

Appeal Decision

Site visit made on 26 February 2016

by **N McGurk BSc (Hons) MCD MBA MRTPI**

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

Decision date: 22 March 2016

Appeal Ref: APP/J1915/W/15/3137957

11 Capel Court, Hadham Hall, Little Hadham, Hertfordshire, SG11 2AP

- 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 Mrs Jemma Golds against the decision of East Herts Council.
 - The application Ref 3/15/0914/OUT, dated 3 May 2015, was refused by notice dated 6 August 2015.
 - The development proposed is two semi-detached houses on existing land plot (currently unused garden).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved.
3. A previous application¹ for a detached dwelling was refused.

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area, including the setting of the Grade II Listed boundary wall and Stewards Cottage; and whether the proposal would be consistent with the principles of sustainable development, having regard to current policy and guidance.

Reasons

Character and appearance

5. The appeal property is an end terrace dwelling, which forms part of a small cluster of buildings around Stewards Cottage, a Grade II Listed house, in a courtyard setting. The property has a small garden to the rear and a large rectangular-shaped area of garden bounded by the wall and hedgerows to the side.
6. The cluster of buildings sits within Hadham Hall, which includes a number of converted and new-build dwellings set within historic grounds. The presence of

¹ Ref: 3/00/0493/FP.

large gardens, woodland and swathes of open space provide for a notably green and spacious character. The appeal site is located within the Rural Area, as designated in the Local Plan² and Hadham Hall is surrounded by an expanse of open fields.

7. It is proposed to construct two dwellings on the large area of garden, which largely comprises lawn, to the side of the appeal property. To one side of this area of garden is 11 Capel Court, to two sides, beyond the boundary features, are very large agricultural fields and most of the fourth side borders the long rear gardens of Historia and Moosewood, two semi detached dwellings.
8. As a consequence of the above, the appeal site appears in keeping with the character and appearance of the area and contributes to its green and spacious qualities.
9. During my site visit, I observed that both Stewards Cottage and the Listed Wall were visible from the appeal site. Stewards Cottage is a timber-framed cottage with a gable thatched roof, dating from the 16th Century or earlier. Whilst buildings surround Stewards Cottage, they have been set well back from it.
10. Further to the above, gaps between buildings, including a large gap between the appeal property and Historia, add to the notable sense of greenery and spaciousness, and provide for distant views towards the countryside beyond, emphasising the Listed Building's location within a countryside setting.
11. The proposed development would replace a largely open area of land with built development. In so doing, it would severely erode the contribution that the appeal site makes to the green and spacious attributes of the area. This would be to the harm of the rural area's attractive qualities.
12. In addition to the above, the proposal would lead to an increased sense of enclosure and a reduced sense of openness. Consequently, it would result in a development that would detract from the green and spacious setting of Stewards Cottage and the Listed Wall.
13. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area and fail to preserve the setting of the Grade II Listed Boundary Wall and Stewards Cottage, contrary to the National Planning Policy Framework (the Framework) and Local Plan policy GBC3, which together amongst other things, protect local character and the historic environment.
14. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but would be less than substantial having regard to paragraph 134 of the Framework, which, in such circumstances, requires the harm to be weighed against any public benefit.
15. The appellant, in support of her case, suggests that the proposal would help provide much-needed housing. However, whilst the provision of new housing, especially where there is an under-supply, comprises a potential benefit of the

² East Herts Local Plan Second Review (2007).

proposal, it is not a factor that outweighs the identified harm to the character of the area and to designated heritage assets.

Sustainable Development

16. During my site visit, I observed that Hadham Hall does not provide for everyday services and facilities and that the nearest settlement of Bishop's Stortford is some considerable distance away. In the absence of any evidence to the contrary, I find that the proposed development would result in an increased reliance on the private car to access essential services and facilities. This would be contrary to the Framework, which, amongst other things, promotes sustainable patterns of movement.

17. One of the Council's reasons for refusal concerned the absence of information relating to the impact of the proposal on ecology, habitats and protected species. The appeal site is within a rural area and may impact on wildlife, including protected species, such as bats. As no information has been provided in this regard, I cannot conclude that no harm will arise. This is a factor that adds weight to my decision below.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

Appeal Decision

Site visit made on 23 February 2016

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

Decision date: 24 March 2016

Appeal Ref: APP/J1915/W/15/3136724

100 The Hyde, Ware, Hertfordshire SG12 0EU

- 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 Miss Nikki McIlquham against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0977/HH, dated 10 May 2015, was refused by notice dated 11 August 2015.
 - The development proposed is described as "removal of hedge and erection of 1.2 metre high boundary fence to front - retrospective".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A description of development was not provided on the application form. At the time of the planning application, the boundary fencing had been erected. I have considered the appeal on that basis and used the description of development from the Council's decision notice which is the most precise and refers to the development as retrospective.

Main Issue

3. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

4. The appeal property is an existing maisonette located at the end of a terraced row comprising 8 maisonettes in total within a residential estate comprising a mix of two storey terraced, detached and semi-detached properties that benefit from modest sized front gardens.
 5. The estate was laid out with no means of enclosure to front gardens and grass verges, with associated permitted development rights also removed. However, there are now examples within The Hyde of front gardens having been enclosed or filled by a mixture of hedges and other forms of planting. Nevertheless, the predominance of unenclosed front gardens with views of lawns, plants and shrubs, together with grass verges and intermittent intervals of soft landscaping, provides the area with a characteristic sense of openness and a verdant appearance.
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6. The Hyde has a slight westward sloped topography with the property set forward from the adjacent terrace to the west due to its siting and orientation to the outside of a gradual curved section of the highway. As a consequence, the front and side of the property and its associated gardens are highly prominent when viewed from the highway and an associated pedestrian footway which wraps around the property at the side in providing access to a further terrace at the rear.
7. The development comprises a 1.2 metre high timber close boarded fence which has been erected along the front boundary of the site and along the common boundary with Nos. 102 and 103 The Hyde to replace a front hedge and low side fence along the common boundary which previously enclosed the front garden area of the appeal property. The new front boundary fence is of a good quality construction. However, the close boarded design of the fence in a prominent position along the edge of the pavement presents a solid appearance that is a stark contrast with the verdant appearance of the front gardens and boundary hedges of surrounding properties. As a consequence, the height, materials, design and colour of the fence introduces an incongruous, discordant and prominent feature in this section of the street scene along The Hyde. I therefore consider that the development is significantly harmful to the character and appearance of the street scene.
8. In reaching the above findings, I have taking into account the examples of other boundary walls and fences in the surrounding area, including those which enclose side and rear gardens to the appeal property and No.2 which is directly opposite to the site and limited examples of existing fences within front gardens in the wider setting. However, I am not aware of the planning status or circumstances that have led to these examples.
9. In any case, I do not consider the examples of existing fencing and other means of enclosure to be comparable to the appeal proposal. This is noting that they primarily relate to areas which have the appearance of back or side gardens that are softened by landscaping or the presence of adjacent grass verges. Furthermore, the limited examples of fences to front gardens are of a lower height, a different post and rail design which preserves open views and are located in less prominent positions within the street scene. The examples of existing fencing and walls therefore do not replicate the circumstances of the development, its relationship to surroundings or the harm identified.
10. In addition to the above, I do not consider the examples of boundary hedging to be comparable to or offer precedent for the appeal proposal because, being of a planted form, they have a soft appearance and provide a type of enclosure that would be expected to be found within a front garden environment. As a consequence, the presence of existing fencing and other types of boundary enclosure in the surrounding area does not justify harmful development at the appeal site.
11. I have considered whether the use of conditions would have the potential to overcome the harm identified. However, the position of the fence adjacent to the pedestrian footway and its close boarded design precludes the potential to soften its appearance through the addition of landscaping that would complement its surroundings.
12. I conclude that the development is significantly harmful to the character and appearance of the surrounding area. The proposal, therefore, conflicts with

saved Policy ENV1 of the East Herts Local Plan Second Review (adopted April 2007). This policy seeks to ensure that new development proposals are of a high standard of design which complements the existing pattern of development and reflects local distinctiveness. These policy aims are consistent with the National Planning Policy Framework.

Other Matters

13. I have taken into account the appellant's evidence which indicates that the unauthorised development was not a wilful breach of planning control and I have no reason based on the evidence before me to take a different view. Nonetheless, the Council consider that planning permission is required for the development and refused the application. The appeal has therefore been determined on the basis of the individual planning merits of the development with respect to the evidence before me and my observations of the site and its surroundings.
14. The Council have offered no concerns relating to highway and pedestrian safety and have identified no harm with respect to the living conditions of surrounding properties. Based on the evidence before me and my observations of the site I have no reason to take a different view on these matters. Nevertheless, the absence of concern in this respect does not justify the harm identified.
15. The appellant has suggested that the fence offers improved security and safety for the appellant's young child compared to the previous boundary treatment. Whilst I accept there are such benefits, I am not satisfied that the development is the only manner in which to achieve a safe and secure environment at the appeal property.

Conclusion

16. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

Appeal Decision

Site visit made on 23 February 2016

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

Decision date: 24 March 2016

Appeal Ref: APP/J1915/W/15/3137532

James O Radley Opticians, 36 High Street, Buntingford, Hertfordshire SG9 9AQ

- 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 J Radley against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1220/FUL, dated 5 June 2015, was refused by notice dated 14 August 2015.
 - The development proposed is alterations to the front window to accommodate an entrance door to the shop from the high street pavement.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the front window to accommodate an entrance door to the shop from the high street pavement at James O Radley Opticians, 36 High Street, Buntingford, Hertfordshire, SG9 9AQ in accordance with the terms of the application ref: 3/15/1220/FUL, dated 5 June 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: BW1-00318605 (location plan) and 15/30/01 rev A (dated 18 June 2015).

Preliminary Matter

2. The site address provided on the application form has been altered on the appeal form. I've therefore added a reference in the site address to 'James O Radley Opticians' accordingly.

Main Issue

3. The main issue is the effect on the character and appearance of the host building and the Buntingford Conservation Area.

Reasons

4. The Buntingford Conservation Area includes the historic core of the small market town comprising the main shopping area of High Street which includes a range of historic and traditional buildings arranged in predominantly two and three storey terraces. The area surrounding High Street includes lower densities of other commercial buildings, open spaces and religious buildings,
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with residential areas of differing style, appearance and layout as arranged around the River Rib.

5. The appeal property is a mid-terraced two storey building within High Street in the Buntingford shopping frontage and the Buntingford Conservation Area. The property is unlisted, although it is adjoined by listed buildings to either side. The existing shopfront has an asymmetrical appearance comprising a multi-pane timber curved-sided bay window that is recessed behind similarly painted timber pilasters that also subdivide the window from the existing entrance. The appearance of the building, those in the surrounding terrace and those opposite which face onto High Street varies substantially at ground floor level due to retail frontages of differing scale, proportions, position, style and detailing. In contrast, the variation in appearance of the upper floors of the buildings defines the different age and architectural style of each building and plays an important role in the significance of the historic development of the market town.
6. Saved Policy BH14 of the East Herts Local Plan Second Review (LP), adopted April 2007, permits alterations to shopfronts in Conservation Areas where the proposed design is sympathetic to the scale, proportions, character and materials of the structure, adjoining buildings, and the street scene is general. Furthermore, paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. 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.
7. The insertion of a new central entrance door within the existing curved bay window and associated brick stallriser would alter the external appearance of the host building. The position and limited width of the proposed entrance door would maintain the balanced appearance of the bay window and complement its scale, materials and proportions. However, the introduction of a second doorway below the existing signage board would have a detrimental impact on the character and appearance of the host building by weakening the emphasis of the bay window as the dominant feature of the shopfront and decreasing the visible window displays from the outside of the shop. As a consequence of this impact on the host building, the appeal proposal does not comply with saved Policies ENV1 and BH14 of the LP in so far as these policies seek a high standard of design and sympathetic alterations to the character of shopfronts.
8. Notwithstanding the above, the diversity of existing shopfronts evident in Buntingford Conservation Area, including examples of centrally located entrances, multiple entrance doors within individual shopfronts and variation in style and type of shop windows within High Street, would ensure that the harm to the street scene would be minimal and therefore the harm to the significance of the Conservation Area would be less than substantial. The harmful effect therefore needs to be weighed against the public benefits of the proposal in accordance with the Framework.
9. The proposed development would benefit the function of the shop and accessibility for its customers through the provision of a new level access entrance from the pavement to replace the existing splayed door from a small lobby accessed from the existing entrance. In addition, the revised layout of

the shop would also allow additional sales area for display cabinets following the closure of the existing splayed access, and would separate the shop from the entrance to the first floor flat. Based on the evidence before me and my observations of the appeal property, the proposed development would better meet the modern needs of customers of the shop, support the growth of the existing business and also benefit occupants of the first floor flat in terms of thermal efficiency. These factors are public benefits of the proposal to which I afford significant weight against the less than substantial harm to the Conservation Area identified.

10. On balance, I conclude that the combination of public benefits of the development would outweigh its impact upon the host building, the less than substantial harm to the character and appearance of Buntingford Conservation Area, and therefore the conflict with saved Policies ENV1 and BH14 of the LP in this regard. The proposed development is therefore acceptable and aligns with the Framework in terms of the requirement to preserve designated heritage assets in accordance with their significance.

Other Matters

11. I have taken into account the presence of listed buildings to either side of the appeal property. I have not, however, been provided with any information relating to either building. The Council raises no specific objection in this respect and I am satisfied based on my observations and previous findings that the proposal would result in no undue harm to the setting of the listed buildings.
12. The appellant has provided evidence that the existing use and the associated shopfront evolved with the requirements of business over time rather than being an original architectural feature of the building. Nevertheless, the photographs provided to identify a previous residential use of the property are undated and likely pre-date the first designation of Buntingford Conservation Area in 1968. This matter has therefore been afforded limited weight in my decision and is not a decisive factor upon the outcome of this appeal.
13. I have included conditions suggested by the Council in terms of the standard time limit of the permission and plans compliance for the avoidance of doubt in terms of the development for which permission is granted.
14. The Council's suggestion of a pre-commencement condition requiring the submission and approval of detailed drawings of new doors and windows is not necessary due to the inclusion of details in the application form and annotations on the approved plan ref: 15/30/01 rev A (dated 18 June 2015). These details indicate the re-use of the external grade door and the painting of the door and frame to match the existing colour of the shopfront, which I consider would be acceptable.

Conclusion

15. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be allowed subject to conditions relating to the time limit of permission and plans compliance.

Gareth Wildgoose

INSPECTOR

Appeal Decision

Site visit made on 26 February 2016

by **N McGurk BSc (Hons) MCD MBA MRTPI**

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

Decision date: 21 March 2016

Appeal Ref: J1915/W/15/3136933

Stumbledon, The Ford, Little Hadham, Hertfordshire, SG11 2AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Brian Kain against the decision of East Herts Council.
 - The application Ref 3/15/1574/HH, dated 4 August 2015, was approved on 29 September 2015 and planning permission was granted subject to conditions.
 - The development permitted is extension of existing open barn to provide cover for two vehicles.
 - The condition in dispute is No 4 which states that: Prior to the commencement of development, a site layout plan at a scale of at least 1:200 showing car parking and turning spaces shall be submitted to and approved in writing by the Local Planning Authority and development shall not be occupied until those approved spaces have been constructed.
 - The reason given for the condition is: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to a condition which requires the provision and approval of a plan showing car parking and turning spaces. The condition also requires construction of the spaces prior to the approved extension of an existing open barn being occupied.

Main Issue

3. The main issue in this case is whether the condition imposed is reasonable and necessary in the interests of highway safety.

Reasons

4. The appeal property is a Grade II Listed two storey detached dwelling, notable for its attractive brickwork and sash windows, amongst other things. It is set back from the main road through the village by a small front garden and low walls. The appeal property is located within Hadham Ford Conservation Area, which in this location is largely characterised by attractive dwellings, including numerous period properties, set back from the road behind small front gardens and/or parking areas.
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5. Behind the appeal property is a short garden, to the rear of which is an existing open barn, which extends to the side. To the side of the property, to the north, is a larger area of garden, beyond which is a driveway. The single driveway provides direct access to the main road. It extends alongside the appeal property's side garden until it reaches the open barn to the rear.
6. During my site visit, I observed that there appears to be sufficient room towards the end of the drive closest to the open barn for cars to manoeuvre, such that they can enter or leave the single driveway access on to the main road in a forward gear. I also observed that the appeal property's access is close to a road junction, as well as a bend in the road. There is only a narrow and restricted area of pathway adjacent to the appeal property and the public pavement on the opposite side of the main road is narrow.
7. Given all of the above, together with the relatively narrow width of the main road and, during the time of my site visit, the presence of parked vehicles along the road, it is clearly in the interests of highway safety for vehicles to enter the main road in a forward gear. Reversing into the main road in this location could disrupt traffic flow and put the safety of pedestrians, as well as other road users, at risk.
8. In the light of the above, I observed that other properties in the area tend to have turning spaces, such that vehicles can enter and leave the main road in a forward gear. I am also mindful, in this regard, that a representation to the appeal notes that a planning permission for development at an adjacent property to the appeal site, Elfering Bank, was subject to a condition requiring the provision of a turning head.
9. As noted above, there is currently room for vehicles to manoeuvre towards the rear of the appeal site. However, the extension of the open barn would involve development within this area and it appears to me that the scope for manoeuvring would, as a consequence, be so limited as to require vehicles to enter or leave the site in a reverse gear. This would result in an unacceptable risk to the safety of road users, and would be contrary to the National Planning Policy Framework, which requires development to provide safe environments and minimise conflicts between road users.
10. No plans have been submitted to demonstrate that the open barn can be extended in a way that provides adequate room for cars to manoeuvre. Condition 4 has been imposed upon planning permission 3/15/1574/H to ensure that there is no harm to highway safety.
11. Taking all of the above into account, I find that condition 4 is reasonable and satisfies the six tests in paragraph 206 of the Framework.

Other Matters

12. I note above that the appeal property is a Grade II Listed Building located within a Conservation Area. The Council is satisfied that the proposed development will not harm the setting of the Listed Building, or the character and appearance of the Conservation Area.

13. The appellant, in support of his case, states that providing turning space would result in the loss of garden land. Whilst this may be the case, I have found condition 4 to be reasonable and necessary in the interests of highway safety and this has led to my decision below.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

Appeal Decision

Site visit made on 22 February 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 08 March 2016

Appeal Ref: APP/J1915/D/15/3139453

9 Townshend Street, Hertford, Hertfordshire SG13 7BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Caroline Lucas against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1579/HH, dated 24 July 2015, was refused by notice dated 17 September 2015.
 - The development proposed is a rear two-storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear two-storey extension at 9 Townshend Street, Hertford, Hertfordshire SG13 7BP in accordance with the terms of the application, Ref 3/15/1579/HH, dated 24 July 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: Drawing no TS01PL dated July 2015.

Main Issues

2. The main issue in this case is the effect of the development on the character and appearance of the host dwelling and the conservation area within which it is located.

Reasons

3. This proposal relates to a two-storey mid-terrace property situated towards the southern end of Townshend Street within the Hertford Conservation Area. The rear of this dwelling is not readily visible from the public realm due to the street being an unbroken terrace of housing and to it backing onto similar development along Villiers Street. Hertford Methodist Church is located to the south which blocks views to the rear parts of this terrace from this direction.
 4. Although this proposal would only be readily viewed from the host property and neighbouring back gardens I am nonetheless giving full regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
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5. The significance of this part of Hertford Conservation Area derives mainly from the character of the street scene which would be unaffected by this rear extension. The pitched roof, two storey extension proposed to the rear would be similar to the extension to No 7 next door and to those to the adjacent properties at Nos 3 and 5.
6. Although slightly wider than the extension to No 7, and projecting at first floor a further 1m, this proposal would relate visually to the character of the host dwelling and to that of the surrounding area in an acceptable way. The scale of the extension would be subservient to the main house, with the projecting roof ridge set just above the height of its eaves. The roof of the extension would be pitched at around 45 degrees, similar to those on the neighbouring extensions, and it would have well-balanced proportions to its rear elevation and first floor window arrangement.
7. The extension would neither be overly large nor unduly intrusive such as to appear overbearing and the design proposed would respect the character and appearance of the host dwelling and that of the wider elevation to this section of the rear of this terrace. The details provided are adequate to assess this proposal as not harming the significance of Hertford Conservation Area and would serve to preserve its character and appearance. In these respects, this proposal would satisfy the aims of Policies ENV1, ENV5, ENV6 and BH5 of the East Hertfordshire Local Plan Second Review 2007 and similar objectives of the National Planning Policy Framework.

Conclusion

8. For the above reasons, and having had regard to all other matters raised, I conclude that this appeal should be allowed subject to conditions necessary for the avoidance of doubt and in the interests of proper planning.

Jonathan Price

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by **Gary Deane BSc (Hons) DipTP MRTPI**

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

Decision date: 30 March 2016

Appeal Ref: APP/J1915/W/15/3138544

**Woodside Industrial Estate, Woodside, Bishop's Stortford, Hertfordshire
CM23 5RG**

- 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 Ms Emma Harris against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1647/FUL, dated 5 August 2015, was refused by notice dated 8 October 2015.
 - The development proposed is the subdivision of existing 115m² light industrial B1 unit with change of use of 57.5m² floor area to A3 cafe.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether or not the loss of the employment use would be justified.

Reasons

3. The appeal property is a ground floor unit in a recently completed 2-storey block of Class B1 (business) premises that forms part of the Peek Business Centre, within the Woodside Industrial Estate. The proposal is to split a single unit at one end of the main building into two broadly equal parts, with the use of one half changed to a café. A cycle repair business would continue to occupy the other half of the unit.
 4. Policy EDE2 of the East Herts Local Plan Second Review (LP) states that outside identified Employment Areas, development that would cause the loss of an existing employment site will only be permitted if three criteria are met. The first criterion of this policy requires evidence to be provided, which shows that the retention of the site or premises for employment use has been explored fully without success. If the proposal were to be approved and implemented, part of the appeal unit would not be retained in Class B1 use. Therefore, I am satisfied that the appeal scheme falls within the scope of LP Policy EDE2.
 5. The appellant considers that there is no demand for the available units within the building to which the appeal unit belongs (Block A) and, on that basis, their early take up by a commercial user is unlikely. A letter dated 6 August 2015
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from a local commercial agent, Coke Gearing (CG) that is responsible for marketing the estate, supports this stance. This letter explains that unlike other Blocks, Block A has proved a little difficult to attract market interest with only one out of potentially eighteen units occupied and a second under offer. According to CG, the estate has been marketed since January 2014, with sales particulars, site letting boards, local press advertising, a mail shot and details placed onto CG's web site as well as leading commercial property portals.

6. A copy of the sales particulars relevant to the appeal unit has not been provided and so I cannot be sure on what basis the premises or those within the same building have been offered and on what terms. It is also unclear from the evidence to whom the appeal premises have been marketed. In the absence of evidence to show that the property has been marketed for a range of employment generating purposes over a sustained time period at a competitive market rate, I cannot be certain that a commercial occupier would not be forthcoming. While CG states that Block A has proved 'a little difficult with reduced demand for this offering' this does not translate to the requirement in LP Policy EDE2 that the retention of the employment use is explored fully.
7. In those circumstances, I find that the requirements of LP Policy EDE2 have not been met and that the loss of the employment use would not be justified. As such, the proposal would undermine a main purpose of LP Policy EDE2, which is to retain and encourage the continued use of employment sites. It would also be at odds with the objective of building a strong, competitive economy set out within the National Planning Policy Framework (the Framework).
8. In reaching this conclusion, I acknowledge that the proposal would generate some employment and that a café at this location would serve other staff and visitors to the Business Centre, including the adjacent cycle repair business. The appeal scheme may also reduce the need for users of the Business Centre to travel elsewhere for food and drink. It would also support the local economy, albeit in a limited way given the modest scale of development. However, these benefits do not outweigh the harm that I have identified.
9. The Council raises no objection to the effect of the proposal on the Green Belt, within which the site is located. I, too, reach a similar finding given the established employment use of the site and the absence of any significant external alterations or extensions proposed to the existing built form. Consequently, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal would not conflict with LP Policy GBC1. I also share the Council's opinion that the proposal would reuse a building of permanent and substantial construction. As such, it would qualify under paragraph 90 of the Framework (fourth bullet point) as not inappropriate development in the Green Belt.
10. Nevertheless, for the reasons given above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 18 March 2016

Appeal Ref: APP/J1915/D/16/3141652

35 Woodlands Road, Thundridge, Ware, Hertfordshire SG12 0SW

- 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 Raymond Scott against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1676/HH was refused by notice dated 22 October 2015.
 - The development proposed is to erect perimeter fence on a portion of forward facing and side facing of property, enclosing lawn area offering sound barrier to adjacent football ground, security and privacy. Fence to be 6ft (1.8m) in height, wood slat, to existing.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mrs Suzette Scott on the planning appeal form, whereas the name appearing on the application form is Mr Raymond Scott. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Raymond Scott is the appellant in this case.
3. The proposed fence is complete. It appears to have been erected in accordance with the plans.

Main issue

4. The main issue is the effect of the fence on the character and appearance of the local area.

Reasons

5. The appeal property occupies a prominent corner plot at the junction of Cold Christmas Lane and Woodlands Road, within a mainly residential area. The boundary treatment of properties in the immediate area to which No 35 belongs varies in type and quality and these primarily include fences, hedges and other forms of boundary planting. The relatively wide grass verge, coupled with the open land on the opposite side of Cold Christmas Lane to the site give the local street scene of which No 35 forms part a spacious feel.
 6. The fence in question is of timber construction. It extends from the southeast corner of the plot along the part of the site's frontages to Cold Christmas Lane and Woodlands Road, connecting with an existing fence at each end.
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7. The considerable length of the appeal fence coupled with its position along the back edge of the adjacent footway means that the structure is a significant and prominent feature in views from Cold Christmas Lane, in both directions, and Woodlands Road. From these vantage points, the appeal fence appears as a rather stark, solid, formal barrier. Its appearance contrasts markedly with the greenery around other parts of the adjacent junction and is at odds with the sense of space that otherwise characterises this part of the street scene.
8. Due to its height and length, the appeal fence also differs to the more low-key and less imposing presence of other boundary treatments to properties in the immediate vicinity of the site, which include fences of different types albeit at a generally lower level. For these reasons, the appeal fence appears out of place and, as a result, it is obtrusive. Consequently, I consider that the appeal fence has a deleterious effect on the character and appearance of the local area.
9. During the site visit, I saw several examples of boundary fences that mark the highway frontages of properties in the wider area and I have carefully noted all of the cases to which the appellant has referred and provided photographs. I am unaware of the detailed circumstances for any of these boundary treatments and so it is difficult to draw meaningful conclusions from them. I accept that some fences and other means of enclosure are prominent features in the street scenes to which they belong, and that some fences are longer and taller than the appeal fence. None of the identified fences share the same street scene as the appeal fence, which, in any event, must be assessed on its own merits, as I have done. As such, these cases do not lend significant weight in support of the appellant's case.
10. On the main issue, I therefore conclude that the appeal fence significantly harms the character and appearance of the local area. Accordingly, it is contrary to Policies ENV1 and ENV5 of the East Herts Local Plan Second Review. These policies aim to ensure that development achieves a high standard of design and is compatible with the character and appearance of the area. It is also at odds with the National Planning Policy Framework, which states that development should add to the overall qualities of an area.
11. That the fence has improved the living conditions of the appellant than would otherwise be the case is in little doubt. In particular, I acknowledge that the fence has improved security and privacy and has created a safer outdoor space especially for the appellant's dogs. It has also acts as an acoustic screen and thus reduces the noise from vehicles passing by and parking on the adjacent roads. These are all important matters that lend support to the appellant's case and need to be weighed in the planning balance. However, these matters do not outweigh the harm that I have identified.
12. The Council raises no objection to the effect of the fence on the Green Belt, within which the site is located. From the evidence before me, I have no reason to reach a different conclusion on this issue.
13. Nevertheless, for the reasons given above, and taking into account the absence of any objection from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 22 February 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 18 March 2016

Appeal Ref: APP/J1915/D/15/3139428

117 Windmill Way, Much Hadham, Hertfordshire SG10 6BQ

- 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 J J Horton against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1703/HH, dated 17 August 2015, was refused by notice dated 8 October 2015.
 - The development proposed is existing front gable projection extended to form space for new staircase to proposed loft conversion with front and rear dormer windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of this proposal on the character and appearance of the existing dwelling and on the Much Hadham Conservation Area.

Reasons

3. The significance of this part of the Much Hadham Conservation Area derives from the linear development along Widford Road which is of a largely unspoilt nature, including buildings of historic interest and of a vernacular architectural character. The new housing along Windmill Way leading from Widford Road, of which the appeal property forms a part, has been built to a design and with a choice of materials that is in keeping with the character and appearance of this area.
 4. Viewed from the main Widford Road, Windmill Way provides a vista of well-designed modern houses that integrate well with the architectural character of this pleasant village. The appeal property comprises a part of this view and is an attractively designed and well-proportioned house that contributes positively to the character and appearance of this part of the Much Hadham Conservation Area.
 5. Increasing the height of the existing front gable extension to accommodate the staircase leading to the attic accommodation proposed, and by adding three dormer windows, would detract from the presently well-balanced appearance of this house and its simple and attractive roof design. With the ridges of the roofs of the proposed gable extension and dormer windows all matching that of the main house these proposals would detract from the appearance of the
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existing dwelling by creating a top-heavy appearance, particularly as viewed from the side elevations to the west and east. Consideration has been given to the full height projecting gable to the adjoining property at No 119 but it is considered that this, being wider than the front extension to No 117, is in proportion with that existing house and, in any case, this proposal must be judged on its own merits.

6. Whilst the components of this scheme have been designed to match the existing house they would nonetheless combine to harm its presently pleasing composition and start to erode the architectural character of development in this location. As a consequence this proposal would harm both the character and appearance of the dwelling and that of the part of the Much Hadham Conservation Area to which it contributes. For these reasons the proposal would be contrary to Policies ENV1, ENV5, ENV6 and BH5 of the East Hertfordshire Local Plan Second Review April 2007.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I must attach considerable importance and weight to this requirement in balancing the merits of this proposal against the harm I have found. As the additions would match the design and materials of the main house and the concerns relate principally to the scale and height of the additions proposed, any harm would be less than substantial. Addressing the requirements in paragraph 134 of the National Planning Policy Framework, this less than substantial harm to the Conservation Area would not be out-weighed by any public benefits that might support what is proposed.

Conclusions

8. For the reasons set out above, having had regard to all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 18 March 2016

Appeal Ref: APP/J1915/D/15/3141408

24 Manston Drive, Bishop's Stortford, Hertfordshire CM23 5EL

- 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 S Foxall against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1782/HH, dated 26 August 2015, was refused by notice dated 13 October 2015.
 - The development proposed is the erection of a 2-storey front, single storey side and 2-storey rear extension; new window on first floor side elevation and alterations to fenestration.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a 2-storey front extension.
2. The appeal is allowed and planning permission is granted for the erection of a single storey side and 2-storey rear extension; new window on first floor side elevation and alterations to fenestration at 24 Manston Drive, Bishop's Stortford, Hertfordshire CM23 5EL in accordance with the terms of the application Ref 3/15/1782/HH, dated 26 August 2015 subject to the conditions set out in the schedule to this decision.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

4. The appeal property is a mainly 2-storey detached house that is located within a predominantly residential area, wherein dwellings are similar in age and vary in scale, design and general appearance. Consequently, there is some variety to the existing built form within the local street scene to which No 24 belongs.
 5. Like the dwellings on either side, No 24 stands at an oblique angle to the road. It has a hipped roof and a 2-storey forward projection with a gable above in the front elevation. At the side of No 24 is an attached single storey garage, which is set back from the main front wall.
 6. The proposed front extension would be 2-storey with a pitched roof that would include a hipped end facing the road and a ridge set below that of the host
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building and the front gable. The new addition would stand noticeably forward of the main front wall and include a door and windows in the front elevation. In this position, the front extension, while relatively modest in size, would be a significant and prominent feature of the finished building.

7. By introducing additional built form that would step significantly forward of the main front building line, I consider that the proposed front extension would unbalance and detract from the façade of No 24. This is mainly because the tall and relatively slender new addition would relate uneasily with the scale and proportions of the host building. It would also visually compete with, and thus detract from, the existing forward projection and gable, which appear to be part of the building's original design. In addition, with three different ridge heights and contrasting roof forms prominent in the new front elevation, the appeal scheme would relate poorly to the simple design of the appeal dwelling.
8. Taken together, I consider that the proposed front extension would spoil the intrinsic character and appearance of the appeal property. As the only obvious example of such development in the street scene of which No 24 forms part, this element of the appeal scheme would also be obtrusive. In reaching this conclusion, I have taken into account the use of matching external materials.
9. I saw that several properties in the local area included front additions although most differed to the proposal before me in scale and in their relationship to the host building. Those properties to which the appellant has referred with extensions that most closely resemble the proposal, which are 4 Heath Row and 11 Manston Drive, underpin my concerns regarding the harmful effect of such development. These cases reinforce my view that such additions, while part of the character of the local area, do not set a desirable precedent. Consequently, these particular cases do not lend support to the appeal.
10. On the main issue, I conclude that the proposed front extension would significantly harm the character and appearance of the host building and the local area. Accordingly, it is contrary to Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review. These policies aim to ensure that development achieves a high standard of design that complements the original building and is compatible with the character and appearance of the area. It is also at odds with the National Planning Policy Framework, which states that planning should always seek to secure high quality design and that development should add to the overall qualities of an area.
11. The Council raises no objection to the remainder of the appeal scheme, which includes a single storey side and rear additions, a 2-storey rear extension and an additional first floor side window. I, too, find these elements of the proposal acceptable in their scale, design and general appearance. As the main house and garage would largely shield these parts of the development from public view there would be no discernable effect on the local street scene.
12. As these extensions and alterations would be broadly compatible with the character and appearance of the host building and the local area, they would comply with the policies cited by the Council. These components of the proposal are clearly severable to the new front extension and so I am able to issue a split decision that grants planning permission solely for them.

Conditions

13. In doing so, I have attached a condition specifying the relevant plans and to require that the development is carried out in accordance with those drawings to provide certainty with regard to the approved scheme. To ensure the satisfactory appearance of the development, a condition is also required to ensure that the external materials match the existing building.
14. It is also necessary to impose a condition to ensure that the new first floor window is fitted with obscure glass and fixed shut to safeguard the living conditions of the occupiers of No 24. This requirement is additional to the conditions suggested by the Council.

Conclusion

15. Overall, for the reasons set out above, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs P7815/1 and Plan 1.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) The extensions hereby permitted shall not be occupied until the new first floor bathroom window in the side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7-metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the obscured glazing shall be permanently retained thereafter.



Appeal Decision

Site visit made on 22 February 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 08 March 2016

Appeal Ref: APP/J1915/D/15/3139914

2 Squirrels Close, Bishop's Stortford, Hertfordshire CM23 2SA

- 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 Chris Valder against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1802/HH, dated 28 August 2015, was refused by notice dated 20 October 2015.
 - The development proposed is the erection of a free standing brick built garage.
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Decision

1. The appeal is allowed and planning permission is granted for a free standing brick built garage at 2 Squirrels Close, Bishop's Stortford, Hertfordshire CM23 2SA in accordance with the terms of the application, Ref 3/15/1802/HH, dated 28 August 2015, and the plans submitted with it, subject to the following condition.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Main Issue

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

Reasons

3. This proposal relates to a detached bungalow located at the head of a short cul-de-sac which runs between frontage housing along Barrels Down Road. This access serves another bungalow and a house sited either side of the appeal property. This proposal would not be prominent in views from the main road and so this issue relates mainly to the effect it would have on the setting of this group of three dwellings.
 4. 2 Squirrel Close is a simple rectangular shaped bungalow with an integral garage on its northern side which projects slightly at the front. The access that continues north, to serve the adjacent bungalow at No 1, rises in level from the
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entrance to No 2 which has necessitated a low retaining wall facing its integral garage. The position of the access to No 2 is dictated by these ground levels and makes manoeuvring a car into the existing integral garage somewhat inconvenient. The proposal for a free-standing detached garage to replace the integral garage would be easier for the appellant to use and would permit conversion of the existing integral garage to provide additional living space for the main bungalow.

5. Although the front garden and drive of No 2 is currently open I do not consider this proposal would be unduly prominent such as to cause any significant harm to the street scene provide by this group of three dwellings. It would be positioned in land lower than the adjacent access up to No 1 and this property also has a detached garage in front of it, albeit set back in line with No 2.
6. Although free-standing and sited to the front of the bungalow the proposed garage would be sited against land that rises slightly to the north. I consider that it would not result in any significant harm to the character and appearance of this small development of three dwellings and would satisfy the requirements of Policies ENV1 and ENV2 of the East Hertfordshire Local Plan Second Review 2007.

Other Matters

7. Consideration has been given to the concerns expressed by the neighbour at No 1 Squirrels Close. The proposed garage is sited sufficiently apart from this neighbouring such that it would not to cause material harm to the living conditions of these occupiers in respect of outlook, effects from ice and snow, loss of sunlight and over-shadowing for these to be sufficient grounds to affect my decision. Concerns expressed over the details of the drawing, particularly in respect of final ground levels, can be addressed through a planning condition.

Conclusions

8. It is not the purpose of this appeal to progress any amendments to this proposal. However, a condition is considered necessary requiring agreement over the finished ground levels for this development, in addition to the standard time limit condition, both in the interests of proper planning and for the avoidance of doubt. For above reasons, and having taken account of all other matters raised, I conclude that, subject to these conditions, this appeal should be allowed.

Jonathan Price

INSPECTOR