

Appeal Decision

Hearing held on 16 December 2014

Site visit made on 16 December 2014

by A Banks BA(Hons) DipUD PGCM MRTPI

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

Decision date: 27 January 2015

Appeal Ref: APP/J1915/A/14/2225351

**Monks Green Farm, Mangrove Lane, Near Hertford,
Hertfordshire SG13 8QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 3, Schedule 2, Paragraph MB of the Town & Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr William Ashley against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1259/PR, dated 9 July 2014, was refused by notice dated 29 August 2014.
 - The development proposed is change of use of agricultural buildings to 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) defines the conversion of an agricultural building to a use falling within Class C3 (dwellinghouses) as permitted development providing the development proposed does not fall within any of the exclusions listed in paragraph MB.1 and, if it is not excluded, subject to meeting certain criteria listed under MB.2.
3. The Council has determined that the proposal would fall as development not permitted under MB.1(c) *the cumulative number of separate dwellinghouses developed within an existing agricultural unit exceeds three* and MB.1(i) *the development under Class MB(b) would consist of building operations other than – (i) the installation or replacement of – (aa) windows, doors, roofs, or exterior walls, or to the extent reasonably necessary for the building to function as a dwellinghouse and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph MB.1(i)(i)*. At the hearing the Council added that it would also fall under exception MB.1(b) *the cumulative floor space of the existing building or buildings changing use under Class MB within an established agricultural unit exceeds 450 square metres*.
4. Notwithstanding these considerations the Council also determined that the proposal would fail under MB.2(e) *whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and the provisions of paragraph N of this*

Part. Paragraph N, amongst other things, requires that regard is had to the National Planning Policy Framework as if it were a planning application when determining an application for prior approval.

5. The main issues therefore are firstly whether the development is not permitted by Class MB because it would fall under exception MB.1(b) and/or (c) and/or (i); and secondly, if the proposal represents permitted development under Class MB whether it would meet criterion MB.2(e).

Reasons

6. Floor space of the existing buildings

7. The current cumulative floor space of the appeal buildings is significantly greater than 450m². I acknowledge that the proposal would result in reducing the floor space of the buildings so that the consequential internal floor space would be 162m² and 240m². However exception MB.1(b) states that the measurement is in respect of the '*existing building or buildings*'. To my mind this does not signify the original building, nor that proposed as a result of the change of use.
8. The appellant claims that he can relatively easily remove or demolish the parts of the buildings necessary in order to be able to comply with this criterion, as the parts comprise temporary lean-tos bolted on to the original buildings. However on my site visit I saw that these parts are in themselves well weathered large structures designed using a similar concrete portal frame system as the main section of the buildings, with either brick or breeze block external walls. To this end I consider that they do not have the appearance of temporary structures, or of being fairly easy to dismantle.
9. On this matter I conclude that the cumulative floor space of the existing buildings changing use exceeds 450m² and therefore the proposal is not permitted development.

Number of dwellings

10. The appellant confirmed at the hearing that William Ashley and Partners is a separate agricultural holding to Monks Green Farm Ltd and that the dwelling Longcroft is a dwelling located within the same established agricultural unit as the appeal buildings. Therefore the proposal for an additional three dwellings would result in at least four separate dwellings within the established agricultural unit. Criterion MB.1c) says that the change of use should not exceed three dwellings within an agricultural unit, it does not refer to the agricultural building(s), or those permitted within Class MB. Consequently the proposal is not permitted development.

Building operations

11. MB.1(i)(i) allows for either the installation or replacement of exterior walls, roofs, windows and doors. The proposal would result in new walls, windows, doors and roofs. All of which I consider would be reasonably necessary to adapt the agricultural buildings and provide good quality dwellings.
12. MB.1(i)(ii) allows for partial demolition to the extent reasonably necessary to carry out the building operations allowed by MB.1(i)(i). I acknowledge that the proposal would lead to a substantial amount of demolition works. However, it

would not affect the whole of either building and it would be necessary to carry out the proposed building operations.

13. I therefore conclude that on this matter the proposal would not be excluded as permitted development. However, this does not alter the fact that the proposal has already fallen within two exceptions to permitted development under Class MB.
14. I conclude that the development is not permitted by Class MB because it would fall under exception MB.1(b) and (c) of the GDPO. Subsequently and even though both parties presented arguments in respect to criterion MB.2(e), there is no need to consider the matter because it is only applicable to Class MB permitted development.
15. I have had regard to all other matters raised but nothing alters my conclusion that the appeal should be dismissed.

A Banks

INSPECTOR

APPEARANCES:

FOR THE APPELLANT:

William Ashley	Appellant & resident of Monks Green Farm
Terence Burton	Architect and designer
Simon Howe	Builder

FOR THE COUNCIL:

Lisa Page	Principal planning officer
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INTERESTED PERSONS:

Ray Peters	Neighbouring farmer
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DOCUMENTS SUBMITTED AT THE HEARING:

Notification of appeal hearing, from the Council.

Rural Solutions New Residential Opportunities for Redundant Agricultural Buildings, from the interested person.

Photos of internal parts of the appeal buildings to show bolted on additions, from the appellant.

Explanatory Memorandum to GPDO and Regulation amendments, from the appellant.

Summary of case, from the appellant.

Swindon Borough Council Delegated Report, from the appellant.

Appeal Decision, ref: APP/E2734/A/14/2220495, from the Council.



Appeal Decision

Site visit made on 3 February 2015

by **J A B Gresty MA MRICS**

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

Decision date: 10 February 2015

Appeal Ref: APP/J1915/D/14/2229654

The Willows, High Wych Lane, High Wych, Sawbridgeworth, Hertfordshire CM21 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Balado against the decision of East Hertfordshire District Council.
 - The application, Ref 3/14/1272/FP, was refused by notice dated 18 September 2014.
 - The development proposed is a ground and first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - The effect of the proposed development on the character and appearance of the local area, and
 - If it would be inappropriate development whether the harm by reason of inappropriateness, and any other harm to the Green Belt, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

3. The appeal property is a semi-detached cottage situated in the village of High Wych within the Metropolitan Green Belt. The proposal is for extension of the cottage to provide additional first floor and ground floor accommodation. The National Planning Policy Framework (the Framework) states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to exceptions listed in the Framework which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this case the appeal property has been extended in the past and cumulatively the proposed development would result in the floor area of the

original building being significantly more than double that of the original cottage. In this respect the extended cottage would bear little resemblance to the original property and I conclude that the development would result in a disproportionate increase in the size of the cottage. The proposed development would not meet the requirements of any of the other exceptions listed in Framework paragraph 89 and I conclude that the development would be inappropriate development in the Green Belt as defined by the Framework and saved Policy GBC1 of the East Herts Local Plan Second Review (LP).

Openness

4. The Framework confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. As a consequence of their size and bulk, the proposed extensions would inevitably reduce the openness of the Green Belt, resulting in significant harm to one of the Green Belt's essential characteristics.

Character & Appearance

5. The appeal property forms part of a small ribbon of housing which runs along the east side of High Wych Lane to the north of the main body of High Wych. The property's main garden is to the front with just a small back yard area to the rear. To the east of the property is an area of garden ground with farmland beyond and there is a belt of trees opposite the property on the other side of the road. This narrow ribbon of development forms part of the High Wych Conservation Area and, as a consequence of the generally cottage style of development and the surrounding countryside, it has a predominantly rural, village type character and appearance.
6. The proposed development would have features which reflect the design of the existing house, including front facing gables and a variety of roof heights and profiles. However, the two-storey extension would project forward of the existing front elevations of the pair of cottages and because of its height and size, it would reduce the visible gap between Clovelly Cottages to the south and the appeal property, resulting in a significant reduction in the visual openness of the property when viewed from the road and nearby properties.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Saved LP Policy ENV5 requires extensions to be in keeping with the character and appearance of the existing properties and surrounding area, including not to intrude into the openness or rural qualities of the surrounding area. In this respect LP Policy ENV5 reflects one of five purposes of Green Belts identified in the Framework which is to assist in the safeguarding the countryside from encroachment. In view of the overall size and bulk of the extended cottage and the loss of visible openness, the proposed development would result in a modest reduction in the rural character of this part of the Conservation Area and the setting of the adjoining countryside, contrary to the general thrust of LP Policy ENV5. Whilst the Council does not include the proposed development's effect on the character and appearance of the local area in its reasons for refusal, the relative lack of harm does not add weight in favour of the proposal.

Very Special Circumstances

8. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposed development would be inappropriate and it would reduce the openness of the Green Belt. Although the extensions would provide useful additional accommodation of personal benefit to the existing occupiers of the property and the harm to the character and appearance of the local area would be modest, I conclude that evidence has not been presented to demonstrate that very special circumstances exist to clearly outweigh the harm to the Green Belt.

Other Matters

9. The occupiers of 2 Clovelly Cottages next door express concern that the proposed extension would restrict the amount of light which reaches their conservatory and kitchen and that the outlook from their property would be adversely affected. No 2 has a good sized garden which allows considerable sunlight and natural daylight to the back of the house. The appeal property stands to the north of the No 2 and the extension would have little effect on the amount of light which reaches the house windows and conservatory. However, because of its height, depth and very close proximity to No 2's conservatory and back garden, the blank brick side wall of the extension would appear unduly large and prominent when viewed from nearby at No 2. This would result in harm to living conditions of the occupiers of No 2 and, whilst I consider it would not be sufficient reason to dismiss the appeal on its own, it adds against the proposed development.

Conclusion

10. On balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

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/14/2228925
17 Carrigans, Bishops Stortford, CM23 2SL

- 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 N Milkowski against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1293/FP, dated 15 July 2014, was refused by notice dated 16 September 2014.
 - The development proposed is a 2 storey and single storey front 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 character and appearance of the area.

Reasons

3. Within Carrigans the land slopes markedly downwards from south to north, such that on entering the cul-de-sac houses on the northern side follow the falling contour of the road. No. 17 Carrigans is a modern detached 2 storey house within this small development of modern housing. It is located on the northern side of the cul-de-sac, set back from the road behind a modest front garden area, and sits between Nos. 15 and 19 which are also 2 storey detached houses. The house is simply designed with a pitched roof, having its ridge line running parallel to the road, and has an existing flat roof single storey front projection and porch.
4. The proposed development would provide a single storey extension to the front, a first floor extension to the front, and steps to the rear decking. The Council have no objection to the proposed single storey front extension or to the proposed steps to the rear, and I have no reason to disagree with that view. The appellant argues that the first floor extension is appropriate in scale and design, and in keeping with the host building and the area.
5. Contrary to the appellant's views, I consider that the proposed first floor extension would result in an overly tall forward projection from the house which would appear excessively bulky and awkward. As such, it would have an out of scale relationship with the host dwelling and would be highly prominent and incongruous in the immediate context of Nos. 15 and 19. Consequently, it

would also adversely impact upon the character and appearance of the street scene.

6. At the time of my visit to the appeal site I was able to see the other dwellings in the cul-de-sac, including No. 25 referred to by the appellant, and others within the wider area. However, none of those have the degree of adverse impact on the character and appearance of the area that I consider would result from the proposed development subject of the appeal. Consequently, no precedent is set by their existence.
7. In addition, while I acknowledge that the proposed development would remove the existing flat roof single storey projection, and would be constructed in matching or complementary materials to the existing dwelling, these factors would not overcome the harm I have previously identified which would result if the appeal were allowed. I therefore attach only limited weight to these matters in support of the appeal.
8. I conclude that the proposed development would result in an unacceptable level of harm to the character and appearance of the area in 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 and relate well to the massing and height of adjacent buildings. As such, the proposal would also conflict with paragraphs 56 and 57 of the National Planning Policy Framework (2012) which attach great importance to high quality design within the built environment.
9. For all the above reasons I dismiss the appeal.

Thomas Shields

INSPECTOR



Appeal Decision

Site visit made on 22 January 2015

by **R J Maile BSc FRICS**

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

Decision date: 29 January 2015

Appeal Ref: APP/J1915/D/14/2228827

3 Red Brick Cottage, Ducketts Lane, Much Hadham, Hertfordshire, SG10 6JN.

- 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 Andrew Styczynski against the decision of East Hertfordshire District Council.
 - The application, ref: 3/14/1314/FP, was refused by notice dated 11 September 2014.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 3 Red Brick Cottage, Ducketts Lane, Much Hadham, Hertfordshire, SG10 6JN, in accordance with the terms of the application ref: 3/14/1314/FP, dated 17 July 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

-	Location Plan – scale 1:1250.
Drawing no. e01 Rev a:	Existing Ground, First Floor and Roof Plans – scale 1:100.
Drawing no. e02:	Existing Elevations – scale 1:100.
Drawing no. e03:	Historic Ordnance Survey Map of 1897 – not to scale.
Drawing no. e04:	Historic Ordnance Survey Map 1921-1923 – not to scale.
Drawing no. p01:	Site Plans – existing and proposed – scale 1:200.

Drawing no. p02: Proposed Ground, First Floor and Roof Plans – scale 1:100.

Drawing no. p03 Rev a: Proposed Elevations – scale 1:100.

Main Issue

2. The main issue in this case is the effect of the development upon the character and appearance of the host building and that of the surrounding area.

Reasons

3. 3 Red Brick Cottage comprises a small end of terrace Victorian cottage. It has an unusual layout, which involves a flying Freehold at first floor level that has enabled the provision of three bedrooms and a bathroom upstairs. The ground floor accommodation, by contrast, and particularly the single storey rear dining room area, is of restricted size. The scheme before me proposes to extend the existing single storey dining room rearwards by 1m and to the south by 1.6m.
4. The property is within the small settlement of Green Tye with open countryside to the rear and is within the Green Tye Conservation Area. It is located at the southern end of Ducketts Lane at the extremity of the designated area. There is a substantial modern dwelling (Little Field) next door, whose outbuilding closely abuts the common boundary with the appeal site.
5. A previous proposal for first floor rear and side extensions, single storey front porch and four sheds in the rear garden was refused and a subsequent appeal dismissed (ref: APP/J1915/A/03/1112078 dated 24 June 2003). I have been provided with a copy of that decision and the submitted drawings. Extensions including a part two storey and part single storey extension to the rear have since been permitted and built.
6. My decision takes account of other appeals nearby that have been dismissed and planning permissions that have been granted by the Council or at appeal for extensions to cottages in Ducketts Lane and further afield within the settlement.
7. The Council suggests that the current proposal, taken with the extensions that have already been constructed, would disproportionately alter the size of the original dwelling. In support of this contention I have been referred to "saved" Policies ENV5 and GBC3 of the Local Plan¹.
8. I acknowledge the need to exercise strict control over successive extensions to cottages such as this within the rural areas beyond the Green Belt, particularly those located within designated Conservation Areas. Nevertheless, National policy at paragraph 9 of the Framework² encourages development that seeks positive improvements to the quality of the built environment, including improving the conditions in which people live.
9. The ground floor living accommodation is somewhat restricted in size and the dining room, in particular, is only some 2m in width. The small extension now proposed will create a more usable dining room without any impact upon the

¹ The East Herts Local Plan Second Review: 2007.

² The National Planning Policy Framework.

Conservation Area, host building or the surrounding countryside and the overall roof configuration would match that of the two storey extension to which it will be attached.

10. Whilst the enlarged structure at ground floor level would be seen at a distance from open countryside to the rear, it would be viewed against the backdrop of the rear elevation. The works would be screened in views from the south by the adjoining outbuildings of Little Field and the tall boundary fence and from Ducketts Lane by the main bulk of the original cottage.
11. For all of these reasons I find on the main issue that development as proposed will enhance the layout and appearance of the host building whilst preserving the character and appearance of the Green Tye Conservation Area and the countryside beyond, as required by "saved" Policies EN5, GBC3 and BH5 of the Local Plan.

Conditions

12. The Council has suggested that a total of three conditions be imposed should I be minded to allow the appeal. I have considered these against the tests of the Framework and advice provided by the Government's Planning Policy Guidance issued on 6 March 2014 and find all of them to be reasonable and necessary in the circumstances of this case.
13. My reasons for the conditions are:
14. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
15. As to Condition 3, and otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, both for the avoidance of doubt and in the interests of proper planning.

Conclusion

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

R. J. Maile

INSPECTOR

Appeal Decision

Site visit made on 24 February 2015

by **C J Leigh BSC(Hons) MPhil MRTPI**

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

Decision date: 4 March 2015

Appeal Ref: APP/J1915/D/15/2230024

35 Bishops Avenue, Bishop's Stortford, Hertfordshire, CM23 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Price against the decision of East Herts Council.
 - The application Ref 3/14/1344/FP, dated 21 July 2014, was refused by notice dated 9 October 2014.
 - The development proposed is the formation of a new en-suite bathroom above the existing garage which is to be demolished and re-built as a new living room with a front extension and porch.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a new en-suite bathroom above the existing garage which is to be demolished and re-built as a new living room with a front extension and porch at 35 Bishops Avenue, Bishop's Stortford, Hertfordshire, CM23 3EJ in accordance with the terms of the application, Ref 3/14/1344/FP, dated 21 July 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: RDA-2014-001RevA & RDA-2014-002RevA.

Main issue

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

Reasons

3. The proposals would see rebuilding of the existing garage to the property, and a front extension, to create a living room at ground floor. Above this, at first floor, there would be a side extension that would project to the existing side building line of the garage.
4. Saved Policy ENV6 of the East Herts Local Plan Second Review (2007) sets out a number of criteria for extensions to dwellings. Criterion (b) states that '*side extensions at first floor or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property*'; it is stated that '*as a general rule a space of 1m will be*

the minimum acceptable'. The proposed extension would have a spacing less than 1m at first floor.

5. I saw that the appeal site lies within a residential area where there have evidently been many examples of properties being built close to their boundaries at first floor. I am not aware of the full history of all of these, but am informed that some have been through the grant of planning permission, though the Council tell me those pre-date the Local Plan. Certain other examples were allowed as being compliant with the Local Plan or where it was considered there would be no harmful visual impact.
6. Nevertheless, a form of development that sees the first floor of properties close to the mutual boundary is so prevalent in the area that it clearly forms part of the character of the area. And of particular note in this appeal is that the appellants seek to replicate the side extension to the other half of the pair of semi-detached houses to which No. 35 is joined. There would in fact be a variation in the design, with a step-back in the front elevation and a step-down in the ridge level, whereas the adjoining property does not have such a set-back. The design proposed at No. 35 is preferable to a number of extensions in the area which have not seen such efforts to ensure the extension appears as a subordinate addition.
7. Although the proposal would not satisfy the Council's '*general rule*' that seeks a space of 1m, I acknowledge the appellants' observation that this is said in the context of criterion (b) which seeks to provide '*appropriate space*'. This indicates to me that some degree of flexibility is allowed by Policy ENV6 and that simple adherence to a standard is not the sole objective of the Policy; indeed, that clearly cannot be the case whereby the remaining criteria of the Policy all refer to an assessment being made regarding matters relating to design, character and appearance and amenity. Policy ENV5 further states that extensions to dwellings will be granted having regard to an appraisal of such matters.
8. The proposals the subject of this appeal show an extension which would have a good degree of subordination in its design and scale to the host property, and to the pair of houses. There would be a reduction in the space at first floor. However, the subordinate and appropriate design of the extension would militate against this impact. The reduction in the spaciousness at first floor would not be so great as to be harmful to the character of the area, since the variety of properties and spacing between buildings is an established part of that character.
9. It is therefore concluded on the main issue that in this instance the proposed development would be an acceptable extension to the house that would be in keeping with the character and appearance of the host property and the wider area. Thus, it would be consistent with the overall objectives of Policies ENV5 and ENV6 of the Local Plan.
10. For the reasons given, and having regard to all other matters raised, the appeal is allowed.
11. I have attached a condition requiring matching materials to the proposed extension, to ensure a satisfactory appearance to the development. I have also attached a condition specifying the approved drawings in order that the

development is in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

C J Leigh

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: 3 March 2015

Appeal Ref: APP/J1915/A/14/2228485

Eastwick Hall Farm, Eastwick, Harlow, Essex, CM20 2RA

- 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 Peter May against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1355/FP, dated 20 July 2014, was refused by notice dated 6 October 2014.
 - The development proposed is described as "change of use from a turkey barn into commercial storage (B8 Light Industrial). Change of use from a grain store into commercial storage (B8 Light Industrial).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is in part retrospective as Barn 2 is already being used for B8 purposes. However, the appeal form indicates the appeal is against the refusal of planning permission and I am required to determine the appeal as if the use had not commenced.

Main Issue

3. The main issue is the effect of the proposed development
 - on highway safety; and
 - on the living conditions of the occupants of the nearby dwellings.

Reasons

4. The appeal site is a substantial farm with a number of large agricultural buildings. Submissions from the appellant indicate the agricultural enterprise has altered and diversified over time and that some of the existing agricultural buildings on the site are no longer needed or appropriate for their original use. The appellant now operates an agricultural contracting business and two adjoining barns (Barns 2 & 3) have been altered to improve security including the provision of full height block work walls and roller shutter. These barns were used to store the contracting business machinery and as a farm workshop. However, Barn 2 has subsequently been rented out to a scaffolding company and is used for the storage of its lorries and scaffolding equipment and it is this B8 (light industrial use) the appellant wishes to retain. The appeal also relates to a separate grain store (Barn 14) that the appellant wishes to change to a B8 use.

5. The site is within the Rural Area and Policy GBC3 of the East Herts LP Second Review April 2007 (LP) does permit the adaption and reuse of rural buildings. The principle of adaptation and reuse is therefore acceptable. LP Policy GBC9 includes four criteria which the Council expects to be satisfied in order that a sustainable balance is achieved between wholesale reuse of buildings and the protection of the countryside. From the information before me the criteria would be met.

Highway safety

6. The site is some 1.5 kilometres from the village of Eastwick and is accessed via Eastwick Hall Lane which is a narrow road that runs northwards from the village. Much the lane is in a poor condition, with substantial erosion. There are some passing places but there was clear evidence of considerable damage to the verges on either side of the lane, which from the nature of the tyre tracks appeared to have been made by large vehicles. Furthermore, there are a number of public footpaths that link to or cross the Lane and there is no footpath and limited verge to enable other users of the lane to pass safely along the road and move out of the way of vehicles using it.
7. The appellant says the proposal would only add an additional four traffic movements twice a day. However, I am persuaded that this would be the case as the scaffolding business operates 4 vehicles and it is reasonable to expect that these would each be leaving and returning to the site at least once, or more each day. Furthermore, the proposal also includes the conversion of Barn 14 to a B8 use which, if allowed could be operated independently of the existing businesses on site and generate additional commercial vehicle movements.
8. I appreciate the existing agricultural activities on the site may generate considerable vehicular movements, including large agricultural vehicles and during anti-social hours. The Framework supports the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promotes the development and diversification of agricultural and other land-based industries.
9. However, the proposal would introduce a separate use on the site that could be operated independently from the agricultural enterprise and would intensify the use of the Lane. From my visit I consider the inclusion of separate commercial activities on the site would be likely to generate additional traffic. The lane is narrow and the proposal, due to an increase in vehicle activity would harm the safety of the users of the lane and lead to further erosion of the lane and area either side of it. I do not consider such harm could be ameliorated by the imposition of conditions limiting the number of vehicle movements that the businesses could generate as these would not be reasonable or enforceable.
10. My attention has been drawn to another similar site, Channoeks Farm where the appellant says a number of redundant farm buildings have been converted to other uses. I do not have the full details of these nor do I know the circumstances that led to these developments. In any case I must determine this appeal on its merits.
11. Having considered all the matters raised I conclude the proposal for the reasons set out above would conflict with the NPPF and LP Policy T20 which seeks to prevent development where the road is poor in terms of width, alignment and construction.

Living conditions

12. The structures which the appeal relates to are located within the complex of agricultural buildings. There is an extensive area of hard standing around these buildings and the dwelling, Eastwick Farmhouse, is located to the west of the buildings.
13. The proposed change of use could lead to an increase in activity and vehicle movements within the site. The nearest barn, No 2 is about 15 metres from the farmhouse and any intensification of the use of this barn would prejudice the living conditions of the occupants of the farmhouse although this would be mitigated to some extent due to the vehicles traveling away and not past the farmhouse. I therefore do not consider the proposal would harm the living conditions of the occupants of the farmhouse to a degree that would justify dismissing the appeal.
14. However, there are a number of residential properties located to the east of the site adjacent to Eastwick Hall Lane. These properties, Nos 71-73, are located close to the frontage of their plots meaning vehicles would pass very close to them. Whilst the existing agricultural enterprise may have unrestricted vehicular movements, including some at antisocial hours, the introduction of separate uses that may be operated entirely independently of the agricultural enterprise would lead to additional vehicle movements.
15. I have not been made aware of any other vehicular access to the appeal site so any additional vehicles would pass very close to Nos 71-73. In my view this would cause noise and disturbance that would harm the living conditions of the occupants of these properties. I do not consider this could be mitigated by the imposition of planning conditions restricting the number of vehicles or hours of operation. I therefore conclude the proposal would conflict with LP Policy T20 which also seeks to ensure development generating traffic on rural roads does not have a significant adverse effect on the residential properties along it.

Other matters

16. Interested parties have raised a number of issues regarding highway matters, noise, disturbance and that lorries are damaging the verges, the road and leaving debris on the lane. I have considered these matters in the main issues above.

Conclusion

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

Sarah Stevens

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/14/2229174

3 Thorley High, Thorley, Bishops Stortford, Hertfordshire, CM23 4AR

- 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 Simon Horspool against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1358/FP, dated 22 July 2014, was refused by notice dated 16 September 2014.
 - The development proposed is demolition of garage, and erection of single storey front and rear extensions, 2 storey and single storey side extensions to provide annex.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Development Plan policy; and
 - the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - if the development is inappropriate, 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.

Reasons

3. No. 3 Thorley High is an extended detached dwelling located in the Metropolitan Green Belt. It sits in a cul-de-sac within a small linear group of dwellings, between Nos. 2 and 4, and is set back from the road frontage along Thorley Street.

Whether the extensions would be inappropriate development within the Green Belt

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Consistent with the Framework, Policies GBC1 and ENV5 of the East Herts Local Plan Second

Review (2007) set out, amongst other matters, that planning permission will not be granted for inappropriate development unless it is justified by very special circumstances.

5. Types of development that are treated as exceptions to being inappropriate development are set out in criteria (a) to (i) of Policy GBC1. These include; (d) limited extensions or alterations to existing dwellings in accordance with Policy ENV5; and (f) limited infill development in Category 2 villages in accordance with Policy OSV2 (II).
6. With regard to criterion (f) the proposed extensions could not rightly be interpreted as infill development. Infill development in this context normally refers to additional new buildings located within a gap between, or to the rear of, existing buildings in a built up frontage. Moreover, in this regard I note that the exceptions to inappropriate development types listed in the Framework (para. 89) differentiate between extensions to buildings; replacement buildings; and limited infilling in villages. I therefore consider that the proposed extensions would not benefit from the exception provided by criterion (f).
7. With regard to the exception provided by criterion (d) an extension would not fall within this exception if, in relation to the size of the original dwelling, it would be disproportionate in terms of scale and size, either by itself, or cumulatively with other extensions. Additionally, it should not intrude into the openness of the Green Belt or the rural qualities of the surrounding area. This is broadly consistent with the exception for extensions set out in paragraph 89 of the Framework, which states: "*provided that it does not result in disproportionate additions over and above the size of the original building*". Original building is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally¹.
8. The Council's undisputed evidence indicates that the proposed development, in combination with previous extensions, would result in an increase in floor area of more than 100% over the original building. On this basis, comparing the original building to the one that would result if the proposal were allowed, I conclude that it would be a disproportionate addition. Consequently, it would be inappropriate development which is, by definition, harmful to the Green Belt.

Openness of the Green Belt and the character and appearance of the area

9. Openness (the absence of built development) is an essential characteristic of the Green Belt.
10. Although it does not provide a separate exception from being inappropriate development in the Green Belt, Policy ENV8 permits extensions for residential annexes. I consider that the proposed development would meet the criteria of Policy ENV8 and, contrary to the Council's view; I consider it would be compatible with the design, character and appearance of the existing building and the area. In this regard I find it would not materially conflict with Policies ENV1, ENV5, ENV6 or ENV8.
11. However, the extensions nonetheless would add to the overall size of the original building, and hence would also incrementally reduce the openness of

¹ National Planning Policy Framework, page 54, Annex 2, Glossary.

the Green Belt. Consequently, there would be a limited degree of harm from this in addition to the harm I have identified in respect of the proposal being inappropriate development in the Green Belt.

Other considerations

12. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt resulting from inappropriateness. Added to that is the limited degree of harm I have previously identified which would result from the reduction in openness of the Green Belt. Any other considerations must clearly outweigh all of this harm.
13. I acknowledge that other houses have been extended within Thorley High, but I do not have detailed information as to the circumstances in which those extensions were considered to be acceptable with regard to the Green Belt. In any event, I cannot be sure that they are directly comparable to the appeal proposal before me, which I am required to determine on its own merit. Accordingly, I attach only limited weight to this matter in support of the appeal.
14. The appellant's evidence includes detailed information with regard to the medical and welfare needs of family members; a matter to which I attach due weight. However, on balance, I also attach some weight to the Council's argument that it is likely that the proposed development would remain long after the current personal circumstances cease to be material justification in support of the appeal.
15. In conclusion; the proposal would be inappropriate development within the Green Belt, which by definition is harmful, and to which I am required to attach substantial weight. Added to that is a limited degree of further harm resulting from the reduction in the openness of the Green Belt. For the reasons set out above I conclude that the harm I have identified would not be outweighed by very special circumstances. As such, the proposed development would conflict with Policies GBC1 and ENV5 and the provisions of the Framework.

Conclusion

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

Thomas Shields

INSPECTOR



Appeal Decisions

Site visit made on 20 April 2015

by **Kenneth Stone Bsc(Hons) DipTP MRTPI**

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

Decision date: 08 May 2015

Appeal Ref: **APP/J1915/A/14/2229245**

14 Violets Lane, The Old Brewery, Furneux Pelham, Hertfordshire SG9 0TS

- 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 R Rospo against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1499/FP, dated 15 August 2014, was refused by notice dated 8 October 2014.
 - The development proposed is insertion of one roof light in rear elevation.
-

Appeal Ref: **APP/J1915/E/14/2229242**

14 Violets Lane, The Old Brewery, Furneux Pelham, Hertfordshire SG9 0TS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Rospo against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1500/LB, dated 15 August 2014, was refused by notice dated 8 October 2014.
 - The works proposed are the insertion of one roof light in rear elevation.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the insertion of one roof light in rear elevation at 14 Violets Lane, The Old Brewery, Furneux Pelham, Hertfordshire SG9 0TS in accordance with the terms of the application, Ref 3/14/1499/FP, dated 15 August 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: Barrie Thomas Chartered Architect Plan numbers 1895-6, 1895-7, location plan and block plan.

Appeal B

2. The appeal is allowed and listed building consent is granted for the insertion of one roof light in rear elevation at 14 Violets Lane, The Old Brewery, Furneux Pelham, Hertfordshire SG9 0TS in accordance with the terms of the application Ref 3/14/1500/LB, dated 15 August 2014 and the plans submitted with it subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.

- 2) Prior to any works hereby approved being first commenced, detailed drawings of the new window which it is proposed to install, including sections, clearly showing the position of the window frame in relation to the face of the roof, the adjoining windows, dimensions and design details shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 3) Following completion of the works for which consent is hereby granted, all making good of the existing roof shall be carried out in materials that closely match those used in the existing roof.

Main Issues

3. The main issues are the effect of the proposals on; firstly, the special architectural and historic interest of the listed building; and secondly, the setting of the adjoining listed buildings.

Reasons

4. The appeal property is located in a converted building forming part of an assemblage of buildings that were once a 19th Century brewery. It is located within a building identified in the listing description as the 'former coopers' shop, part brick, part weather boarded, slate roof, two-storey'. The dwelling is a mid terrace property formed when the original building was converted into residential dwellings in the mid 1990s. The special architectural and historic interest is derived from the previous historical use and associations, the design of the buildings as individual pieces and as a group.
5. The previous works to convert the building have resulted in the introduction of a number of alterations and additions to the original building. Included in these additions are the roof lights spread across the rear elevation. At my site visit it was apparent these were modern additions and there are no references to openings in the slate roof in the listing description. Whilst there has been a regular pattern produced in the insertion of these modern additions which is reasonably pleasing they do not add to the historic interest of the building or substantively to its architectural interest. In this regard these elements do not contribute to the significance of the heritage asset.
6. In considering whether to grant planning permission or listed building consent I am statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Listed Building

7. The proposed new roof light would be a small element in the large expanse of the existing roof slope. This roof slope has already had a number of double roof lights inserted into it, which has already had its plainness and integrity altered. The addition of a window of similar proportions and along a similar alignment of the existing upper level roof lights would to my mind not significantly alter that existing situation. Whilst the existing arrangement has a degree of symmetry and pattern, the proposed roof light would align with the existing upper level roof lights and would be located towards the end of the block; it would therefore be read with the upper level pattern of openings. The lower levels of the roof slope are screened by mature vegetation in longer

views from outside the site, and given the shallow rear gardens the roof slope is not readily visible from ground level.

8. On this basis I conclude that the proposals would not affect the special architectural and historic interest of the listed building, including its setting. Consequently the proposal would not conflict with policies ENV1 and ENV5 of the East Herts Local Plan Second Review, April 2007 (EHLPSR).

Setting of Listed Buildings

9. The Council are also concerned that in making alterations to this building the proposals would adversely affect the setting of the remaining dwellings within the original listed building and the wider grouping, which are also grade II listed. The proposed roof light is however, as referred to above, a minor element in the roof slope which would not affect the architectural or historic interest of the building itself. The roof light would not be visible from within the complex of buildings that form the original brewery site and would only be visible from limited views outside the site and over reasonably distant views. Public locations where the rear of the site is visible are some distance away and are filtered by existing vegetation. The proposed roof light would not hold a key or dominant position on the roof and would draw little attention. It would be read in combination with the other roof lights, which are all later additions and do not contribute to the significance of the heritage asset. The proposed window would not therefore affect the setting of the adjoining dwellings, which are located within the same listed building, and would not affect the setting of the wider assemblage of buildings.
10. On this basis I conclude that the proposals would not affect the setting of the adjoining listed buildings. Consequently the proposal would not conflict with policies ENV1 and ENV5 of the EHLPSR.

Conclusions and conditions

11. Conditions are required regarding timing and compliance with the approved plans. It is also necessary to require details of the design of the proposed roof light as the existing detail in the submitted plans is limited. It is also appropriate to ensure that any disturbance to the roof slope around the new opening is 'made good' using matching materials. I have imposed conditions to achieve these ends.
12. For the reasons given above I conclude that the appeals should be allowed.

Kenneth Stone

INSPECTOR



Appeal Decisions

Site visit made on 14 April 2015

by **Stephen Brown MA(Cantab) DipArch RIBA**

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

Decision date: 11 May 2015

Appeal Ref: APP/J1915/W/15/3002407

Porch Cottage, High Street, Widford SG12 8RA

- 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 by Mr and Mrs Mike Brownhill against the decision of East Hertfordshire District Council.
 - The application ref. 3/14/1549/FP, dated 22 August 2014, was refused by notice dated 21 October 2014.
 - The development proposed is a two-storey rear extension, front garden wall and reinstated front porch roof.
-

Appeal Ref: APP/J1915/Y/15/3002410

Porch Cottage, High Street, Widford SG12 8RA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is by Mr and Mrs Mike Brownhill against the decision of East Hertfordshire District Council.
 - The application ref. 3/14/1550/LB, dated 22 August 2014, was refused by notice dated 14 October 2014.
 - The works proposed are the demolition of existing outbuildings and construction of a two-storey rear extension; removal of the privet hedge from the front garden and construction of a low-level garden fence, and reinstating the front porch roof.
-

Decisions

Appeal Ref: APP/J1915/W/15/3002407

1. The appeal is dismissed insofar as it relates to the demolition of existing outbuildings and construction of a two-storey rear extension. The appeal is allowed, insofar as it relates to removal of the privet hedge, construction of a low-level garden fence, and reinstatement of the front porch roof and planning permission is granted for removal of the privet hedge from the front garden, construction of a low-level garden fence, and reinstating the front porch roof at Porch Cottage, High Street, Widford SG12 8RA in accordance with the terms of the application ref. 3/14/1549/FP, dated 22 August 2014, and the plans submitted with it, subject to the following conditions: .
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 2924-OS1; 2924- OS2; 2924-E10, and 2924-P10 rev. A, insofar as they relate to the approved development.

- iii) No development shall take place until details/samples of the bricks, mortar, and type of pointing to be used in the construction of the walls and railings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- iv) The railings hereby permitted shall be painted white, and remain that colour in perpetuity.

Appeal Ref: APP/J1915/Y/15/3002410

2. The appeal is dismissed insofar as it relates to the demolition of existing outbuildings and construction of a two-storey rear extension. The appeal is allowed insofar as it relates to removal of the privet hedge, construction of a low-level garden fence, and reinstatement of the front porch roof, and listed building consent is granted for removal of the privet hedge from the front garden, construction of a low-level garden fence, and reinstating the front porch roof at Porch Cottage, High Street, Widford SG12 8RA in accordance with the terms of the application ref. Ref 3/14/1550/LB, dated 22 August 2014, and the plans submitted with it, subject to the following conditions:

- i) The works hereby permitted shall begin not later than three years from the date of this decision.
- ii) The works hereby permitted shall be carried out in accordance with the following approved plans: 2924-OS1; 2924- OS2; 2924-E10, and 2924-P10 rev. A, insofar as they relate to the approved works.
- iii) No works shall take place until details/samples of the bricks, mortar, and type of pointing to be used in the construction of the walls and railings hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- iv) The railings hereby permitted shall be painted white, and remain that colour in perpetuity.

Preliminary matters

3. Porch Cottage is a Grade II listed building standing within the Widford Conservation Area. I have therefore paid special regard to the desirability of the preserving the listed building, its setting and of any features of special architectural or historic interest which it possesses, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. From my inspection of the appeal site and its surroundings, and from the written representations made I consider the main issue in this appeal to be the effect of the proposals on the special interest of the listed building, and on the character and appearance of the Conservation Area.

Reasons

5. The appeal property is a two-storey house - formerly a shop and house - timber framed above a brick base, with a slate roof hipped at the southern end. The external walls are predominantly finished in painted render, but there is black painted weatherboarding on the southern end wall. At the northern end the house abuts the somewhat higher Green Man public house. There are

single storey flat roofed extensions at the back of the house. That to the south is a somewhat basic structure with single skin brick walls, and a translucent sheet roof, previously a store connected with the shop. That to the south is a more substantial brick structure with a felted roof, containing a kitchen, dining room, and a WC. The two are linked by an open porch structure. The extensions connect into the main body of the house by means of an opening some 2 metres wide between the dining room and the sitting room, and a door from the kitchen into the hall.

6. The original house was clearly one room deep, although I understand the single storey extensions may have replaced an earlier outshut. However, such small scale extensions to the rear would be subordinate to the main building, and in my opinion much of the special architectural interest of the house lies in its narrow linear form, and delicate scale.
7. The proposed two storey extension would be about 8.5 metres wide and take up slightly more than half the width of the back of the house. Its depth of about 5 metres would be about the same depth as the main body. The roof would have a hipped southern end. The back wall of the single storey part of the extension would be on the line of the existing back wall, and there would be a pitched lean-to roof.
8. The existing building is organised essentially with the principal rooms in a linear arrangement within the main body, with relatively minor or service rooms to the rear on the ground floor. The proposed extension would significantly change this to an organisation with principal rooms double-banked to front and rear. The linear organisation – which is a typical form for modest domestic buildings of the 17th century – would become largely obscured, detracting from the significance of the listed building.
9. The two-storey part of the extension would have slightly more than half the volume of the main body, and would be a bulky and dominating feature of the building. This would be particularly apparent from the southern gable end, which would be more or less doubled in width. I note the increase in floor area would be about 24%. However, I regard the claim that this would be a modest increase in size as questionable, and I consider the delicate scale of the house would be significantly harmed by the size of the addition.
10. Overall, I consider the two-storey extension would be of such bulk that it would dominate the existing building, and much of the delicate scale would be lost. This extension would also result in loss of the basic linear organisation.
11. It is apparent from the drawings that little consideration has been given to the junction of the new roof with the existing. This would entail cutting back the projecting eaves and formation of a valley gutter, inevitably resulting in some loss of historic roof fabric. This aspect of the scheme has not been investigated to my knowledge, but in the absence of information as to the significance of any lost material, this aspect adds weight to my conclusions on harm to the special interest of the listed building.
12. The single-storey part of the extension would have little effect on the scale or organisation of the building, and the lean-to roof would be an improvement as compared with the existing flat-roofed extension. However, it is part and parcel of the overall scheme of extension, and cannot reasonably be separated from this. While removal of the flat roofed structures from the back of the

house could be desirable, I do not accept that this should be at the expense of causing such harm to listed building interests.

13. The Widford Conservation Area comprises the majority of the developed part of the village together with outlying fields and open spaces. The High Street has numerous historic buildings, with some relatively modern buildings interspersed. The flank of the two-storey extension would be prominently visible when looking, or walking along the Public Right of Way running immediately to the south of appeal property, which gives access to a housing development beyond. Porch Cottage occupies a central position within the village, and makes an important contribution to the attractive street scene. I consider the addition of this bulky extension would cause significant harm to the appearance of the building, and to that of the wider Conservation Area.
14. Considering proposed works to the front of the house, the proposed wall and railings would be quite appropriate to the building in terms of their scale and overall appearance, and would be very similar to other traditional boundary treatments in the vicinity. Provided the materials and the colour of the railings were subject to control - by imposition of appropriate conditions - I consider this element of the proposals would be acceptable. Furthermore, the porch roof would be a like-for-like replacement of the existing one, and again this would be acceptable.
15. I conclude on the main issue that the front wall and railings, and reinstatement of the porch roof would have a neutral effect, and would not cause harm to the special interest of the listed building, or to the character and appearance of the Conservation Area. These elements of the proposals would accord with the aims of Local Plan Policy ENV1, which seeks to achieve a high standard of design in new development, and Policy BH6 which seeks to ensure new development respects conservation area interests. However, the demolition of the outbuildings and construction of the rear extension would cause significant harm to the special interest of the listed building, and to the character and appearance of the Conservation Area. In this respect the proposals would not accord with the aims of Local Plan Policies ENV1 and BH6. Furthermore, paragraph 132 of the National Planning Policy Framework (NPPF) advises that great weight should be given to the conservation of heritage assets such as listed buildings when considering the impact of proposed development. I do not consider this part of the proposal would promote the building's proper conservation.
16. The harm to the significance of heritage interests would be less than substantial, and paragraph 134 of the National Planning Policy Framework (NPPF) advises that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the extension would be for entirely private benefit, and there is no question that its use needs to be secured. It follows that the proposed works of extension would not be justified in this way.

Conclusions

17. I have considered all other matters before me, including the argument that the Council have no objection in principle to a two-storey extension. However, that consideration was in the context Local Plan Policy ENV5, which is concerned with extensions to dwellings in villages such as Widford, lying within the rural area outside the Green Belt. This took no account of potential harm to heritage

interests, and does nothing to outweigh the harm I have identified. I find neither this nor any other matter sufficient to outweigh the considerations that have led me to my decision.

18. For the reasons given above, I consider that the appeal should be dismissed insofar as it relates to the rear extension, and allowed subject to conditions, insofar as it relates to the removal of the privet hedge from the front garden, construction of a low-level garden fence, and reinstatement of the front porch roof.

Stephen Brown

INSPECTOR



Appeal Decision

Site visit made on 20 April 2015

by **Kenneth Stone Bsc(Hons) DipTP MRTPI**

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

Decision date: 05 May 2015

Appeal Ref: APP/J1915/E/14/2229126

8, 10 and 12 Railway Street, Hertford, Hertfordshire SG14 1BG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Landon Kulick against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1553/LB, dated 22 August 2014, was refused by notice dated 17 October 2014.
 - The works proposed are to partially remove the rear ground floor chimney breasts to numbers 10 and 12, to block up an existing door opening and to create a new door opening to the staircase that leads down to the basement.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed works on the special architectural and historic interest of the buildings which are grade II listed.

Reasons

The appeal premises are identified as 8, 10 and 12 Railway Street and are located in the core of the historic town centre of Hertford. The proposal seeks consent for internal works to numbers 10 and 12 only. The list description identifies Nos. 10 and 12 as early to mid 19th Century houses, with the conversion to shops being a possible later alteration. The properties provide evidence of the evolution of the commercial development of this market town. The list description further notes that the properties have a cross wall construction. Along with the evidence of the changing commercial development of the town, the architectural detail, historic fabric, construction method and plan form contribute to the special architectural and historic interest of these properties.

4. The proposed works include the removal of the rear chimney breasts from within numbers 10 and 12 Railway Street and the creation of a new door opening down to the basement in number 12. At the time of my visit the premises had not been substantially altered. However, various consents and permissions exist which would allow for, amongst other things, the removal of the front chimney breasts, internal staircases and sections of the cross walls in numbers 12, 10 and 8; as well as the insertion, in number 12, of a new

residential staircase and entrance way to the upper floors of the premises. The effect of the implementation of those alterations would be to open up the ground floor area to allow for one large retail unit across the ground floor of all three properties.

5. In considering whether to grant listed building consent I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The previous works that have been granted consent would remove a significant proportion of the cross wall and existing features on the ground floor of the premises. In a related appeal decision APP/J1915/E/12/2187267 the Inspector concluded that the front chimney breasts would appear as isolated elements with limited architectural or historic significance. He arrived at this conclusion, based in part, on previous approvals for the removal of the internal staircases and elements of the cross walls, which would leave the front chimney breasts exposed and isolated. He was further satisfied that the formation of a downstand from the retained portion of the chimney breasts, below the ceiling line, would assist in reflecting the original plan form. These conclusions however were reached in the context of the retention of the two chimney breasts to the rear of the shops, to which he had specifically drawn attention.
6. The cumulative effect of the existing consents along with that now sought would be to remove all but very small sections of the original cross wall construction to the ground floor. Whilst the downstand treatment for the front chimney breasts is proposed for the rear chimney breasts, the original plan form would be almost completely lost. The appellant suggests that the downstands would be read as an historic vestige which would assist in retaining the interpretation of the original plan form as suggested in the previous decision. However, with the context from retained features in the building being significantly reduced by the removal of the rear chimney breasts, which were still maintained in the previous scheme, the downstands would, to my mind, be of limited value.
7. The rear chimney breasts have retained fire places within them, albeit that the one in number 10 was covered at the time of my site visit. The hearths and surrounds remain in place and although the fire places are not original they provide evidence to demonstrate the evolution of the buildings, which would be lost by their removal. The loss of the chimney breasts would also result in further loss of original fabric from the building.
8. For the reasons given above I conclude that the proposed works would harm the special architectural and historic interest of the buildings. The harm would arise through the loss of internal features that contribute to understanding the plan form of the building, the original construction and how this has reflected its historic commercial development.
9. The proposed works to the new door way would alter a new approved structure accommodating a residential entrance to the upper floors of the building which would have limited impact on the interpretation of the original plan form or the method of construction.
10. The harm I have identified, whilst affecting elements that contribute to the significance of the listed building, would in my view be less than substantial. Paragraph 134 of the National Planning Policy Framework states that where a development will lead to less than substantial harm, this harm should be

weighed against the public benefits of the proposal including securing its viable use. The appellant has indicated that it is very important to remove the chimney breasts to visually open up the retail unit so that it becomes a viable retail space for the future. It is contended that the footprint of the chimney breast take up a disproportionate amount of potential retail space and conceal the centre and rear parts of the shops. There is little substantive evidence before me about the letting difficulties it is suggested exist for small units in the town. Indeed at the time of my visit the premises were occupied and the Council have noted in the officer report that there is no significant history of vacancy. On this basis it has not been established that the works are necessary to secure the long term future of the heritage asset. There appears to be opportunities for small scale operators, as at present, or indeed there are consents and permissions in place that would allow for the amalgamation of the units into one large unit with no further interventions. In the immediately surrounding area there was no significant evidence of vacancy or smaller units being difficult to let. The benefit that would derive from the proposed works, whilst addressing the needs or desire of the appellant to create a larger unit, would not amount to a public benefit and is not necessary to secure the long term future of the heritage asset. It would not therefore be sufficient to outweigh the harm to the significance of the listed building from the proposed works, to which I have given considerable importance and weight.

Conclusions

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

Kenneth Stone

INSPECTOR

Appeal Decision

Site visit made on 20 April 2015

by Clive Tokley MRTPI

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

Decision date: 28 April 2015

Appeal Ref: APP/J1915/D/15/3003211

34 Bengoe Street, Hertford, SG14 3ES.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Gary Bullen against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1670/FP, dated 11 September 2014 was refused by notice dated 31 October 2014.
 - The development proposed is partial replacement of ground floor of existing back addition and additional first floor extension above. New window to side elevation.
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Decision

1. The appeal is dismissed.

Introduction and Main Issues

2. In the interests of clarity and brevity I have used the shortened form of the description used by the Council. The application is submitted jointly with a similar proposal for an extension at No 36 Bengoe Street (ref APP/J1915/D/15/3003148). Each of the appeals is determined on its own merits but I am conscious that neither would proceed in the absence of the other and I have considered each appeal on that basis.
3. The main issues for this appeal are:-
 - a. Whether the proposal would preserve or enhance the character or appearance of the Hertford Conservation Area (CA).
 - b. The effect of the proposal on the living conditions of the occupiers of No 32 Bengoe Street as regards outlook.

Reasons

Character and appearance

4. The appeal property lies towards the northern end of the extensive CA which includes the historic centre of Hertford and the surrounding mainly residential areas. No 34 is a semi-detached house (with No 36) within a row of five similar semi-detached pairs on the east side of Bengoe Street. The gabled fronts of the houses are finished in decorative brickwork and whilst most have replacement
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windows the original character of the group is retained. The backs of the houses all have rear projections resulting in a more varied in appearance. The majority of these are single-storey but at each end of the row (No 40 at the north and 22, 24 and 26 at the south) the houses have two-storey additions. The extensions can be glimpsed from Bengo Street through the narrow gaps between the pairs; however the two storey additions and the roofs of the single storey projections can be more clearly seen across the rear gardens from Trinity Grove which runs at right angles to Bengo Street. From the appeal site I saw further examples of two-storey and single-storey extensions in Trinity Grove.

5. The proposal in combination with that at No 36 would result in an almost full-width, symmetrical two-storey extension. The two storey extension would project back at least twice the depth of the two-storey extension at No 40 and the bulk and depth of the pair of extensions would conflict with the scale of the houses. The roof would have a slacker pitch than the host house and the proposed hipped design would contrast with the gabled roofs of both the original houses in the group and their extensions. The timber cladding and half dormers would not be characteristic of the immediate area where brick buildings (with some painted or rendered) dominate.
6. The appellant draws attention to the other rear extensions in the area and indicates that there are numerous examples of weather boarding in the CA. My impression was that the rear-ward projection would be of a similar depth to the extensions at the southern end of the group; however those extensions are narrower and their gable-roofed design and brick walls are more in tune with the character of the area. Further, the proposal would be more prominently in view from Trinity Grove resulting in a more harmful effect on the character and appearance of the area. The extension at No 40 is wider and bulkier than those to the south and is more prominent; however its rearward projection is much less than that proposed at No 34 and its design is more in keeping with the character of the houses in the group.
7. The CA includes an extensive area within which are buildings and groups of buildings of different characters. I consider that as a result of their bulk and incongruous appearance the extensions would detract from the distinctive character of this group of buildings in the CA and would be harmful to the significance of the CA. The harm to the heritage asset would be "less than substantial" as indicated by the National Planning Policy Framework (the Framework); however I have not identified any public benefit that would outweigh that harm.
8. The proposal would conflict with Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 (LP), which indicate that all developments should be well designed having regard to their context, and policy BH5 which specifically indicates the need for extensions in conservation areas to be sympathetic to the host building, adjacent buildings and the character and appearance of the area. Whilst these policies pre-date the Framework they are consistent with two of its objectives which indicate that planning should always seek to secure high quality design and that development should have regard to the significance of heritage assets.

Living conditions

9. The narrow space between the single storey projections at the appeal property and No 32 provides the outlook from the side-facing kitchen window and rear-facing window in the back wall of No 32. The appellant draws attention to the 4.1m eaves but the eaves would be 1.8m higher than those of the existing rear extension and would be much closer to the side boundary and windows of No 32.
10. As a result of its height, length and proximity the proposal would be a dominating presence when seen from the kitchen and rear window. The kitchen is also lit by a glazed door facing the rear garden but I consider that as a result of its height and depth at the back of the house the proposal would be an unacceptably overbearing structure that would be significantly harmful to the outlook from No 32.
11. The appellant indicates that reflected light from the proposal would benefit the occupants of No 32 and points out that no objections were received from the occupiers of neighbouring properties; however those observations do not overcome my concern that as regards outlook the living conditions of both the existing and future occupiers of No 32 would be materially harmed by the proposal.
12. On this issue I conclude that the proposal would conflict with LP Policies ENV1, ENV5 and ENV6 which indicate that proposals should not significantly detract from the amenities of the occupiers of neighbouring property and with one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

13. Taking account of all matters I have concluded that the appeal would neither preserve nor enhance the character or appearance of the Hertford Conservation Area and that it would be unacceptably harmful to living conditions of the occupiers of No 32 Bengo Street as regards outlook. I therefore conclude that the appeal should not succeed.

Clive Topley

INSPECTOR