearance of the Anstey Conservation Area, and would in fact be harmful to it.

The effect on the area – the Listed Wellhead

14. The focal point of the three-way junction is an early 19th century cast iron wellhead and timber shelter with an octagonal pointed slate roof. This is a Grade II Listed structure, and the listing description states that it is a picturesque village feature of special social and technological interest. I fully agree with that description.
15. No development plan policies have been drawn to my attention in relation to this matter, but Section 66 of the Act sets out a general duty to have special regard to the desirability of preserving listed buildings or their settings. This is a matter that should be given considerable importance and weight.
16. The significance of a heritage asset derives not only from its physical presence but also from its setting. Probably the best view of this feature is from the south, where it can be appreciated in its setting against the vegetated backdrop which currently occupies the appeal site – through which glimpses of Holly House can be seen.
17. Even if there were no reduction in the vegetation on the appeal site as a result of the proposal (a matter I will return to below) the vegetated and natural setting of the wellhead and shelter would be significantly and harmfully affected by the proposed construction of a substantial house on the appeal site. Even if all the significant trees on the site were to remain, I am in no doubt that the presence of a two storey house behind the wellhead would be clearly visible. There is no doubt that substantial harm would be caused by the proposal to the setting of this heritage asset, and this is a matter to which I attach considerable importance and weight.
18. In line with policy in the Framework I have considered whether the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. However I do not consider there are any such substantial public benefits. Overall this is a matter which weighs heavily against the proposal.

The effect on the area – trees

19. The site benefits from a number of mature trees, mainly on or just beyond the boundaries. Although none are identified as particularly important specimens in their own right, the group value is important in this prominent location in the context of the Conservation Area and the Listed Wellhead. The trees are prominent features in the streetscene, with considerable amenity value, and I consider their retention is highly desirable. The importance of the retention of trees which materially contribute to the character of an area is set out at LP policies ENV11 and BH6.

20. The appellant proposes to retain the significant trees², and the scheme has been designed to achieve this. However the Council has raised concern over the future of the trees during and following the construction period, and in relation to subsequent pressure to fell trees.
21. A section of the proposed new driveway would be within the root protection area of a group of trees. A reduced dig methodology with a permeable top surface is proposed in this area, and this could be required by a condition. The appellant's Arboricultural Method Statement concludes that the existing levels should be retained where possible and that the need for extraction and the potential for root damage would be minimised. However a combination of the proximity of the proposed driveway to the root protection zone and the amount of the zone which would be affected give rise to serious concern regarding the potential for damage.
22. Other trees to the east of the site would be very close to the rear and flank of the proposed building. In such circumstances, whatever protection was put in place during building works, it is reasonable to consider that some damage to the trees could occur during the construction period. This adds to the concern regarding the immediate consequences for the trees.
23. I am also concerned with the effect of the proposal on the longer term survival of the trees. I note that the spread of the trees would be very close to the front, rear and eastern flank of the proposed building. Given the layout of the house the lighting and aspect of a number of habitable rooms would be affected to a considerable degree by the proximity of the protected trees. Part of the drive would be affected by shading and leaf fall from the trees. Taking these factors together, I consider that there could be significant pressure from future occupiers of the house to lop or fell some of the trees, which the Council would find it very difficult to resist. Any consequent removal of the trees would have a serious impact on the character of the area.
24. For the above reasons, the proposal would be likely to result in the loss of trees of amenity value from the site, which would be harmful to the character and appearance of the area. This would be contrary to the policies summarised above.

The effect on the area – overall conclusion

25. For all the above reasons the proposal would harm the character and appearance of the Ansty Conservation Area (including the effect of trees on the site) and on the setting of the Listed Wellhead and Shelter.

Other matter and conclusion

26. The Council accepts that the authority does not have a five year supply of housing land. This is a matter which weighs in favour of the proposal. However the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole.
27. The appellant has criticised the Council's handling of the application. However this does not affect the planning merits of the proposal.

² Consent to fell one tree has been granted, and some fruit trees are proposed to be removed. This is not an issue between the parties.

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

P. J. G. Ware

Inspector



Appeal Decision

Site visit made on 17 February 2015

by S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI

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

Decision date: 24 February 2015

Appeal Ref: APP/J1915/A/14/2227709

19 Gypsy Lane, Great Amwell, Ware SG12 9RL

- 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 Kane Kessler against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0926/FP, dated 19 May 2014, was refused by notice dated 20 August 2014.
 - The development proposed is a new single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new single storey dwelling at 19 Gypsy Lane, Great Amwell, Ware SG12 9RL in accordance with the terms of the application Ref 3/14/0926/FP, dated 19 May 2014, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - 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 necessary to justify the development; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Green Belt

3. The site is located within the Green Belt and the National Planning Policy Framework (the Framework) states the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances.
4. Paragraph 89 of the Framework states the construction of new buildings should be regarded as inappropriate development except where the proposal falls within one of

the six exceptions set out. The fifth exception includes limited infilling in villages under policies set out in the Local Plan. The site is within the built up area of Great Amwell as defined by Policy OSV2 of the East Herts Local Plan Second Review April 2007 (LP) where limited infilling of up to five dwellings is allowed.

5. The proposed development would represent infill development that is permitted by the Framework and in the circumstances it would not be inappropriate development within the Green Belt and would comply with LP Policy OSV2.

Character and appearance

6. The site is located within a predominantly residential area comprising mainly detached houses in a variety of styles on different sized plots with no distinct building line. Consequently whilst the area has a pleasant appearance there is no defining pattern or grain to the area.
7. The Council's submissions indicate there is no objection to the principle of residential development on the site and I see no reason to disagree. The appeal site has a dwelling on it set well back from the frontage with a separate annexe to the rear. There are also three substantial outbuildings to the rear of the annexe. The proposal would involve the removal the outbuildings and annexe and the erection of a single storey dwelling on the rear of the plot. From the submissions the proposal would result in a reduction in the area of the site being covered by buildings from 160 m² to 102 m². It would also would reduce the number of buildings and consolidate the amount of development on the site. This would have the effect of reducing the built coverage of the site and increasing the open and undeveloped area which would improve the appearance of the locality.
8. The proposed dwelling would be sited behind the existing dwellings that front on to Gypsy Lane and Gypsy Close. However, the site is sufficiently large to accommodate the dwelling with space around it and there is already existing development on the site which can be described as backland development. There is an existing vehicular access to the annexe that passes to the side of No 19. This would be extended to provide access and parking for the proposed development. It would run adjacent to the vehicular access to the garage that is on the abutting site and consequently it would not introduce a new feature that would harm the character of the area.
9. The existing outbuildings are constructed in a variety of materials that include concrete blockwork, fibre boarding and timber cladding. Two of the outbuildings have a utilitarian appearance with materials that do not reflect those of the nearby area.
10. The proposed dwelling would have a gabled main roof and lower hipped roof element to be constructed in red facing brick, part rendered and plain tiles. The materials would reflect those used in the locality and would result in a structure that would enhance the appearance of the site. As the structure would be single storey and set a considerable distance from the nearby roads it would not harm the appearance of the street scene or area. Furthermore, from my visit that included viewing the site from No. 21 Gypsy Lane and No. 8 Gypsy Close, given the proposed height of the development only the roof element would be seen from the nearby properties. In my opinion, given the proposal would remove the number of outbuildings that can be partially seen from nearby properties, the proposal would enhance rather than detract from the appearance of the area.

11. There is no distinct building line along the Lane and I do not consider because the dwelling would not align with the existing development on the lane or that it is sited further back on its plot that these are reasons which would justify the dismissal of the appeal. Having considered all the points raised carefully I conclude the proposal would not be out of keeping with the grain of development and it would not harm the character or appearance of the locality. It would therefore comply with LP Policies ENV1, HSG7 and OSV2 and NPPF. Furthermore, whilst I have previously found the proposal would not represent inappropriate development in the Green Belt I also consider that it would not prejudice its openness or contribute to urban sprawl due to the site being surrounded by existing development.

Other matters

12. Interested parties have raised a number of matters and some of these have been considered above under the main issues. Concerns have also been raised regarding the effect of the development on living conditions and privacy of the nearby residents and that the proposal would increase traffic movements in the Lane.

13. The proposal would be set in from the boundaries of the site and would be a considerable distance from any of the surrounding properties. As it would be single storey and given the relative positions of nearby properties I am satisfied the proposal would not result in a loss of day or sunlight to adjoining properties. Due to its height and bulk it would also not appear to be overly dominant or overbearing and the proposal would also result in the loss of a number of buildings on the site, which in my view do not contribute positively to the outlook from adjacent sites. The proposed dwelling would be angled on the site and contains windows only on the ground floor. There is existing screening and vegetation around much of the site boundary and as adjacent dwellings are a significant distance away from the northern and southern elevation which would contain the windows I do not consider the privacy of adjoining residents would be prejudiced.

14. Concerns are also expressed about commercial vehicles being parked on the site, that the outbuilding might contain asbestos, disturbance from demolition and construction works, waste storage provision, misleading plans and drainage. The proposal is for a residential use and any change of use would require planning permission. Construction and demolition work times and the provision waste storage can be controlled by planning conditions. The plans, submissions and my visit have provided sufficient information to allow assessment of the proposed development. There is no evidence to show the development would cause drainage problems and the statutory consultee has not raised any concerns regarding this matter.

15. The appellant has submitted some personal reasons to justify the proposal. The Planning Practice Guidance indicates that personal circumstances would seldom outweigh more general planning considerations. In this instance, based on my conclusions set out above the personal reasons have had no bearing on my decision.

Conditions

16. I have considered the conditions suggested by the Council and, where appropriate, amended them to ensure they comply with the advice in the Planning Practice Guidance. In addition to the standard time limit conditions requiring the development to be carried out in accordance with the approved plans; the submission and written approval from the Local Planning Authority of external materials, soft and

hard landscaping and the demolition of the existing annexe and other outbuildings are necessary to ensure the development provides a satisfactory appearance.

17. To ensure the development does not prejudice the living conditions of nearby properties or the character and appearance of the area I will impose a conditions that restrict enlargement or alterations to the roof and limit construction times. To ensure highway safety I will impose conditions regarding the parking of construction vehicles and the provision of vehicle turning space and to ensure satisfactory refuse storage I will impose a condition requiring its provision.
18. As the development is for a residential dwelling I do not consider it reasonable to restrict the time plant or machinery that is being used by the occupants of the dwelling in association with the residential use and I will not impose one.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Sarah Stevens

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 200- LP1, 200-01, 200-02, 200-03, 200-04, 200-05 and 200-06.
3. No development shall take place until the external materials of construction for the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented in accordance with the approved materials.
4. No development shall take place until full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Car parking layouts (c) Other vehicle and pedestrian access and circulation areas (d) Hard surfacing materials (e) Planting plans (f) Written specifications (including cultivation and other operations associated with plant and grass establishment) (g) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (h) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
6. Prior to the first occupation of the dwelling hereby permitted, the existing annex, outbuildings and summerhouse shown to be demolished on drawing no: 200-02, shall be demolished and any debris removed from the site.
7. Notwithstanding the provision of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 no enlargement of the dwelling consisting of an addition or alteration to its roof, as described in Schedule 2, Part 1, Class B and Class C of the Order shall be undertaken without the prior written permission of the local planning authority.
8. No development shall take place until plans have been submitted to and approved in writing by the Local Planning Authority indicating the provision of space within the site to provide for the parking of construction workers' vehicles, and for the delivery and storage of materials. Such space shall be maintained for the duration of construction works in accordance with the approved plans.
9. Prior to the first occupation of the development hereby permitted, on-site turning space, sufficient to enable a mid-sized service vehicle (circa 6.5 metres in length) to enter and exit the site in forward gear shall be provided in accordance with details to be previously submitted to and approved in writing by the local planning authority. The development shall thereafter be retained in accordance with the approved details.
10. Prior to the first occupation of the development hereby permitted the area

identified for refuse bins on drawing no. 200-04 shall be provided and available for use by the occupiers of the dwelling hereby permitted.

11. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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Appeal Decision

Site visit made on 12 January 2015

by Thomas Shields MA DipURP MRTPI

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

Decision date: 9 February 2015

Appeal Ref: APP/J1915/A/14/2227835

147 Ladywood Road, Hertford, Hertfordshire, SG14 2TG

- 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 Ewa Nuckey against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1066/FP, dated 13 May 2014, was refused by notice dated 15 August 2014.
 - The development proposed is erection of carport over owned parking space adjacent to property back fence.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit the development was in place. Therefore the proposal seeks planning permission with retrospective effect.
3. The issue of land ownership has been raised. The appellant argues, amongst other matters, that the land upon which the car port is sited is owned by her and so forms part of the garden of No. 147 Ladywood Road. However, the issue of land ownership is not relevant to this appeal which I am required to determine solely on its planning merits.

Main Issue

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

Reasons

5. The appeal site is 147 Ladywood Road and includes an area of land to the rear of the property's existing rear garden fence upon which a carport has been erected.
6. No. 147 is one of a number of properties with rear gardens which are grouped together in a staggered linear form on either side of an open central parking area set off from the main highway. It is the end property near to a public footpath (FP62) leading to an attractive wooded area.
7. The carport comprises a transparent corrugated roof supported by 3 timber posts on one side, and attached to the garden fence on the other side.

8. The Council states that the car port encroaches onto land which forms part of the areas of land designated as public amenity land within the originally designed layout of the estate. From my observations of this central parking area, the appeal site, and other similar areas around the estate, which I was able to see at the time of my visit, I have no reason to conclude otherwise. Although the land is owned by the appellant, land ownership by itself does not convey any planning permission.
9. There are no other car ports or other constructions beyond the rear boundary treatments of this group of properties. Consequently, the rear boundary treatments of properties around the car parking area form a coherent and distinct separation between the built form of buildings and other domesticating features in rear gardens, and the open car parking area. This open area allows views towards the footpath and trees beyond the run of houses.
10. Due to its construction materials, size and prominent position, I consider that the carport appears as an obvious and incompatible addition against the open and attractive appearance of the area I have described above.
11. I acknowledge that some occupiers of nearby properties support the proposed development, and also that the car port provides a degree of protection from the weather and from falling sap, branches and bird droppings. However, these matters do not outweigh the harm to the character and appearance of the area I have previously identified.
12. I conclude that the car port is a prominent and incompatible addition. As such, it harms the open character and appearance of the area in conflict with saved policies ENV1(I)(f) and ENV7(III) of the East Herts Local Plan Second Review (2007) which together seek to ensure that new development is of a high standard of design and takes account of the impact of any loss of open land on the character and appearance of the locality. The aims and objectives of these policies are also consistent with Government advice contained within one of the core principles of the Framework¹ which requires a high quality of design and a good standard of amenity.

Conclusion

13. For all the above reasons, I conclude that the appeal should be dismissed.

Thomas Shields

INSPECTOR

¹ Paragraph 17, National Planning Policy Framework (2012)

Appeal Decision

Site visit made on 12 February 2015

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 13th February 2015

Appeal Ref: APP/J1915/A/14/2228636

37 Station Road, Watton at Stone, Hertford SG14 3SH

- 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 Moatside Properties against the decision of East Hertfordshire District Council.
 - The application Ref. 3/14/1133/FP, dated 20 June 2014, was refused by notice dated 19 August 2014.
 - The development proposed is the erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and whether adequate amenity space would be provided for future occupiers.

Reasons

Character and Appearance

3. The appeal site is part of the rear garden area of no.37, an end of terrace house at the junction of Station Road and Glebe Close. To the east of the site are a row of lock up garages and the garden of no.35, while opposite and to the south are the houses in Glebe Close. The area is predominantly residential and, although in Watton at Stone in general the houses vary considerably in size and design, those in the vicinity of the appeal site are mainly modest 2-storey terraced or semi-detached dwellings of simple design with pitched or hipped roofs.
4. The proposed dwelling would front onto Glebe Close and would be a chalet bungalow with first floor accommodation in the roofspace, gabled dormers and porch at the front and a large flat-roofed projection at the rear. Its appearance would not reflect the character and design of the surrounding houses in Glebe Close and Station Road.
5. About half of the existing high boundary hedge along Glebe Close would be removed. The proposed dwelling would be sited forward of the main building line on this side of Glebe Close. With the front gable only 1.5m from the back edge of the footway, there would be minimal scope for landscaping and the

house would appear dominant and intrusive in the street scene. It would be out of keeping with the other properties in the cul-de-sac which are set much further back from the road, some with walls/hedges along the front boundary and planting in the front gardens. The limited garden space about the proposed dwelling would be significantly smaller than other houses in the vicinity and would add to the impression of it being cramped overdevelopment of the site.

6. I am also mindful that planning permission has been granted for an additional dwelling in the side garden of no.37, effectively extending the terrace comprising nos.31-37. This has not yet been implemented, but is a material consideration as there is no mechanism before me, such as a completed s106 agreement, which would prevent both permissions being implemented should this appeal succeed. The resulting development would be considerably more intensive than in the surrounding area (the Council estimates a density on the plot as a whole of 45 dwellings per hectare¹ as opposed to around 24 dwellings per hectare in the locality).
7. I conclude that the proposed development would be detrimental to the character and appearance of the area. It would not accord with policies ENV1 and HSG7 of the East Herts Local Plan Second Review (2007) which, among other things, require a high standard of design and that infill housing is well sited in relation to the remaining surrounding buildings, does not appear obtrusive or over-intensive, complements the grain of development and the character of the local building environment and has regard to local distinctiveness.
8. Furthermore, the proposal would conflict with one of the core principles of the National Planning Policy Framework (the Framework) which is to always seek to secure high quality design. Good design is a key aspect of sustainable development and is indivisible from good planning. The Framework advises that local planning authorities should not attempt to impose architectural styles or particular tastes, but that it is proper to seek to promote or reinforce local distinctiveness. It goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Amenity Space

9. To the rear of the proposed dwelling the space would be between 1.9m and 2.76m deep with a 1.8m fence on the boundary. Thus the main garden area, which the Council estimates to be about 35m², would be to the side of the dwelling. The Council has not referred to any minimum requirements for amenity space. Nonetheless, the side amenity space would be north facing and beside the pavement, with a 2m hedge retained to one side and 1.8m high fences to the other two sides. This would provide poor quality outdoor amenity space for a family-sized unit and would not accord with Local Plan policy ENV1 which expects development to respect the amenity of future occupants. It would also conflict with another of the core principles of the Framework which is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

¹ The appellant estimates it to be 50 dwellings per hectare

Other Matters

10. The neighbouring occupiers in Glebe Close have expressed concern about potential overlooking. A certain amount of intervisibility between properties is inevitable in urban situations such as this, but given that that property is separated from the appeal site by the row of lock up garages, I do not consider that there would be an unacceptable loss of privacy for those existing occupiers.
11. Two off-street parking spaces would be provided in the proposed development and there is no substantiated evidence to show that on-street parking in Glebe Close would be exacerbated as a result of the proposal.
12. Issues such as property values and street numbering are not planning matters and have not been taken into account in coming to my decision.
13. Nevertheless these matters do not outweigh my conclusions on the main issues.

Conclusion

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

Isobel McCretton

INSPECTOR



Appeal Decision

Site visit made on 17 February 2015

by **S Stevens BSc (Hons) MSc DipTP DMS MCI MRTPI**

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

Decision date: 26 February 2015

Appeal Ref: APP/J1915/A/14/ 2227580

8 Cockbush Avenue, Hertford SG13 7EU

- 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 James Jenkins against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1162/FP, dated 27 June 2014, was refused by notice dated 22 August 2014.
 - The development proposed is a new split level dwelling and parking for two cars.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development
 - on the character and appearance of the area, particularly with regard to size, scale, siting and trees; and
 - the effect of the proposed development on the living conditions of the occupants of the proposed dwelling and existing nearby dwellings.

Reasons

Character and appearance

3. The appeal site is located to the rear of an existing property, No. 8 which is situated on a small cul-de-sac with existing properties in the vicinity of the site located along the road frontages. The site is within a predominantly residential area comprising a mix of bungalows and two and three storey houses. The appeal site is irregular in shape with minimal road frontage and it slopes steeply down towards the main road, Ware Road.
4. The Council has acknowledged that the principle of residential development is acceptable and I see no reason to disagree. The proposal is for a split level, three bedroom dwelling to be located on the north western part of the site, to the rear of Nos. 4 and 6 Cockbush Avenue. The proposed design of the development would incorporate multi red stock brick and red/brown clay pan tiles which would provide a pleasant appearance.
5. The appellant's submission indicates the proposed footprint of the development would provide a site ratio of 33 per cent which, it is said is less than the 39 per cent on adjacent sites. This may be so but as the site is irregular in shape and slopes

steeply with the proposed dwelling sited close to many of the site boundaries. Furthermore, whilst the actual site coverage may be less than that of surrounding properties given its configuration and the proposed access and tandem parking the development would appear very cramped and contrived, as if it had been shoehorned into the site. The only part of the site that would abut the road would be the narrow vehicular access. In my opinion the proposal represents an unsatisfactory form of backland development which due to its size, scale and site configuration would not respect the existing character of the area and would detract from it.

6. The site has a number of predominantly self-seeded trees that are sited between the proposed dwelling and the edge of the former quarry that lies to the east of the site. The arboricultural impact statement submitted with the planning application indicates these trees range in physiological and structural condition between poor and good. From my visit the trees do contribute to the character of the area and provide a separation of the site and the quarry.
7. The proposed dwelling would be very close to or encroach within the root protection area of a number of the trees. The impact statement identifies one tree (T1) would need to be removed, partly due to its position at the edge of the quarry which makes it structurally hazardous and a second tree (T3) would be at some risk. Furthermore, given the close proximity of the trees to the proposed dwelling and the cramped nature of the site I consider it would be very likely that the occupants of the proposed dwelling would seek to have the trees removed to reduce overshadowing of the site. Although the trees are not in the best of condition they nevertheless still contribute to the character and appearance of the area and I consider the loss or threat to them adds to my concerns regarding the effect of the development on the character and appearance of the area.
8. Having considered carefully all the matters raised I conclude the proposal, due to the nature of the site and the size and scale of development would provide a cramped and contrived form of backland development that would harm the character and appearance of the area. The potential impact on the trees would add to the harm. I therefore conclude the proposal would conflict with Policy ENV1 of East Herts Local Plan Second Review April 2017 (LP) and National Planning Policy Framework (the Framework) which seek, amongst other things, to reflect local distinctiveness including the grain of development.

Living conditions

9. The dwelling would be located on the north-eastern part of the site within about 2.5 – 3.5 metres away from the rear site boundary. Although the plans indicate the area to the rear and side of the dwelling would be garden its functionality as amenity space would be limited due to its narrowness. Furthermore it would be overshadowed for a significant part of the day by the proposed dwelling or nearby trees. There would also be a patio area and some lawn shown to the front of the dwelling which would be adjacent to the car parking area. The area to the front of the dwelling would have some privacy as the site does not have a conventional road frontage but given the size of the dwelling I consider the proposed amenity space to be cramped, with limited usability.
10. The dwelling would have no ground floor windows on the side elevation that would face No. 4 and 6 Cockbush Avenue. The proposed living room window facing No. 306 Ware Road would be obscured and it would also be set back some distance from

the site boundary. Consequently the proposal would not result in a loss of privacy to the occupants of nearby properties. However, the use of obscured glazing to a main habitable room does indicate the contrived nature of the proposed development.

11. Although the development would be cut into the ground to lower its height it would still be very close to the boundary of the site abutting Nos. 4 and 6. In my opinion the proposal would appear dominating and overbearing when viewed from these properties. In addition due to the relative land levels the dwelling would be significantly higher than the property on No. 306 Ware Road. Although the proposed fencing would prevent overlooking given the height difference it would nevertheless give the perception of overlooking and result in an overbearing and dominant development.
12. I therefore conclude the proposal would harm the living conditions of nearby residents and provide a poor standard of amenity for the future occupants of the proposed dwelling. The proposal therefore conflicts with LP Policy ENV1 and the Framework which also seek to ensure development respects and does not harm the amenities of existing and future residents.

Other matters

13. An interested party has raised a number of concerns and some of these have been dealt with under the main issues above. Other concerns relate to car parking provision and access for emergency vehicles, the stability of the site and nearby properties and drainage. The highway authority has not objected to the proposal and no further evidence has been submitted regarding the other matters raised. However, as I am dismissing the appeal on the main issues these other matters do not alter my reasoning.

Conclusion

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

Sarah Stevens

INSPECTOR



Appeal Decision

Site visit made on 9 March 2015

by **Alan Woolnough BA(Hons) DMS MRTPI**

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

Decision date: 17 March 2015

Appeal Ref: APP/J1915/D/14/2229130

42 Sayesbury Road, Sawbridgeworth, Hertfordshire CM21 0ED

- 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 Mr S Gibbs against the decision of East Hertfordshire District Council.
 - The application ref no 3/14/1170/FP, dated 20 June 2014, was refused by notice dated 21 August 2014.
 - The development proposed is described on the application form as: 'Two storey rear extension'.
-

Formal Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the subject dwelling and the neighbouring property, with particular reference to light and outlook.

Planning Policy

3. The development plan includes certain policies of the East Hertfordshire Local Plan Second Review 2007 (LP) which have been saved following a Direction made by the Secretary of State. Paragraph 215 of the National Planning Policy Framework (NPPF) records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it. I find no significant conflict with the NPPF in respect of the development plan policies cited in this case. Accordingly, I will give them full weight insofar as they are relevant to the appeal scheme.

Reasoning

4. The appeal property is a two storey semi-detached dwellinghouse. The proposal comprises a rear extension, predominantly two storeys in height and spanning the full width of the existing dwelling. However, the second storey and roof would be set in from the party boundary with No 40 by one metre, such that a single storey flat-roofed element would abut/adjoin the single storey structure at the rear of that property. An existing single storey annex and conservatory at the rear of the host dwelling would be demolished.
5. The south-facing flank wall of the proposed extension would be set approximately 1.5 metres from a substantial side addition to No 44. However,

this has no windows in its side elevation and, although it has several rooflights, these are angled sufficiently away from the vertical plane to ensure that light thereto would not be unduly restricted. Moreover, as the appeal development would not project beyond the dwelling at No 44, the rear windows of that property would not be affected.

6. Turning to the north, although the proposed extension would have a depth of four metres it would project only a limited distance beyond No 40's single storey rear annex. Consequently, light to and outlook from the nearest ground floor window in the rear elevation of the latter would not be eroded significantly by the flank wall of the appeal development. The Appellant has successfully applied the commonly used '45 degree angle of light' to demonstrate this.
7. His submissions suggest that he has also applied the same 45 degree code to the 'bedroom window' of No 40 and concluded that there would be no significant loss of sunlight thereto. As the window in question has not been precisely identified, I have focussed on the upstairs window set in the rear elevation of the adjoining property in closest proximity to the boundary with No 42 which, in the absence of any indication to the contrary, I must assume serves a habitable room.
8. However, it is not evident from any of the material before me or my observations on site how the Appellant might validly draw such a conclusion regarding the effect of his proposal on this window. It is narrow and set much further back than the ground floor windows below it. The envisaged second storey would project four metres beyond it at a separation distance of little more than a metre and an angle of 90 degrees. It is readily apparent to me that, this being so, the appeal development would severely restrict light to and outlook from a window which is already of limited size.
9. I am less concerned by the effect of the proposal on the Appellant's own rear bedroom window. Although this would be reduced in width and have even more limited light and outlook than No 40's equivalent window, the substantial additional habitable accommodation provided within the envisaged extension would compensate for this. I am also mindful that prospective future occupiers of the appeal property would be aware of the shortcomings of what would become the 'middle bedroom' before making a commitment.
10. However, notwithstanding this, I consider the adverse impact on the property to the north to be of overriding importance. I therefore conclude that the proposal would cause unacceptable detriment to the living conditions available within No 40 and thereby reduce the quality of the local housing stock. Accordingly, it is contrary to saved LP Policies ENV1, ENV5 and ENV6 and the relevant provisions of the NPPF.

Other Matters

11. I have considered all the other matters raised, including the lack of any objection to the proposal. However, there are numerous reasons why representations may not have been submitted by neighbouring residents and an absence thereof, as opposed to positive support, does not amount to endorsement. In any event, irrespective of the views of neighbours, the appeal scheme would still erode the quality of the local housing stock for the reasons given above. The 'key aims' of the LP, although cited by the Appellant, have

not been saved by the Secretary of State. They have not therefore informed my decision.

12. I give little weight to the notion that the extension would somehow prolong the life of the dwelling or help to meet the expectations of local families, having seen no evidence of a shortage of three bedroom properties and mindful that the existing accommodation would suit many smaller households. I have been referred to numerous rear extensions in the vicinity which the Appellant considers similar to his proposal. However, each scheme falls to be assessed primarily on its own merits. In any event, I have not been able to view these other additions at close hand and do not know the full circumstances associated with them.
13. I acknowledge that the proposal complies with the development plan in terms of its external appearance and that it would not have an adverse effect on the streetscape. I also note the Appellant's need for extra accommodation and his desire to remain at No 42 rather than move elsewhere. Nor do I find any reason to question any aspect of the sustainability of the scheme with reference to national policy. However, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusion on the main issue.

Conclusion

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

Alan Woolnough

INSPECTOR



Appeal Decision

Site visit made on 10 March 2015

by **Thomas Shields MA DipURP MRTPI**

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

Decision date: 28 March 2015

Appeal Ref: APP/J1915/D/14/2227964

75 New Town Road, Bishops Stortford, Hertfordshire, CM23 3SB

- 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 Adrian Vaughan against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1196/FP, dated 1 July 2014, was refused by notice dated 4 September 2014.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of occupiers of No. 73 New Town Road with particular regard to outlook.

Reasons

3. No. 75 New Town Road is an end of terrace 2 storey dwelling separated from No. 73 by a side pedestrian access.
4. The proposed development would provide a first floor rear extension over the top of an existing single storey projection. The extension would continue the line of the eastern elevation of the house extending back for approximately 3 metres. It would have a pitched roof and south-facing gable end, with eaves level and pitch angle aligned to the eaves and pitch of the main hipped roof.
5. On the other side of No. 73, the adjoining terraced property, No. 71, already projects along the rear boundary by approximately 3 metres at 2 storey height. Given this factor, together with the proposed development as described above, the rear elevation and amenity space of No. 73 would be enclosed along both its boundaries for a distance of 3 metres at 2 storey height.
6. Contrary to the appellant's views, I consider that the proposal, by virtue of its height, depth and position on the boundary with No. 73, and in combination with the existing rear projection at No. 71, would have an unacceptably enclosing, dominant and overbearing impact on the rear outlook of occupiers of No. 73 and in respect of the enjoyment and use of the rear amenity space.
7. The existence of the rear extension at No. 71, referred to by the appellant, does not justify allowing the appeal for the current proposal. This is because at the

time it was constructed it did not enclose No. 73 on both sides at 2 storey height as would be the case in this appeal. It did not therefore result in the harmful combination effect to outlook that I have described above.

8. I acknowledge that there have been other developments in the area of a similar nature. However, I do not have full details of the circumstances that led to those proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In addition they may have been considered against older planning policies which are no longer relevant. Consequently, they do not set a precedent. In any event, as I am required to do so, I have determined the appeal on its own merits against current national and Development Plan policies.
9. Although they did not form a part of the Council's reason for refusal, I also acknowledge that the proposal would not unacceptably harm the living conditions of occupiers of No. 73 with regard to daylight, sunlight or privacy.
10. I have also taken account of the appellant's personal circumstances and the need for larger accommodation, and the fact that there are no objections to the proposal from the occupiers of No. 73. However, I am required to have regard to all occupiers, including future occupiers.
11. In addition, there is no convincing evidence before me which would lead me to conclude that dismissing the appeal would hamper the Council's strategy of delivering higher density housing and directing development to the main towns.
12. Overall, the considerations in support of the appeal do not outweigh the harm I have previously identified with regard to future living conditions.
13. In conclusion, the proposed development would conflict with Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review (2007) which, amongst other matters, collectively seek to ensure that extensions to existing dwellings are of a high standard of design, relate well to the massing and height of adjacent buildings, and that the amenities of any adjoining dwellings would not be significantly affected to their detriment. As such, the proposal would also conflict with a core principle of the National Planning Policy Framework (2012) which requires a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
14. For all the above reasons I dismiss the appeal.

Thomas Shields

INSPECTOR