



Appeal Decision

Site visit made on 20 July 2015

by **M Brookes BA MSc MRTPI**

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

Decision date: 17 August 2015

Appeal Ref: APP/J1915/D/15/3031310

Manor Wood, Pembridge Lane, Broxbourne, Hertfordshire, EN10 7QR

- 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 M Spires against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/2188/FP, dated 30 December 2014 was refused by notice dated 25 March 2015.
 - The development proposed is the retention of existing residential dwelling house, modifications to the remaining site buildings and the change of use of these buildings from forestry/agricultural to short let holiday homes.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt and on the character and appearance of the area; and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' necessary to justify it.

Reasons

Whether inappropriate development

3. The appeal site lies within the Metropolitan Green Belt. It comprises woodland and a cleared area in which there are five buildings. There are two former poultry houses (Buildings A and B), a former stables (Building C) a barn and workshop with living accommodation (Building D) and a detached dwelling (Building E).
4. The appeal proposal seeks permission for the existing residential use of Building E and for the conversion of the other buildings to form short let holiday homes, a site office and accommodation for a site manager. The erection of a freestanding solar panel structure is also proposed.

5. The National Planning Policy Framework (the Framework) sets out various forms of development that are not inappropriate in the Green Belt. It explains that provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, the re-use of buildings (provided that they are of permanent and substantial construction) is not inappropriate development in the Green Belt. The extension or alteration of a building is also not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. New buildings, other than in specified circumstances, are inappropriate in the Green Belt.
6. Saved Policy GBC1 of the East Herts Local Plan Second Review (2007) (LP) generally reflects the Framework but states that the adaptation and re-use of rural buildings in accordance with Policies GBC9 and GBC10 will not be inappropriate. Policy GBC9 states that permission will be granted for such development for business, leisure, tourism and other purposes compatible with the rural area provided that all of the criteria specified in the policy are satisfied. These criteria include the building being permanent and soundly constructed and not requiring complete or substantial reconstruction before adaptation to a new use. A further criterion is that the proposal is sympathetic to the rural character and appearance of the building, not requiring extensive alterations or anything other than minor extensions to accommodate it.
7. Policy GBC9 pre-dates the Framework but I am satisfied that those two criteria are in line with the thrust of national policy. I am not however satisfied that the additional criteria in Policy GBC10, which relate to the change of use of an agricultural building, are wholly consistent with the Framework and I note that the Council has not raised any objection on the grounds of conflict with that policy.
8. There is no detailed structural survey of the existing buildings but the drawings illustrate and describe the buildings and the proposed conversion works.
9. Buildings A and B are constructed with concrete walls with external timber cladding and with pitched tile-clad roofs. The drawings describe them as being in dilapidated condition and provide no information about the foundations beneath the thin concrete walls. The proposed works drawings show extensive foundations and refer to 'foundations strengthened as necessary'. The addition of an internal skin to form a cavity construction with external timber cladding is also described although the drawings show an increase in the depth of the buildings both internally and externally and changes to the roof dimensions.
10. Although the extensions would not be disproportionate I am not satisfied that these buildings are of permanent and substantial construction and that the development as a whole would not amount to complete or substantial reconstruction of their walls and roofs and in effect comprise the erection of new buildings. As such, I consider the re-use of these buildings to be inappropriate development as defined in the Framework and the LP.
11. Building C and the proposed works to it are described in similar terms to Buildings A and B on the application drawings. In this case, however, the dimensions of the converted building are consistent with the addition of an internal skin and my site inspection revealed walls of substantial blockwork construction. The Council accepts that the building is substantial and of reasonably sound construction and capable of conversion to the proposed use.

I am also satisfied that the building would satisfy the tests in the Framework and LP and that this element of the proposal would not be inappropriate development.

12. Building D is described as being in need of repairs. It largely comprises a steel framed barn. Its rear wall is constructed with a rendered blockwork base with steel sheeting above. Its front is entirely open. One side is also largely open and the other is enclosed by timber boarding and by a single storey building which is constructed with blockwork walls clad in timber boarding and a pitched tile clad roof. This single storey building, which is in residential use, extends into the barn.
13. The proposal includes new walling incorporating the existing steel frame to the open sides of the barn, 'external walls to have additional skin internally, to form cavity construction' but also external facing brickwork to ground floor level. Foundations would be strengthened as necessary. A new first floor and a timber framed and tile clad roof would be constructed. Window and door openings would be created on all three exposed elevations
14. It is not clear whether any of the limited existing walling would remain and whether any of the foundations are capable of supporting the proposed structure but, even if they were, I consider the identified works would not comprise the re-use of an existing building but of its reconstruction for the proposed use. It would also result in a building that would have the appearance of a row of terraced houses which would not be sympathetic to the rural character and appearance of the existing building. Consequently the proposal for Building D would be inappropriate development.
15. Building E appears to be of permanent and substantial construction but was the subject of a temporary planning permission granted in 2002. The works involved in creating the dwelling, the basis of which the permission was granted and its terms have not been made wholly clear in the appeal submissions and it is not the purpose of this appeal to determine whether the existing use is lawful as the Council's submission submits may be the case. I am therefore unable to reach a definitive conclusion about whether the continued residential use would be inappropriate development and/or lawful. Separate provisions are available for the lawfulness of the use to be determined.
16. The proposed solar panel structure, which would be over 10 metres in width and 3 metres in height, would not be a building or structure that is expressly excluded from the definition of inappropriate development in the Framework and so should be considered to be inappropriate.
17. In summary, the proposal largely comprises inappropriate development which is, by definition, harmful to the Green Belt. Such development should not be approved except in very special circumstances.

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

18. The Framework identifies openness as an essential characteristic of Green Belts. It also sets out a number of core principles including that planning should protect Green Belts, recognising the intrinsic character and beauty of the countryside. Saved LP Policy ENV1 states that all development proposals will be expected to be of a high standard of design and to reflect local distinctiveness.

19. The proposed works to Buildings A, B and C would have no material effect on the openness of the Green Belt or the character or appearance of the area. However, the complete enclosure of Building D and its reconstruction in a form that has the appearance of a terrace of two storey houses would cause some loss of openness and would be of essentially urban form and harmful to the rural character and appearance of the area. This would not reflect a high standard of design which reflects local distinctiveness in accordance with Policy ENV1.
20. The proposed solar panels would be a substantial structure and would also cause some loss of openness in the Green Belt. It would be an intrusive feature in the countryside and would be quite visible over the relatively open land to the east from where it would largely fill the gap between Buildings B and C.

Other considerations

21. The Council has referred to a planning obligation which it suggests requires the removal of Buildings A and B. However, I have not seen the obligation and it is not the purpose of this appeal to determine whether its provisions can and should be enforced. I have not therefore attached weight to it in determining the appeal.
22. The proposal would help to support a prosperous rural economy and in particular rural tourism which is promoted and supported by the Framework. LP Policy LRC10 also allows for tourism development in the countryside but refers to the adaptation and re-use of existing buildings for small-scale visitor accommodation, not to new or reconstructed buildings. I also note the support provided by local residents and businesses. In addition, the development could include new landscaping and site works that would improve the appearance of the land.
23. The Framework and LP also support in principle the development of renewable energy such as solar panels although LP Policy SD3 explains that these will be judged primarily on their visual impact. The contribution to renewable energy supply in this case from an array of solar panels located close to and to the north of Building C and facing east would however be relatively limited.
24. The Framework makes it clear that 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.
25. In this case, with or without the solar panels, the harm to the Green Belt by reason of inappropriateness and loss of openness and the harm to the character and appearance of the area are not clearly outweighed by other considerations. Very special circumstances to justify the development do not therefore exist.

Conclusion

26. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

M Brookes

INSPECTOR

Appeal Decision

Site visit made on 18 August 2015

by **D M Young BSc (Hons) MA MIHE**

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

Decision date: 28 August 2015

Appeal Ref: APP/J1915/D/15/3035688

11 Tailors, Bishops Stortford, Hertfordshire CM23 4FQ

- 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 J Greenhow against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/2293//FP, dated 22 December 2014, was refused by notice dated 24 February 2015.
 - The development proposed is a first floor extension over the garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner above has been taken from the Council's decision notice as it is more succinct than the version provided on the application form.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 9 Tailors with particular regards to outlook.

Reasons

4. The appeal property is located on a short cul-de-sac within a modern residential estate which comprises a mix of housing styles. The proposed extension would be built above an existing double garage and on the same footprint. It would effectively substitute a single for a two-storey structure.
5. No 9 is a two-storey, mid terrace property located immediately south of the existing garage. The appellant puts the distance between the two properties at approximately 12 metres. From my site visit, I saw that the rear elevation of No 9 contains habitable room windows on the ground and first floor. A small rear garden extends northwards and is separated from the appeal property by a timber fence and a narrow rear passageway. The distance between the garden fence and the existing garage wall of No 11 is approximately 2.5 metres.
6. The extension would increase the height of the garage by about 2.8 metres which would extend across the full width of No 9. The proposal would therefore introduce a tall addition at close quarters to the rear of No 9 that would

significantly diminish the degree of outlook from its rear windows and garden area.

7. I therefore conclude that due to its length, height and proximity to the boundary the proposal would have an overbearing presence which would make the rooms and garden of the dwelling a less pleasant living environment. This would be harmful to the living conditions of the occupants of 9 Tailors with particular regards to outlook. The harm would be exacerbated by the steep roof pitch. The proposal would therefore be in conflict with policies ENV1 and ENV5 of the East Herts Local Plan Second Review 2007, which amongst other things, requires new development to respect the amenity of occupiers of neighbouring buildings.
8. I acknowledge that a similar situation exists between the side gable wall of the appeal property and No 10. However, this relationship is intrinsic to the original estate layout which is different to the circumstances before me whereby the appeal scheme would deprive the occupiers of an existing property an outlook that they would otherwise continue to enjoy.
9. The appellant has drawn my attention to other two storey extensions nearby, specifically the addition at 43 The Carpenters. Whilst I acknowledge the similarity between the two schemes in design terms, there are no details before me relating to the effect of that proposal on the living conditions of neighbouring occupiers. Accordingly, there is no evidence to suggest it is a comparable example and so I have afforded it little weight.
10. I have had regard to all other matters raised including the appellant's desire to create additional living space for his family however, this does not alter or outweigh my conclusions on the main issue.
11. For the reasons given above I conclude that the appeal should be dismissed.

D. M. Young

Inspector



Appeal Decision

Site visit made on 10 August 2015

by **M Brookes BA MSc MRTPI**

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

Decision date: 17/08/2015

Appeal Ref: APP/J1915/D/15/3031292

20 Coanwood Cottages, Wareside, Ware, Hertfordshire, SG12 7RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Todd against East Hertfordshire District Council.
 - The application, Ref 3/15/0181/FP, dated 28 January 2015 was refused by notice dated 26 March 2015.
 - The development proposed is a rear and side two storey extension and a single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear and side two storey extension and a single storey front extension at 20 Coanwood Cottages, Wareside, Ware, Hertfordshire, SG12 7RT in accordance with the application, Ref 3/15/0181/FP, dated 28 January 2015, 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: 2075.P.001, 2075.P.002, 2075.P.003, 2075.P.004 and 2075.P.005.
 - 3) 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.

Main issue

2. The main issue is the effect of the two storey rear extension on living conditions at 19 Coanwood Cottages in terms of outlook and daylight.

Reasons

3. Nos 19 and 20 Coanwood Cottages comprise a pair of semi-detached houses each of which has a two storey rear wing that is set off the boundary between the two properties. In addition there is a single storey extension at 19 Coanwood Cottages that abuts the common boundary.
4. The appeal proposal includes an increase in the width and depth of the existing two storey wing and a single storey extension up to the boundary with 19 Coanwood Cottages. The Council's submission is that the two storey extension

would result in an unacceptable loss of light and outlook in a first floor bedroom at 19 Coanwood Cottages because of its size and proximity to the window serving that room. The effects on daylight and outlook are considered to be compounded by the location of the proposed extension to the south and by the proximity of the existing two storey wing at the adjacent property. In these circumstances the Council considers that, although a 45 degree angle from the centre of the bedroom window would remain, it is not an appropriate guideline of acceptability and that the existing and proposed extensions would consequently have a 'tunnelling effect'.

5. The affected bedroom window is in the rear wall of the main range of the building and immediately abuts the two storey wing at that property. This wing therefore significantly restricts angled views in one direction and the proposed two storey extension would restrict angled views in the other direction. However, a 45 degree angle of view would remain open over the appeal site and the room would enjoy a substantially open direct outlook over the long rear garden of 19 Coanwood Cottages. In addition, I consider that the window, which is of substantial width, would still provide acceptable levels of daylight to the bedroom.
6. In summary, I consider that the development would not have an unacceptably harmful effect on living conditions at 19 Coanwood Cottages in terms of outlook or daylight. I therefore find no conflict with saved Policies ENV1, ENV5 or ENV6 of the East Herts Local Plan Second Review (April 2007) which are that extensions should respect and not significantly detract from the amenity of occupiers of neighbouring buildings. Nor would it conflict with the core principle in the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

7. The Council has suggested a number of conditions. I agree that in addition to the statutory commencement condition, a condition requiring compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning, and a condition requiring matching external materials is necessary to safeguard the character and appearance of the area.

Conclusion

8. For the reasons set out above and having regard to all other matters raised the appeal is allowed.

M Brookes

INSPECTOR