



Appeal Decision

Inquiry held on 11 August 2015

Site visit made on 18 August 2015

by **C Thorby MRTPI IHBC**

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

Decision date: **14 October 2015**

Appeal Ref: APP/J1915/W/15/3004594

Land off Green End, Braughing, SG11 8EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1448/OP, dated 7 August 2014, was refused by notice dated 12 November 2014.
 - The development proposed is outline planning application for a development of up to 60 dwellings with associated access. All other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the appeal process the appellant indicated that they would like a scheme for 52 houses (shown on a framework plan) to be considered as part of the appeal. This would come within the general description of 'up to 60 dwellings' and there would be no prejudice to any party from accepting this as an option. I have dealt with the appeal on this basis.
3. Following the Council's decision, the appellant put forward revised proposals to amend the access and retain and enhance the hedgerow. The revised access resulted in the Council amending one of the reasons for refusal and I have taken the Council's revised position, and the revised drawings, into account in making my decision.

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area, and the planning balance having regard to the undersupply of housing and the benefits of the proposal.

Reasons

5. Braughing is an attractive, rural village with a compact core of historic interest. Green End lies at the western edge of the village where development is sparser, with small groups of houses and fields lining or set behind the road. A number of hamlets are located nearby, but, essentially, the character of the area is one of an undulating, rural landscape interspersed with relatively small, distinct settlements. The Upper Rib Valley Landscape Character Area (LCA)

identifies Braughing as a significant ancient settlement located within an undulating arable valley. It is also part of the attractive valley slope of the River Quin. Although the character assessment is a few years old, I find it accurately describes the landscape and is of relevance.

6. The appeal site is a field of open pasture, located outside the settlement boundary just to the north of the village. The site is important to the landscape as it forms part of the open undulating valley, the valley slope to the River Quin and the countryside setting to Braughing. Although development along Green End becomes interspersed with fields towards the settlement boundaries, the appeal site marks a clear change from the village to the countryside, with long field boundaries, open views of countryside seen through gaps in the hedges and large open fields on the opposite side of the road. It forms part of an effective gap between the small Hamlet of Hay Street and the village of Braughing, and they appear as separate settlements, a typical characteristic of the surrounding rural landscape. There is a row of houses further along Green End sitting some distance from Braughing and Hay Street. However, because it is a small, single row of houses, surrounded by open land (including the appeal site) it does not reduce the sense of being in the countryside. In terms of both visual and landscape character, the appeal site makes a significant contribution to the character and appearance of the area.
7. The appeal scheme could be low density with large areas of open space and landscaping. Nevertheless, 52 (or up to 60) would be a considerable number of dwellings sited over a large area which could not be easily assimilated. There is no doubt that the appeal scheme would significantly alter the visual and landscape character of the site from open pasture to a housing development. Although there is some development along the valley sides and ridges, there would be a significant adverse effect on the character of the landscape within the local area. The contribution of the site to the rural, undulating valley landscape and the attractive and open setting of the village would be lost. The countryside gap between Hay Street and Braughing would be significantly reduced undermining the distinct and separate settlements typical of the area.
8. The greatest visual effect would be experienced in local views due to the topography and range of high field boundaries. However, where there are views of the site from both nearby houses and local footpaths, those living and walking in the area would experience the change as significant, clearly harmful to the attractive vistas and countryside views, and the appreciation of the open and rural land surrounding the village. Although the single row of houses on Green End sits on the skyline, it would not reduce the visual impact of the proposal which would sweep down across the sloping site, highly visible where there are views of the site from paths to the north, west and south. Mitigation in the form of planting and the retention of much of the hedgerow along Green End would help to screen the new housing, but the existing views across the open field and beyond would be lost and this would be a long term, significant adverse effect. It would probably take up to fifteen years for new planting to be effective and even then it would not be likely to overcome the urbanising effect of the development.
9. Overall, the appeal scheme would detract significantly from the character and appearance of the area, contrary to aims of the East Herts Local Plan Second Review policy GBC14, which seeks to improve and conserve local landscape

character. Although this policy refers to an old method of character assessment, seeking to conserve the local landscape in this rural area takes account of different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside. The aim of the policy is, therefore, consistent with one of the core principles of the National Planning Policy Framework (NPPF) and I attach significant weight to these aims. The emerging plan is at an early stage and carries little weight. A Neighbourhood Plan is being drafted and at a very early stage in the process, it too carries little weight.

Other matters

10. The proposed houses would be too far away to affect the setting of the Braughing Conservation Area which would be preserved. The site is within reasonable walking distance of a wide range of facilities. Although not every need is catered for (including employment) and public transport is limited, it would be a relatively sustainable site for new housing in a rural location. There would be sufficient capacity on the roads and safe access would be provided. The appellant has demonstrated that there would be no flood risk either at the site or elsewhere. The planning obligation would meet the Council's demands and where necessary would ensure that the local infrastructure could accommodate the proposed development; however, it would not overcome the identified harm and given the decision in this case, I have not considered the obligations any further.
11. A large number of appeal decisions and High Court judgements were put before me. Many related to legal principles which I have taken into account in my reasoning. Others relate to sites where circumstances are different to either the appeal proposal or the appeal site. I have given limited weight to the 1990 appeal decision for development at the appeal site as it was arrived at under different local and national policies and I have considered this case on its own merits.

Planning balance

12. The Council accepts that they cannot demonstrate a five year housing land supply. I have taken into account the high court judgement relating to the weight to be attached to the policies for the supply of housing, which may vary according to the circumstances, including the extent of the shortfall. However, in this case there is an agreement about which policies this relates to and that no weight is to be attached to those policies.
13. The proposed housing would make a valuable contribution towards the provision of housing (including the five year supply) in an area where, if using the appellant's figures which are lower than the Council's, there is a very considerable shortfall and a long way to go to make up the undersupply. In these circumstances substantial weight is attached to the provision of housing, including the provision of affordable housing.
14. There would be economic benefits in terms of jobs relating to construction and future residents would contribute to the local economy, helping to maintain and support local businesses. There would be some social benefits from adding new residents who would support community infrastructure and services, and there would be new play area for children. However, these are small benefits as there is no evidence that the village and its local economy are not active and

thriving. It would not be possible to say who would move into the proposed houses and any benefit in terms of age profiling of the village could not be relied upon. Therefore, some modest weight is attached to the social and economic benefits.

15. There may be some areas of improved biodiversity at the site with a wider range of habitats, but this would come at the expense of a loss of a large, open and natural area and I am not convinced that anything other than limited weight should be attached in this regard. Although the Council consider that there would be social disadvantages, these rely on comments taken from other appeal decisions and the Council officer's views, rather than any detailed and conclusive evidence supporting the arguments and I give them little weight.
16. I have found that the environmental impact is a significantly adverse one, of a very high order leaving permanent damage to the landscape character and the appearance of the area. The environmental harm would not meet the environment strand of sustainable development as set out in the NPPF which is described as contributing to protecting and enhancing, among other things, our natural environment. I conclude that the harm in this respect would be more than substantial and of a high order, significantly and demonstrably outweighing the benefits in this case and, taking into account the NPPF as a whole, it would not be sustainable development. For these reasons the appeal fails.

C Thorby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms R Clutton of Counsel

She called

Mr P Stevens

Ms H Izod

Landscape Officer

Principal Planning Officer

FOR THE APPELLANT:

Ms C Coloquhoun of Counsel

She called

Mr N Weeks

Mr D Hartley

Mr P Rech

Mr M Spry

Mr L Lane

Director of Stirling Maynard Transportation
Consultants

Director of Planning, Rural Solutions

Director of fpcr

Senior Director of Nathaniel Lichfield and
Partners

Planning Manager, Gladman Developments
Limited

INTERESTED PERSONS:

Mr Boylan

Cllr Cheswright

Cllr Harris-Quinney

Braughing Parish Council

Local Councillor

Local Councillor

Documents received at the Inquiry

- Doc 1 Attendance sheets
- Doc 2 Landscape sensitivity and capacity
- Doc 3 Gladman and Council Response to Inspector Note
- Doc 4 Planning Obligation
- Doc 5 Viewpoints K and L
- Doc 6 Copy of committee report
- Doc 7 Letter from NHS
- Doc 8 PPG extract Rural Housing
- Doc 9 Email form Braughing Playing Field Association
- Doc 10 List of planning conditions
- Doc 11 CIL compliance schedule
- Doc 12 Dacorum Council Core Strategy extract
- Doc 13 Appeal decisions and High Court transcripts
- Doc 14 Braughing Parish Council statement
- Doc 15 Letter from The Ramblers Association



Appeal Decision

Site visit made on 6 October 2015

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

Decision date: 23 October 2015

Appeal Ref: APP/J1915/W/15/3033718

Land adjacent Elm Cottage, Hare Street, Buntingford SG9 0EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Higgins against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1546/OP, dated 22 August 2014, was refused by notice dated 20 November 2014.
 - The development proposed is an outline planning application for four dwellings (including one affordable dwelling) with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the site layout plan as indicative.
3. I have used the description on the Council's decision notice which I consider to be a more accurate reflection of the proposal.
4. The address of the appeal site is different on the application form to the appeal form. I have altered the address of the site to include reference to 'Land adjacent to Elm Cottage', reflecting the appeal form, as I consider it provides a more precise description of the location.

Main Issues

5. The main issues in this case are:
 - whether or not the proposal represents sustainable development having regard to the site location and development plan policies and;
 - Whether the proposal would effect the character and appearance of the site and surrounding area.

Reasons

Sustainable Development

6. The appeal site is situated in the village of Hare Street on a plot of vacant land adjacent to Elm Cottage, a Grade II listed building. The site has some hard

standing remaining towards the entrance of the site, but has largely been recolonised by vegetation. The site is bound by hedgerow and intermittent hedgerow trees.

7. The East Herts Local Plan Second Review April 2007 (Local Plan) was adopted some time before the publication of the National Planning Policy Framework (the Framework). Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the Plan to the policies in the framework, the greater the weight that may be given.
8. Saved Policy GBC3 of the East Herts Local Plan Second Review April 2007 (Local Plan) sets out the development which would be considered appropriate in the rural area beyond the Green Belt. With the exception of development in the main settlement of Buntingford and the other settlements identified in Policy OSV1 (Category 1 villages) permission will not be given for the construction of new buildings or for changes of use other than for a number of exceptions which are listed such as for agriculture, forestry, outdoor sport and recreation, amongst other things. Criteria f states that small scale affordable housing to meet local needs may be permitted in Category 3 Villages, such as Hare Street, in accordance with Policy OSV3 Category 3 Villages. Proposals must be 100% affordable to meet the requirements of the Policy. The appellant accepts that the proposal does not fall within any of the categories of appropriate development as set out in Policy GBC3.
9. I find the approach contained in Policy GBC3 broadly consistent with paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised and paragraph 55 which seeks to promote sustainable development in rural areas and avoid isolated new homes in the countryside unless there are special circumstances. The appellant does not suggest that the proposal meets the special circumstances set out at paragraph 55.
10. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. No evidence has been put forward by either party relating to housing land supply. However, as the Council has acknowledged that it does not have a five year supply of housing, I have no reason to disagree.
11. Paragraph 14 of the Framework states that development proposals which accord with the development plan should be approved without delay. The proposal clearly does not comply with the Policy GBC3 of the Local Plan. It goes onto state that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. Paragraph 8 of the Framework makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. I shall, therefore, consider the appeal proposal in those respects having particular regard to the

advice in paragraph 55 of the Framework that states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

13. The village of Hare Street has some limited services including a public house, a tea shop and a car dealership. There is no food store, primary school or village hall in the village itself. The appellant makes reference to a village hall and primary school being within a ten to fifteen minutes walk of the site, however, it is noted that these are in the neighbouring village of Great Hormead, which would involve an approximately one mile walk on an unlit unrestricted road.
14. The appellant refers to there being four bus stops within the village. I noticed two bus stops within approximately half a mile of the appeal site on the B1368, one in either direction. The other two bus stops are apparently unmarked. The main bus service runs approximately a two hourly service to the main town of Hertford. There is a more limited service to Great Hormead which only runs on Monday and a service which runs to Bishop's Stortford on a Friday. The village is not, therefore, well served by public transport and consequently the future occupiers of the properties would be reliant on the private car to access services to meet their day to day needs.
15. The proposal may bring some economic benefits during the construction phase, however, these would be modest and short term. In terms of the social aspect of sustainability, the proposal would also make a contribution, albeit limited to housing land supply, including the provision of one affordable house. However, paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As the village has very few services which meet the day to day needs of residents I consider that the proposal would not support the vitality of rural areas.
16. From an environmental perspective, for the reasons set out at paragraphs 18-19, I find that the proposal will have a negative effect on the character and appearance of the site and surroundings. Furthermore, the future occupiers of the dwellings would be reliant on the private car for their day to day needs which would have a negative effect on the environment.
17. I, therefore, conclude that whilst there would be some benefits of the proposal, I consider that these do not outweigh the significant harm which I have identified. The proposal would not constitute sustainable development and is, therefore, contrary to paragraphs 8 and 14 of the Framework. Neither would the proposal maintain the vitality of rural communities as required by paragraph 55 of the Framework.
18. The proposal is also contrary to Policy GBC3 of the Local Plan which has resonance with paragraph 17 of the Framework which seeks to protect the intrinsic character and beauty of the countryside. The conflict with the development plan also weighs against the proposal.

Character and Appearance

19. Hare Street is a linear village stretching along the B1368. It is characterised by traditional properties some of which have small enclosed front gardens and some front directly onto the road. There is a mix of architectural styles

including timber frame rendered thatched cottages and terraced brick properties.

20. The appeal site has some remnants of hard standing left, however, the site has largely been recolonised by vegetation. The site is bound by mature native hedgerows with intermittent hedgerow trees which make an important contribution to the character of the village. Even though it appears from the indicative layout that the hedges will be retained, the properties will still be visible over the hedge, particularly if they are two-storey and will also be visible from the access road. Whilst it is acknowledged that the site is currently untidy, the proposal would introduce built development thereby altering the existing open nature of the site which contributes to the character and appearance of the village. I, therefore, conclude that the proposal would have a harmful effect on the character and appearance of the site and the surrounding area and would thereby be contrary to Policy GBC3 and paragraph 17 of the Framework which recognises the intrinsic character and beauty of the countryside.

Other Matters

21. The appeal proposal is situated adjacent to Elm Cottage, a grade II listed building. The property dates from the 18th century (or earlier) and is timber framed with a steep thatched half hipped roof. I agree that there is potential for the proposal to affect the setting of Elm Cottage, depending on the exact layout and design of the proposal. There are hedgerows and a cluster of trees on this boundary which would assist in creating separation between Elm Cottage and the proposed development. I am satisfied that this matter could have been resolved at reserved matters stage through careful consideration of the design and layout of the scheme, had I decided to allow the proposal. The proposal, could, therefore, have preserved the setting of the listed building, depending on the detailed layout and design, had I decided to allow the proposal.
22. Attention is drawn to another appeal decision¹, however, this relates to an appeal against a refusal to grant approval required under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and relates to a change of use of an existing agricultural building to Class C3 (dwellinghouse). The circumstances are not directly comparable to this case which limits the weight which I can afford to it in the consideration of this appeal. In any event, each case must be decided on its own merits.

Conclusion

23. For the reasons set out above, I dismiss the appeal.

Caroline Mulloy

INSPECTOR

¹ APP/J1915/A/14/2222126



Appeal Decisions

Site visit made on 10 August 2015

by **Peter Rose BA MRTPI DMS MCSI**

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

Decision date: 21 October 2015

Appeal A Ref: APP/J1915/Y/15/3018260

Walkers Farmhouse, Meesden, Buntingford, Hertfordshire SG9 0BG

- 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 and Mrs O Vernon-Harcourt against the decision of East Hertfordshire District Council.
 - The application Ref: 3/14/1856/LB, dated 14 October 2014, was refused by notice dated 22 January 2015.
 - The proposed works are garage alterations and first floor link extension.
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Appeal B Ref: APP/J1915/W/15/3018248

Walkers Farmhouse, Meesden, Buntingford, Hertfordshire SG9 0BG

- 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 O Vernon-Harcourt against the decision of East Hertfordshire District Council.
 - The application Ref: 3/14/1855/FP, dated 14 October 2014, was refused by notice dated 22 January 2015.
 - The proposed development is garage alterations and first floor link extension.
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Decisions

1. **Appeal A** and **Appeal B** are each dismissed.

Main Issues

2. The main issue in relation to **Appeal A** is the effect of the proposed works upon the special architectural and historic interest of Walkers Farmhouse, a grade II listed building and, in particular, whether the scheme would preserve the building or its setting or any features of special architectural or historic interest which it possesses. The same issue also applies to **Appeal B**.
3. A further issue for **Appeal B** is the effect of the proposed development upon the character and appearance of its surroundings.

Reasons

Appeal A

4. The appeal site comprises a picturesque, two-storey grade II listed house which the statutory listing entry identifies as dating from the fifteenth or early sixteenth centuries. The appeal site is set back from Mill Lane and lies behind a planted verge forming part of the adjacent highway.

5. Walkers Farmhouse is a distinct and, for its date, impressive, detached building, and is set within relatively open, uncluttered grounds. It has a wealth of architectural and historic features including a jettied, timber-framed structure and an imposing, steeply pitched thatched roof. The main elevation does not face towards Mill Lane, rather it faces eastwards, and displays two windows to each floor and a porch.
6. The significance of the appeal property as a building of special architectural and historic interest relates, amongst other matters, to its contribution as a distinguished timber-framed, thatched roof house with accompanying architectural and historic features. This contribution is particularly evident in views of the house's main front elevation, but also relates to its wealth of historic fabric.
7. The building has been variously altered and extended over time. The northern element includes a single storey link between a side wing and a modern pitched-roof double garage. These features form part of the building's main frontage and are also partially visible from the highway to the side. The proposal would involve alterations to the garage by raising the height of the ridge to a level above that of the adjacent single-storey wing, introducing a first floor link extension to the main house, and alterations to the elevations which would include rooflights and other windows.
8. I acknowledge that aspects of the proposed scheme do attempt to introduce a design sympathetic to the historic form of the listed building, including a pitched roof and a timber boarding finish to match existing parts of the house. The appellants also suggest that the proposed pitch of the roof would be more appropriate to the building than the existing, that the garage structure would remain visually distinct, and point out that the existing non-traditional single-storey link would be removed.
9. Nonetheless, and notwithstanding previous alterations, the reality is that an extension as proposed would not be in-keeping with the architectural and historic form and context of the listed building. The combined height and bulk of the raised roof and of the first floor link would make for a substantial addition to the main elevation of the building. The scheme would not appear as a subordinate and incidental feature of the main house, as with the current, albeit modern, garage, but as a far more considerable extension and alteration.
10. As such, the proposal would substantially change and unbalance the original architectural form of the building. Notwithstanding aspects of the proposed detailing, the relationship to the main building would appear jarring in terms of both scale and juxtaposition, and would be reinforced by such features as modern rooflights. I am therefore unable to accept the appellants' contention that the view of the house would not be affected, and find the scheme would be a discordant and over-dominant addition to the building.
11. The appellants refer by way of comparison to a photograph of an original thatched barn attached to the side of the house prior to construction of the existing garage and link. Whilst not disputing the apparent relative size of that barn, the fact remains that, in the photograph, the barn still appeared subservient to the main dwelling not just with reference to its scale but, more particularly, due to its sensitive and historically-consistent thatched form.

12. In terms of other aspects of the scheme, the proposal would not involve any significant loss of historic fabric, the use would remain as a house, and the internal arrangement of regularly shaped, self-contained rooms would remain.
13. Hence I find that the proposed works would be harmful to the architectural and historic integrity of the listed building but, given the form and extent of the works, that the harm would be less than substantial. The National Planning Policy Framework (the Framework) makes a distinction between development causing substantial harm to the significance of a designated heritage asset, such as a listed building, and development that would lead to less than substantial harm. The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme.
14. I recognise the scheme would have a number of benefits. It would enable the quality of the accommodation to be improved by providing a larger dwelling with more space and improved circulation within the building. I also note the expanded accommodation needs of the appellants and the possibility they may need to move should this appeal be unsuccessful. In this respect, I have particular regard to the significant contribution of the appellants to their local community and the possibility this could be lost if a move is required further afield. Nevertheless, on balance, I have found no overall public benefits sufficient to outweigh the harm likely to arise to the special architectural and historic interest of the listed building.
15. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. There is a clear presumption in this duty that preservation is desirable, and I find that the special interest of the asset would be diminished by the proposed scheme and it would thereby fail to preserve the significance of the listed building.
16. I therefore conclude that the proposed works, by reason of their scale and design, would be harmful to the special architectural and historic interest of Walkers Farmhouse, a grade II listed building. Accordingly, the scheme would be contrary to the Framework which recognises that heritage assets such as listed buildings are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Appeal B

Listed building

17. Section 66 of the Act also places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building. My findings of the impact of the scheme upon the significance of the listed building set out in **Appeal A** similarly apply in this regard to **Appeal B**.
18. I find that the development, by reason of its scale and design, would be harmful to the architectural and historic integrity of the listed building. As in **Appeal A**, the application for planning permission would similarly fail to accord

with the same general expectations of the Framework, and there would be no overall public benefits sufficient to outweigh the harm likely to arise.

19. The Council's second reason for refusal refers to the impact upon the setting of the listed building. As the garage would physically remain part of the listed building, I consider the impact of the proposal to relate directly to the heritage asset itself as described rather than to its setting.

Other aspects of character and appearance

20. There is some dispute between the parties regarding calculations of the precise extent of increase proposed over and above the original dwelling, and full details of those matters are not before me. Nonetheless, it is common ground that the building has been extended considerably in the past, and I find that the scale of the proposed development, given its particular impact as already described, would amount to an over-dominant and thereby disproportionate enlargement of the existing dwelling.
21. Even though the building is set back from the public carriageway to the front of the site, and behind planting, and is significantly enclosed by various agricultural/non-residential buildings to the west, the extension would still appear discordant and intrusive in the available surrounding views by virtue of its scale and design. Whilst the building has relatively little exposure along its boundaries, the development would still harmfully intrude into its immediate surroundings and be visible as such.
22. I therefore conclude in relation to **Appeal B** that the proposed development would be harmful to the character and appearance of the appeal site with particular regard to the special architectural and historic interest of Walkers Farmhouse, a grade II listed building, and with reference to the scheme's wider relationship to its surroundings. Accordingly, the development would be contrary to Policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007 which require extensions not to significantly affect the character and appearance of the dwelling. These policies are broadly consistent with the Framework which also places importance upon high quality design and the significance of local distinctiveness.

Other Matters

23. I have considered all other matters raised, including the absence of objections from third parties and the representations of support from the Parish Council.
24. I have also noted the appellants' reference to a number of other developments which are suggested as precedents. Notwithstanding the importance of consistency in decision-making, the circumstances of each site and of every scheme will be different, and each proposal must be considered with reference to its own particular merits. The full planning backgrounds of those other schemes are not before me, and I have little evidence to suggest they include matters of heritage significance directly comparable to the appeal proposal.
25. None of the other matters raised are of such significance, either individually or cumulatively, that they would outweigh the considerations that have led to my conclusions on the main issues.

Conclusion

26. At the heart of the Framework is a presumption in favour of sustainable development. For decision-making, this means approving proposals that accord with the development plan without delay, and I find the scheme would not meet that expectation. Nor would it accord with the duty to have special regard to the desirability of preserving the listed building under sections 16 and 66 of the Act, or with the accompanying advice of the Framework. These are all considerations to which I am required to attach considerable importance and weight.
27. For the above reasons, **Appeal A** and **Appeal B** are both dismissed.

Peter Rose
INSPECTOR

Appeal Decision

Site visit made on 13 October 2015

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 22 October 2015

Appeal Ref: APP/J1915/W/15/3039146

170 Stortford Hall Park, Bishops Stortford, Hertfordshire, CM23 5AR

- 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 Wendy Collins against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0119/FP, dated 19 January 2015, was refused by notice dated 24 March 2015
 - The development is described as 'It is proposed to use a rear log cabin as a pilates studio. It is proposed to have a maximum of six clients at any one time up to 11 times per week. There is sufficient parking on the drive for six cars at any one time.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposal on the character of the area and the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

3. The appeal property is a semi-detached dwelling situated near the end of a residential road. Although there is some flatted development a short distance from the site, the prevailing character of the area is residential, suburban and quiet. I have not been made aware of any non-residential uses in the vicinity and traffic volumes and speeds are low.
4. The log cabin is located at the end of the rear garden and accessed via a porch at the side of the house. The proposal is allow the cabin to be used as a pilates studio by six people on up to 11 occasions over three days per week.
5. There is no dispute that the forecourt at the front of the property could accommodate up to six vehicles. However, the number of comings and goings generated by the proposed use would be significant in the context of the low level of existing activity in the area. In particular, the movements of people and vehicles are likely to be concentrated in the 15 minute intervals between certain daily sessions. This level and pattern of activity would be at odds with the tranquil character with the area. Moreover, on two days per week, the pilates session would end at 2100 hours, with people departing after that time. This is likely to lead to sudden noises such as voices, car doors shutting and engines starting. Again, having regard to the quiet character of the area, I

consider that movements and noise of that nature would adversely affect the living conditions of neighbouring occupiers.

6. Consequently, I find that the proposal would conflict with policy ENV1 of the East Herts Local Plan Second Review 2007 (LP). Among other things, this policy requires development to reflect local distinctiveness, respect the amenity of neighbouring occupiers and ensure that their environments are not harmed by noise or disturbance. The proposal would also conflict with LP policy ENV24¹ which requires noise generating development to minimise noise nuisance taking into account the time and nature of the noise and the nature of the surrounding area.

Other Matters

7. My attention has been drawn the approval of a pilates studio by the Council at 2 Amwell Place, Hertford Heath (application reference 3/10/1156/FP). The appellant argues that this this scheme was approved under the same policies used in the refusal of the appeal proposal. However, there is nothing in the decision notice or officer report for that proposal to suggest that it was assessed against LP policy ENV24. I have found this policy to be relevant to the appeal proposal.
8. Moreover, although the area of the building in the Hertford Heath case was slightly larger, the use was for up to three people rather than six and it was not proposed to operate after 2000 hours. As such, I consider that there are material differences between the proposals and that the Hertford Heath approval does not provide a robust justification for the appeal proposal.
9. I recognise that the appeal proposal would allow the appellant to work from home. However, I consider that this benefit does not outweigh the harms described above.
10. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

11. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

¹ The decision notice refers to policy ENV25. However, that policy deals with noise sensitive development and is less applicable to the appeal proposal.

Appeal Decision

Site visit made on 7 September 2015

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 16 October 2015

Appeal Ref: APP/J1915/W/15/3033364

40, Maze Green Road, Bishop's Stortford, Hertfordshire CM23 2PJ

- 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 Mark Vincent against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0204/FP, dated 30 January 2015, was refused by notice dated 27 March 2015.
 - The development proposed is retrospective application for glazed panel on south elevation of replacement dwelling on identical footprint as previously granted.
-

Decision

1. The appeal is allowed and planning permission is granted for glazed panel on south elevation of replacement dwelling on identical footprint as previously granted at 40, Maze Green Road, Bishop's Stortford, Hertfordshire CM23 2PJ in accordance with the terms of the application, Ref 3/15/0204/FP, dated 30 January 2015, and the plans submitted with it, subject to the following condition.
 - 1) Notwithstanding the details shown on the submitted drawings the planning permission hereby granted relates only to the glazed panel on the south elevation of the dwellinghouse.

Main Issue

2. The main issue in respect of this appeal is the effect of the glazed panel on the character and appearance of the host dwelling and on the street scene in this area.

Reasons

3. The appeal relates to a recently constructed detached house fronting the north side of Maze Green Road on a corner plot with the more minor Matching Lane. The street scene either side comprises frontage development of large, detached houses of an early C20th suburban character.
4. The new house to which this proposal relates is a substantial two-storey dwelling with red brick walls and a red plain-tile roof. The front elevation of the house faces Maze Green Road and features a prominent asymmetrically positioned full height projecting gable extension. Whilst in the main the dwelling has been built to a relatively traditional design the front gable contrasts to this by virtue of its full width glazing to the front and sides at the

- first floor level and by glazing above this on the top face of the gable at roof level.
5. The gable as built differs from the plans approved for this dwelling in respect of this fully glazed top part of the front gable. The full width fenestration of the first floor level part of the gable has been built to the approved plans. However, these plans show a soldier course of brickwork above the first floor windows and the top part of the gable faced in brickwork that matches the main walls of the house.
 6. The development as built therefore provides more glazing to the front gable than shown on the approved plans which the Council considers makes it a more prominent feature to the front of the house and in the street scene generally. It is also concerned that this re-introduces a feature similar in appearance to a front gable extension proposed as part of a previous planning application for extensions to the original house. This application was refused and a subsequent appeal¹ dismissed. The original house has since been demolished and replaced by the new house to which this current retrospective proposal relates. The appearance of the proposed front gable to the original house, with glazing similar to that currently proposed, formed a principal reason for a refusal of planning permission and the subsequently dismissed appeal.
 7. The Council's concerns are understood in that the replacement house has been built contrary to the approved plans and a feature previously held to be out of keeping in relation to the character of the former dwelling has been re-introduced. I concur with the Inspector's reasoning in respect of the previous appeal in that the substantial glazed feature in the proposed front gable provided for a contrastingly modern design feature untypical to the character of the previously existing host dwelling and to that of the similar aged properties along this side of Maze Green Road. However, the previous dwelling is no longer present and this design feature needs to be assessed in relation to the design of the modern replacement dwelling of which it forms a part.
 8. Whilst the glazing on the front gable of the new dwelling clearly echoes the design of that in the previous scheme to extend the original house it is noted that it differs in having two rather than three vertical glazing bars which being thinner than in the scheme on the previous house support the appellant's view that this now provides for a lighter feel to this part of the fenestration. This upper glazing rests on five courses of brick work, as opposed to the lack of any intervening brickwork in the previously refused gable window design, which provides a solid visual break between it and the first floor window.
 9. Overall, in the context of the new dwelling that it forms a part, it is considered that the glazed upper part of the front gable, which comprises the only conflicting element to the approved drawings, is not considered to be significantly harmful to the overall appearance of the new house or to make the development as a whole significantly more prominent in the street scene.
 10. In terms of the effect on the street scene established by the older properties on either side along this section of Maze Green Road, regardless of the appeal scheme, the approved new dwelling stands out as a more modern feature. The additional glazing to the front gable has not significantly altered the impact of

¹ APP/J1915/D/13/2209408

this new dwelling within the street scene compared to its appearance had the upper part of the gable been constructed in brickwork as originally approved.

Conclusion

11. On the basis of the above I conclude that the gable window has not harmed the character and appearance of the street scene in this area. As such the scheme accords with the design aims of policies HSG7 and ENV1 of the East Hertfordshire Local Plan Second Review April 2007 and the National Planning Policy Framework. The appeal therefore succeeds subject to imposing a condition that clarifies and limits the extent of the planning permission for the avoidance of doubt.

Jonathan Price

INSPECTOR



Appeal Decision

Site visit made on 2 September 2015

by **Jane Miles BA (Hons) DipTP MRTPI**

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

Decision date: 7 October 2015

Appeal Ref: APP/J1915/W/15/3124802

1 Newbury Close, Bishops Stortford, Hertfordshire CM23 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 Paul Turnell against the decision of East Hertfordshire District Council.
 - The application ref: 3/15/0214/FP, dated 3 February 2015, was refused by notice dated 7 April 2015.
 - The development proposed is the erection of a three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Reasons

2. The **main issue** in this case is the effect of the proposal on the character and appearance of the street scene and surrounding area, in the Bishops Stortford Conservation Area (CA).
3. The appeal site locality is close to the town centre but is mainly residential in character with buildings of varied ages, styles, forms and sizes at differing levels. Newbury Close is a short cul-de-sac rising up from Hadham Road (the main road) and has a modern three storey terrace of five flat-roofed units on its eastern side stepping down the hill towards the main road, with no. 1 at the bottom. To the west are some detached buildings in more spacious plots and to the east are Edwardian style properties which abut or are close to the back of the footway. Opposite the cul-de-sac on the southern side of Hadham Road are some bulky modern dwellings with gable ends facing onto and very close to the highway. A terrace of Victorian/Edwardian style further to the east is also close to the highway, but it sits at a higher level above a retaining wall.
4. The forms and pattern of these developments together with trees around the opposite corner of Newbury Close and the gentle downward slope of Hadham Road provide the context for the appeal site and proposed development. They create a relatively enclosed character to the main road street scene in which the existing side wall of no. 1 is a dominant feature due to its size and position, albeit the setback from the road above a sloping grass verge and behind boundary fencing helps to reduce its dominance. The open area between the road carriageway and the side wall of no. 1 is therefore notable and important in providing a more spacious counterpoint to the enclosing and/or dominant effects of built forms around it.

5. Adding another dwelling onto the terrace as proposed, albeit stepped down and broadly of same form and design, would result in a large and bulky intrusion into the existing open area. This would be detrimental to the street scene's character and appearance. It would also result in a three storey brick wall, almost 8m tall and just over 7m wide, significantly closer to the footway than no. 1's side wall. Proposals for some narrow horizontal bands and two windows in this side wall would be of some benefit in breaking up the vast expanse of brickwork. However neither these features nor the residual and much smaller grass verge would be sufficient to overcome the unduly dominant and consequently harmful impact of such a tall and wide brick wall relatively close to the footway.
6. In these respects the appeal proposal would not accord with development plan¹ and *National Planning Policy Framework* objectives relating to high quality design. Rather it would cause serious harm to the character and appearance of the street scene and surrounding area. That would be my conclusion even if the site was not in a conservation area. However, and notwithstanding the absence of any objection from the Council's Conservation Officer, it must also follow that in having a detrimental impact on its surroundings the proposal would also fail to preserve the Bishops Stortford CA's character or appearance.
7. The CA is a designated heritage asset and is very extensive, encompassing the town centre and some surrounding areas. It appears to be significant in heritage terms primarily in illustrating various aspects of the town's historic evolution. However neither the appeal site nor its immediate surroundings appears especially notable in architectural or historic terms. Consequently, in terms of guidance in the *Framework*, the harm to the CA would be less than substantial and should be weighed against the proposal's public benefits.
8. This proposal's principal benefits can be summarised as making more efficient use of land to provide an additional dwelling in an accessible and sustainable location, in a District where the Council cannot currently demonstrate a five-year housing land supply. In these respects the proposal would accord with aspects of the social and economic dimensions of sustainable development.
9. However, in causing harm to the area's character and appearance and in terms of design quality it would not accord with the environmental dimension of sustainable development. Moreover the *Framework* records that good design is a key aspect of sustainable development. The proposal would also conflict with saved LP Policies HSG7, ENV1 and BH6². As these policies do not relate directly to housing supply and are broadly consistent with the *Framework* they are not out of date as the appellant suggests, but still carry substantial weight. I have had regard to all other matters raised but have found nothing sufficient to outweigh my overall conclusion that the proposal's adverse impacts would significantly and demonstrably outweigh the benefits of creating just one additional dwelling. It follows therefore that the appeal must fail.

Jane Miles

INSPECTOR

¹ That is, the East Herts Local Plan Second Review (LP) (2007)

² Relating, respectively, to 'Replacement Dwellings and Infill Housing Development', 'Design and Environmental Quality' and 'New Development in Conservation Areas'



Appeal Decision

Site visit made on 28 September 2015

by **S Stevens BSc (Hons) MSc Dip TP DMS MCMi MRTPI**

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

Decision date: 14 October 2015

Appeal Ref: APP/J1915/W/15/3038249

Agricultural building at Millfield Lane, Bury Green, Hertfordshire SG11 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Hastingwood Estates Ltd against the decision of East Hertfordshire District Council.
- The application Ref 3/15/0342/ARPN, dated 17 February 2015, was refused by notice dated 10 April 2015.
- The development proposed is for a change of use of an agricultural building to a dwellinghouse (Use Class C3).

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for a change of use of an agricultural building to a dwellinghouse (Use Class C3) at Agricultural Building at Millfield Lane, Bury Green, Hertfordshire SG11 2HE in accordance with the details submitted pursuant to Schedule 2, Part 3, Class Q of the GPDO subject to the standard condition set out in paragraph Q.2 (3) and the following condition:
 - 1) The presence of any significant unsuspected contamination that becomes evidence during the development of the site shall be brought to the attention of the Local Planning Authority and any mitigation measures agreed in writing and thereafter implemented in accordance with the measures agreed.
 - 2) No change of use or operational works shall take place until reclamation works of the site in accordance with documents reference (a) LS1272 Version 1 0; (b) Phase 1 geo Technical & geo Environmental Assessment and (c) plan 3/14/1638PR. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Local Planning Authority for approval in writing.

On completion of the works of reclamation, the developer shall provide a validation report which confirms the works have been completed in accordance with the approved documents and plans.

Application for costs

2. An application for costs was made Hastingwood Estates Ltd against East Hertfordshire District Council. This application will be the subject of a separate Decision.

Procedural matters

3. Prior to the determination of the appeal the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) came into effect on 15 April 2015 replacing the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The 2015 GPDO contains changes to the nomenclature and in respect of changes of use from agricultural buildings to dwellinghouses this is now contained in Class Q (formerly Class MB in the 1995 GPDO) and paragraph W now contains the provisions relating to the procedure for applications for prior approval under Part 3 previously set out in paragraph N.
4. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on transport and highways; noise, contamination risks on the site; flooding risks; whether the location or siting makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse; and the design and external appearance of the building. My determination of this appeal has been made in the same manner.

Reasons

5. The site lies just to the north of the settlement of Bury Green and is outside the conservation area. The proposal is to change 3 agricultural buildings into a total of 3 dwellinghouses. The three buildings are single storey with pitched roofs and of a solid construction and are sited at the edge of a substantial area of land used for the grazing of animals. There is an existing vehicular access to the site.
6. Class Q of the GPDO allows a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. It also permits building operations reasonably necessary to convert the building to a use falling within Class C3. However, this is subject to a number of conditions and limitations set out in paragraph Q.1 (a – m). For the proposal development to constitute permitted development (PD) it must satisfy all these criteria and any other relevant requirements set out in the GPDO. Based on the evidence I conclude the proposal would satisfy all of the conditions and limitations set out in paragraph Q.1 (a – m).
7. In circumstances where the proposal satisfies all parts of Q.1 paragraph Q.2 states that a change of use is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required for a number of matters set out in Q.2 (1) (a – f) and the provisions of paragraph W of the GPDO shall apply.
8. In respect of transport and traffic the dwellings would utilise an existing access and there is adequate space within the site to allow vehicles to park and turn within the site thereby enabling vehicles to enter and leave the site in a forward direction. The site is within a Flood Risk Zone 1 and has a low risk of flooding. Consequentially I conclude no further details are necessary in respect of transport, traffic or flooding.

9. The buildings are located a short distance from the nearest dwelling and any noise or disturbance from the dwellings would be limited and would not harm the living conditions of the occupants of any nearby dwelling. A Phase I Geotechnical and Geo-Environmental Assessment submitted with the application concluded that there was a low to moderate overall risk of contamination and also that there was a possibility that that asbestos may exist within the building. In order to safeguard the wellbeing of the proposed occupants of the dwellings further investigation and, if necessary mitigation measures would be required prior to the development commencing which could be dealt with by the imposition of conditions.
10. GPDO paragraph Q.2 (e) concerns whether the location or siting of the buildings make it otherwise impractical or undesirable for the building to change its use to residential. The Council refers to paragraph W (10) (b) which states the decision maker should have regard to the Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application. In the view of the Council the proposed change of use would create 3 isolated dwellings, away from key services and infrastructure which would make the change of use undesirable.
11. Paragraph W of the GPDO provides procedural advice for prior approval applications submitted under Part 3 which contains a significant number of Classes involving a variety of changes of use including Class Q. The Planning Practice Guidance (PPG) provides some very specific guidance regarding permitted development rights for the change of use of agricultural buildings to residential use. It clearly states the permitted development right does not apply a test in relation to sustainability of location. It goes on to state that this is deliberate as many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs.
12. The Council argues that the PPG is in conflict with the Framework and as sustainability is at the heart of the Framework it should remain a consideration when considering the prior approval application. Whilst sustainability is at the core of the Framework the guidance issued after its publication is clear and gives a reason why in the case of agricultural to residential permitted development the exception is to be made regarding the test of sustainability. The guidance in paragraph 108 of the PPG does not relate to any other forms of change of use so the reference to the Framework set out in GPDO W (10) (b) remains relevant for all other changes of use set out in the GPDO.
13. Agricultural buildings, by their very nature may well be located outside settlements and in the countryside as are the buildings that this appeal relates to. I appreciate the Council might resist the creation of new dwellings in such areas but having regard to the advice in the PPG the Council has wrongly applied the test of sustainability regarding of location of the site in this prior approval application. Consequently the issue of the sustainability of the site is not a matter that justifies the dismissal of the appeal.
14. However, the PPG does allow the decision maker to consider whether the location or siting of the building would make it impractical or undesirable to change the use to a house. The terms impractical or undesirable are not defined although some guidance is provided in the PPG. It is however, made clear that if an agricultural building is in location where the Council would not

normally grant planning permission for a new dwelling that this is not sufficient reason to refuse prior approval for the change of use.

15. It is the Council's view that the impact of new residential development together with associated activity and residential paraphernalia would result in a harmful impact that can not be mitigated. The proposed dwellings would be sited some distance from the nearest adjacent dwelling and the existing vehicle access does not run immediately adjacent to any other building. The buildings are well screened by a substantial amount of vegetation around the periphery of the site so that there are very limited views of the buildings from the road. Consequently I do not consider the proposed change of use, or any associated activity or paraphernalia would harm the character and appearance of the area or the living conditions of the occupants of any nearby properties. I therefore conclude the proposal is neither impractical nor undesirable.
16. The application included proposed floor and elevation plans which indicate the overall form and appearance of the buildings would largely remain although there would be some alterations to the elevations. I therefore conclude further details in respect of design or appearance are not required.

Conclusion

17. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs Q (3) that the development shall be completed within a period of 3 years starting with the prior approval date.
18. Paragraph W (13) states prior approval may be granted subject to conditions that reasonably relate to the subject matter of the prior approval. Given the findings of the Geotechnical and Geo-Environmental Assessment to ensure the wellbeing of the future occupants of the dwellings and protection of any nearby watercourse I will impose conditions regarding contamination and reclamation of the site.

Sarah Stevens

INSPECTOR

Appeal Decision

Site visit made on 2 September 2015

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 7 October 2015

Appeal Ref: APP/J1915/W/15/3121638

**Land north of Barnacres, Ermine Street, Colliers End, Hertfordshire
SG11 1ER**

- 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 Nicholas Baughn against the decision of East Hertfordshire District Council.
 - The application ref: 3/15/0781/FUL, dated 16 April 2015, was refused by notice dated 11 June 2015.
 - The development proposed is the erection of 3no. affordable dwellings, 2 x 2 bedroom & 1 x 3 bedroom houses with associated parking.
-

Decision

1. The appeal is dismissed.

Reasons

2. The **main issue** in this case is whether the proposal would accord with development plan policies and policy guidance in the *National Planning Policy Framework* relating to affordable housing in rural areas, with particular reference to its effects on the character and appearance of the surrounding area and to the quality of the proposed design and layout, housing land supply and sustainability.
3. The relevant development plan is currently the East Herts Local Plan Second Review (LP) (2007). Colliers End is in the countryside but not in the Green Belt, and is a Category 3 village in the LP's settlement hierarchy. Saved LP Policy OVS3 precludes most new housing in such villages but does allow, subject to various criteria, "rural exceptions affordable housing required to meet the identified needs of the Village or Parish and in accordance with Policy HSG5". A housing needs survey was carried out in accordance with guidance from the Council and the proposed scheme's size and tenure mix would meet the needs so identified. Thus the Council acknowledges, and I agree, that the provision of affordable dwellings on the appeal site is acceptable in principle.
4. In allowing for affordable housing on rural exception sites LP Policy OVS3 is broadly consistent with guidance in paragraph 54 of the *Framework*. It follows that such housing is likely to be acceptable in principle irrespective of the level of services and facilities in the village concerned. In this case amenities and services in the village are very limited but Colliers End is on a bus route with a reasonable level of service for a rural area and journeys by car to nearby

towns, especially to Ware, would be relatively short. I therefore find no sufficiently compelling grounds to conclude the proposal would be unsustainable as a result of its rural location or the level of accessibility to services and facilities.

5. The more significant matters relate to the layout, design and form of the proposed scheme and consequent effects on the character and appearance of its surroundings. The appeal site is within a narrow strip of land along the western side of Ermine Street which also includes the gardens of two existing dwellings: Barnacres (to the south) and Rose Cottage (to the north). It adjoins an open field to the west and there is another to the east beyond the road, opposite the northern part of the site. Although these factors may underlie the Council's view that the scheme would consolidate ribbon development, such a view implies there is an existing ribbon of development to extend¹.
6. In the village's main built-up area Barnacres is currently the northernmost property on the west side of the road. A single main street gives the village as a whole a broadly linear form but it features some development in depth, variety in the buildings' form and siting and various spaces at intervals along the road. Thus there is no readily distinguishable ribbon of development in the village (to the south of Barnacres) and the distance between the dwellings at Barnacres and Rose Cottage is considerable. The appeal scheme would extend the village's main built-up area northwards but that is by no means unusual for a rural exception site and it is allowed for in LP Policy HSG5(d). Moreover a good-sized gap would still remain between the proposed houses and Rose Cottage to the north. The proposed development would not therefore extend any ribbon development and would not conflict with LP Policy OSV3(I)(e).
7. The detailed layout and form of the proposed development is a greater cause for concern, largely due to the constraints of such a narrow site. The detached house would sit at right angles to the road, with its front door in the end elevation to the road, a garden to the southern side and only two windows (to the entrance hall and landing) in the long northern elevation. The pair of semi-detached houses would front onto the road, with very shallow gardens to the rear, and there would be no openings at all in the southern elevation of this composite building. Off-street parking and associated vehicle space between the two building blocks would occupy the full depth of the site, stretching from the road at the front almost to the hedge along the rear boundary.
8. Thus there would be a large space between the mainly blank elevations of the two buildings which would not be well integrated with the dwellings themselves but would instead appear as a somewhat sterile space. Despite the intention to provide a grass finish² to the parking area, there would be little scope for any other soft landscaping to offset the adverse visual impacts of parked vehicles and large expanses of brick wall. In these respects I find the appeal scheme would fall far short of the standard of design that both saved LP Policy ENV1 and the *Framework* seek to achieve. Moreover, in a relatively prominent location on the edge of the village, this would result in serious harm to the area's character and appearance, thereby conflicting with those elements of LP Policies OVS3 and HSG5 relating to such matters.

¹ Criterion (e) of LP Policy OSV3(I) precludes an extension, rather than consolidation, of ribbon development

² Utilising a recycled modular grid system

9. With regard to the size and layout of the plots, I agree with the Council's view that the site layout would not reflect the plot sizes and pattern of development that is generally characteristic in the village. Given the proposed housing would not be seen in direct association with very much existing village development that would not necessarily weigh against the proposal if, instead, a development with its own distinctive character would be created³. However the scheme would fail in this respect also, due to its small size and the poor quality of its layout, for the reasons already given. In addition, it would not integrate very well with the main village, in part because no continuous footpath is proposed to link the houses to the main village to the south.
10. It is primarily for the above reasons, rather than plot size per se or the limited amount of outdoor amenity space for the semi-detached dwellings, that I find the proposal would cause substantial harm to the character and appearance of the surrounding area. In this and in failing to achieve high quality design and layout it would conflict with those elements of saved LP Policies OVS3, HSG5 and ENV1 relating to such matters. It would also conflict with guidance in the *Framework* which establishes that good design is a key aspect of sustainable development and it would fail to accord with the environmental dimension of sustainable development.
11. I understand the constraints imposed by the site's shape and size, and that the submitted layout stems in part from pre-application advice. The Highway Authority has no objections to the layout, subject to conditions, even though it would seem likely to result in vehicles reversing out into the road. Due to the separation distance, the appeal proposal would not harm the setting of Barnacres, which is a Grade II listed building, and nor would it cause material harm to neighbouring occupiers' living conditions.
12. The appellant has provided detailed information demonstrating that the Council cannot currently demonstrate a five-year housing land supply, and this is not disputed by the Council. In such circumstances, having regard to the presumption in favour of sustainable development, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. The proposal would be beneficial in providing three affordable dwellings to meet an identified need, and would also make a modest contribution to overall housing supply, according in both respects with the social dimension of sustainable development. These are matters that weigh in its favour and it is likely there would also be some economic benefit, mainly during the construction period.
13. However, given my findings in paragraph 10 above and having had regard to all other matters raised and to development plan and *Framework* policies as a whole, overall I conclude that because of the harm the proposal would cause in terms of character, appearance and poor layout design it would not amount to sustainable development. The harm would significantly and demonstrably outweigh the proposal's benefits and consequently the appeal must fail.

Jane Miles

INSPECTOR

³ Which can be an acceptable design approach in some circumstances

Appeal Decision

Site visit made on 2 September 2015

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 30 September 2015

Appeal Ref: APP/J1915/W/15/3128968

32 Bishops Avenue, Bishops Stortford, Hertfordshire CM23 3EL

- 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 Linda Parish against the decision of East Hertfordshire District Council.
- The application ref: 3/15/0849/FUL, dated 24 April 2015, was refused by notice dated 17 June 2015.
- The development proposed is the erection of a detached 2 storey, 2 bedroom starter or retirement home.

Decision

1. The appeal is dismissed.

Reasons

2. The current appeal proposal follows refusals of previous proposals for additional development at no. 32, one of which was also dismissed on appeal¹. In this appeal the **main issue** is the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the quality of the proposed design and layout.
3. A description of the generally spacious character of the surrounding area in the 2013 appeal decision (relating to an outline planning application) remains equally relevant to this current proposal and there is no need to repeat it in full. The most significant feature to note is that although no. 32 occupies an unusually spacious plot, at the junction of Bishops Avenue and Mary Park Gardens, the converging lines of dwellings in these two streets means there are already some tight relationships between the principal buildings at no. 32 and adjacent properties². Thus existing spaces surrounding the dwelling at no. 32 are important in maintaining a sense of spaciousness around the junction, notwithstanding the existing tall conifer hedging.
4. Due to the irregular shape of the existing plot at no. 32 the proposed plot for the new dwelling would approximate to a triangle: one side boundary would adjoin no. 30 Bishops Avenue (to the north-east) and the other, along the westerly side, would adjoin both no. 32 and the rear of no. 31 Mary Park Gardens. The new dwelling would sit alongside no. 30 Bishops Avenue but, in order to match that dwelling's front building line, it would be squashed into the

¹ Appeal ref: APP/J1915/A/12/2182042, decision dated 14 February 2013

² Nos. 29 and 31 Mary Park gardens and no. 30 Bishops Avenue

rearmost part of the triangle and would occupy most of the space between the buildings at nos. 30 and 32.

5. The resultant increased intensity of built form would be apparent from Bishops Avenue and also in views from Mary Park Gardens, between the end dwelling in that street (no. 31) and the existing dwelling on the appeal site. Even though some elements of the existing and proposed buildings are or would be single storey, the proposed development would appear not only unduly cramped on its plot but it would also diminish the sense of space around the junction. It would therefore seriously detract from the area's character and appearance, despite the overall plot size and a front garden of the same depth as that at no. 30 and other dwellings to the north-east.
6. In addition the internal layout for the new dwelling indicates that, although the larger of the two principal ground floor living areas would have an outlook in two directions, in both instances this would be directly onto the stepped westerly site boundary in close proximity. The slightly lower level of the new building, relative to the two existing dwellings along this boundary, would increase the extent to which it would appear shoe-horned into the site. In these respects the proposal would not amount to good design in terms of character and appearance or in terms of the living environment for occupiers of the dwelling.
7. I note that the detailed design has been devised to minimise the dwelling's impacts on residential amenity at neighbouring properties. Nonetheless, and notwithstanding the appellant's view that this proposal would address previous concerns expressed by the Council and the Inspector in the 2013 decision, for the reasons set out above I conclude the proposal would cause serious harm to the character and appearance of the surrounding area. It would not amount to the high quality of design and layout that both national³ and development plan policy⁴ seeks to achieve.
8. I have borne in mind that the appeal site is in an accessible and sustainable location, where the principle of some further housing is acceptable, and that there would be a modest benefit in creating an additional dwelling built to modern standards of sustainable construction. However neither these matters nor any other matters raised are sufficient to outweigh my conclusion on the main issue. Overall therefore I conclude the appeal must fail.

Jane Miles

INSPECTOR

³ The *National Planning Policy Framework*

⁴ Most notably saved Policies HSG7 and ENV1 of the East Herts Local Plan Second Review (2007)