
Appeal Decision

Hearing held on 22 June 2016

Site visit made on 22 June 2016

by Sarah Colebourne MA, MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/J1915/W/16/3145267

Elmfield Stables, Thirty Acre Farm, Broadfield, Throcking, Hertfordshire, SG9 9RD

- 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 Robin Jamieson against the decision of East Herts Council.
 - The application Ref 3/15/1725/FUL, dated 20 August 2015, was refused by notice dated 13 November 2015.
 - The development proposed is described as the change of use to a mix of gypsy and traveller residential with the siting of a single caravan and grazing for horses, together with the development of replacement stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:-
 - whether the appellant meets the definition of a gypsy or traveller for the purposes of planning policy as defined in Annex 1 of *'Planning Policy for Traveller Sites' (PPTS)*.
 - whether the proposed development is in a sustainable location, having regard to national and local policy;
 - if any harm arises, whether it is outweighed by any other material considerations, including any identified need for sites for gypsies and travellers in the area, the alternatives for the appellant and any personal circumstances.

Reasons

Background

3. The appellant has owned the site since 2004. Two previous appeals for stables at the appeal site were dismissed in 2006 and 2008 on the grounds of the effect on the character and appearance of the area. A previous appeal for the use of land as a traveller site and a stable block was dismissed in 2013 on the grounds of harm to the character and appearance of the area, to sustainability and to nature conservation.
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Definition of gypsy or traveller

4. It was accepted at the previous appeal in 2013 that the appellant satisfied the definition of a gypsy and traveller in terms of the planning policy which applied at that time. In this case the Council has not disputed that the appellant is of Romany Gypsy ethnic identity or that he leads a travelling lifestyle and from the submitted evidence I have no reason to disagree with that. However, since the Council's decision, it now considers that Mr Jamieson no longer meets the current, revised definition of a gypsy and traveller in the government's PPTS. This removed the words 'or permanently' from the previous definition so that gypsies and travellers who have permanently ceased a nomadic way of life are no longer included in the provisions of the policy.
5. The Council reached this view following the results of its 'East Herts Gypsy and Travelling Showpeople Accommodation Needs Assessment' dated June 2016 (GTAA) which was agreed by the Council on 7 June 2016. This was commissioned by the Council to take account of any changes resulting from the changed definition. It sought to understand the accommodation need of the travelling population in East Herts through a new round of household interviews and a review of the data that was collected during the previous now superceded study in 2014 in which the appellant's need was identified.
6. Mr Jamieson's interview was conducted by telephone and email, in which he said that he did very little work, travelling for social, domestic and pleasure reasons. At the hearing he said that at the time of the interview he was recovering from an operation and was heavily medicated and unable to provide an accurate response. However, during the hearing he provided further details of his current and anticipated future travelling patterns.
7. Although Mr Jamieson has retired from his work as a clinical psychologist, he is currently involved with police investigations into allegations of institutional child abuse in Essex and will appear at some point before the Goddard inquiry, in a professional albeit unpaid capacity. Whilst I was told that this will involve travelling to London, Essex, Manchester and the north for periods of between one day and several months, the fact that this work is unpaid is crucial. Caselaw, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to '*purposive activities including work*' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose.
8. I was also told that the appellant has land and property interests which include the ownership of a flat in London for which he is also a director of the block and two flats in North Tyneside, all of which are, or in the process of being, rented out and amount to around a third of his income. This involves visits several times a year of varying lengths, although those to the north east are sometimes combined with family visits. I did not hear that Mr Jamieson is involved in a physical capacity in property repairs or renovation and it seems to me that the management of the flats would not require much more than the occasional day or two, a few times a year. This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work.

9. He also carries out custody reports and provides psychology support for gypsies and travellers which amounts to a day or two a few times a year and some 5% of his income. Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment.
10. I conclude, therefore, that Mr Jamieson does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life. I shall, however, go on to consider whether the site is suitable for use as a general gypsy and traveller site or as a site for a residential caravan and stables for people without gypsy or traveller status.

Planning policy

11. Government guidance referred to by the parties includes the National Planning Policy Framework ("the Framework") and PPTS. The Framework sets out the three dimensions of sustainable development. These are economic, social and environmental. Paragraph 8 of the Framework states that the three sustainability roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. Paragraph 14 sets out a presumption in favour of sustainable development which means approving proposals that accord with the development plan and where the plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I must therefore assess whether the Council's policies are consistent with national policy.

Sustainable location?

12. The development plan includes the East Herts Local Plan Second Review (LP) (2007) in which the appeal site lies outside any settlement boundaries. Policy HSG10 is a criteria-based policy for gypsy and traveller sites which says that permission will be granted if the site is in a sustainable location in terms of accessibility to existing shops, education and health services and potential sources of employment, amongst other things.
13. Transport is only one dimension of sustainability and neither PPTS nor the Council's policies exclude all sites outside settlements. The Framework acknowledges the difference between urban and rural areas and neither it nor the Council's policy explicitly requires reliance on cars to be reduced in every instance. However, the Framework seeks to encourage a sustainable pattern of development and reduce car journeys where possible. Moreover, PPTS says that sites in open countryside away from existing settlements or outside areas allocated in the development plan should be very strictly limited. It also seeks to ensure that sites are sustainable and provide access to school and health services and reduce the need for long-distance travelling. The Council's policy is therefore broadly consistent with the Framework and PPTS.

14. The site is some 2 km from the village of Cottered which has a very limited range of services and some 4km from Buntingford which has a greater range of services, including shops and a doctor's surgery. There is no public transport in the immediate area. I heard that Mr Jamieson intends to use supermarket deliveries and to cycle, using a battery assisted bicycle, to and from Buntingford. However, that would not be likely in certain weather and, despite his generally good health now, is a less likely option with increasing age.
15. Although the existing stables are now authorised, there are no horses on the site and there is no need at present for Mr Jamieson to visit the site for the stables although this could change in the future. Although a permanent site may reduce some of his longer distance journeys, as Mr Jamieson's family and partner live in other parts of the country and his business and work interests lie elsewhere, the site would not contribute to a significant reduction in longer distance travelling either. I have noted that Mr Jamieson is committed to living a sustainable life and spends some time travelling out of the country each year but notwithstanding that it is highly likely that most journeys would be made by car.
16. The lane is very narrow, unlit and without pavements. If the site became a general gypsy and traveller site or a residential caravan site, those occupiers would be likely to require other facilities such as schools and given the conditions of the lane it is unlikely that they would choose to walk or cycle to any services that are required on a frequent basis. They may also own a greater number of vehicles and this would result in a greater number of car journeys even if they had a pattern of nomadic travelling or if the stables were brought back into use. Although the site is not large, the number of journeys would significantly increase over the existing situation and would have a severe impact.
17. I have noted that the site was the only site identified as potentially available and suitable in the Peter Brett Associates site scoping report and the East Herts Identification of Potential Sites Study in 2014 as part of the evidence base for the emerging District Plan. It identified the appeal site as having potential for one pitch for a single touring caravan. However, that was only one of the options suggested and a further strand of the report concerned the need to consider the delivery potential of providing pitches/plots within the wider areas of the proposed 'Allocations' and 'Broad Locations' in the emerging District Plan.
18. For these reasons, I agree with the Inspector for the previous appeal that the appeal site is not in a sustainable location and this is the case whether for use as either a general gypsy and traveller site or as a residential caravan site. The proposal would therefore be contrary to LP policy HSG10, the Framework and PPTS.

Any identified need for sites for gypsies and travellers in the area

19. PPTS identifies a national need for traveller sites and seeks to ensure that local planning authorities develop strategies to meet the need for sites in appropriate locations, to address under provision and maintain an appropriate level of supply (including a five year supply) of sites.
20. The Council's 2016 GTAA, which supercedes the 2014 GTAA and will be tested during the examination for the emerging District Plan as part of its evidence

base, identifies a requirement for 5 pitches in the district to 2033. Although the appellant is critical of the methodology and assumptions used in the GTAA, it has been carried out by a suitably qualified and experienced consultancy who have carried out a vast number of other GTAAs across the country, including those in neighbouring districts. I heard that similar assumptions and methodology have been accepted very recently by the Inspector's Interim Report for the Joint Core Strategy for Gloucester Cheltenham and Tewkesbury. In view of this and as I have no compelling evidence before me that the GTAA has significantly under-estimated the need for pitches despite the appellant's concerns, I will take into account the identified need in the GTAA.

21. Of the 5 pitches identified, 2 are needed between 2016-2022 and 3 between 2022-2027. The Council accepts that it has a very small shortfall of pitches and says that it will address the shortfall through the expansion or intensification of one of the existing private sites although no planning application for that has yet been received. At the present time, the Council cannot demonstrate a deliverable and available five year supply as required by PPTS. This carries some weight in favour of the proposal but given the very small size of that need, I have given it only limited weight.

Alternative accommodation options and personal circumstances

22. Mr Jamieson is currently living in his converted van, staying with relatives or very occasionally at the appeal site. I have noted the difficulties that this poses including abuse and threats, getting fresh water and access to toilet and other facilities. I heard that he would not consider living in any of the flats he owns because he has a personal aversion to living in bricks and mortar as a result of his wartime experiences and a long history of moving around. He considers that it would be detrimental to his health and well-being. From the evidence provided which points to, I accept this.
23. Since 2015 he has owned another small piece of land outside but close to the settlement boundary of Standon, for which planning permission for a dwelling was refused. He is hoping this might be suitable for social housing. Whilst the Council's officer considered that this might be a sustainable location for use as a caravan site, Mr Jamieson considers that, despite photographs showing a caravan on that site, it might be unsuitable in terms of highways access and it is unclear to me whether or not this would represent a suitable alternative site. The land and properties Mr Jamieson owns may not be suitable alternatives. I was also told of the difficulties in acquiring land and the extent of Green Belt land in this district. However, he could presumably sell the land and properties he owns if necessary which would contribute towards the purchase of a more suitable site. This reduces the weight I have given to his accommodation and personal needs.
24. Mr Jamieson is unaware of any reasonably available sites within this or neighbouring districts and as a single man with no dependants it seems unlikely that he would be able to obtain a pitch on an existing local authority existing site and previous enquiries have been unsuccessful.
25. The Council was unable to say whether or not it had any intention to make provision in its emerging District Plan for gypsies and travellers such as the appellant who have permanently ceased travelling for economic purposes. However, Section 124 of the Housing and Planning Act requires each local housing authority in England to consider the needs of people residing in or

resorting to their district with respect to the provision of sites on which caravans can be stationed. This duty increases the weight that I give to the personal needs of Mr Jamieson given his situation.

26. If the appeal were dismissed he would have to continue visiting relatives or staying with friends on unauthorised sites and whilst I have given his accommodation and personal needs moderate weight in view of his age, he is not registered with a GP in the area and I have not been told of any specific health or other reason, other than previous minor injuries and operations, that would provide further weight in support. A site in this location is not essential for the appellants.

Other matters

27. Local residents have raised a number of other matters to which the Council did not object.
28. The Framework recognises the intrinsic character and beauty of the countryside. PPTS does not require that sites are completely screened from view but instead seeks to ensure that they have adequate landscaping that rather than isolating them, increases their openness. Nonetheless, it requires that due regard is had to the protection of the local environment.
29. The appeal site is approached along a country lane in which there are a number of scattered dwellings. The site is surrounded by mostly grazing land. To the west, permission has been granted for a temporary agricultural worker's dwelling since the previous appeal and there is an associated large agricultural building. Some screening would be provided from the lane by the existing tall hedge and the additional proposed landscaping. The site would only be clearly seen from the access and from a public footpath which crosses through the southern part of the site. There are significant differences between this proposal and the previously dismissed scheme. The smaller size of the proposed stables building, its siting directly behind the roadside hedge rather than in the middle of the field and the single caravan rather than the caravan and mobile home proposed previously, together with additional planting would not result in significant harm in terms of the character and appearance of the area. Indeed the proposal would provide a small benefit in this regard given that the existing dilapidated building and container now have certificates of lawful development (LDC) which have been issued since the previous appeal and their removal would be a visual improvement. I have insufficient evidence to find that the concerns raised on behalf of local residents regarding the use of the land and the LDC's should lead me to a different conclusion and the proposal would accord with the Framework and PPTS in this respect.
30. S40 of the Natural Environment and Rural Communities Act 2006 requires that decision makers have regard to the purpose of conserving biodiversity. ODPM Circular 06/2005 states that *'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.'* The Framework states that *'the planning system should contribute to and enhance the local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*. I have a duty under the EC Habitats Directive 92/43, the Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 to consider this matter.

31. The Inspector for the previous appeal found there to be no dispute that protected species (great crested newts and a barn owl) were present on the site at that time and concluded that as no survey had been provided one was necessary. As that could not be provided through a condition, the proposal was found to be harmful to nature conservation interests. In this case, the same organisation, Hertfordshire Ecology (HE) found that the development would not destroy any ponds that support newts or their habitats and that the stable block would be on short improved grassland that is sub-optimal for newts to cross. As a precaution to avoid any potential impacts it advised a number of directives regarding newts, birds and bats and conditions for biodiversity enhancements, lighting and soft landscaping. I was told by the Council that HE's previous view was based on the possibility of species in the area and their presence in the wider area was referred to at the hearing by a neighbouring farmer. As I also heard that the nearest pond is some 250m from the site and that barn owls are not present in the proposed developed area of the site, it seems to me that the difference in the siting of the buildings may account for the difference in HE's advice between the previous proposal and this scheme. I have noted that the landscaping proposals provide for longer grass in the undeveloped part of the site to enable its continued function as a corridor of movement for a range of species. I am satisfied, therefore, that in this case there is adequate information to be certain that, subject to the conditions referred to, no significant harm would arise to protected species and biodiversity.

The planning balance

32. I have found that the proposal is not in a sustainable location and would not fulfil the environmental aspect of national policy. This carries significant weight against the proposal. In its favour, the development would provide a small social and economic benefit in terms of the identified general need for gypsy and traveller sites in the area including the lack of a five year supply and a moderate social benefit to the personal and accommodation needs of Mr Jamieson. The visual appearance of the site would also provide a small environmental benefit. However, these material considerations do not outweigh the conflict with the development plan as a whole.
33. I have considered whether a split decision allowing the stable block and the use of the land for the grazing of horses would be appropriate given that I have found that no harm would result in terms of character and appearance. The appellant indicated at the hearing that this would be acceptable if the appeal failed in regard to the change of use of the land to a caravan site. The Council's policy GBC3 says that permission will be given for essential small scale facilities for outdoor sport and recreation and is broadly compatible with the Framework which seeks to encourage opportunities for sport and recreation and a prosperous rural economy. However, as the stable block includes a utility room for washing facilities for Mr Jamieson's own use, the proposals are not clearly severable. Conditions excluding the utility room and requiring the submission of further details would be imprecise and could not ensure that the use of the whole of the building was acceptable. A split decision is not, therefore, appropriate.
34. PPTS says that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration when considering applications for a temporary permission. I

have considered whether a condition allowing occupation for a temporary period of up to, say, five years would be sufficient for the adoption of a strategy for the provision of gypsy and traveller sites in the emerging District Plan and any subsequent Development Plan Document and for those sites to become deliverable, achieve planning permission and be available for occupation. Given that the Council expects to submit its Draft District Plan in March 2017 with adoption by the end of 2017, this might be achievable. However, the harm caused by the unsustainable location and the conflict with the development plan during this period would be significant and on balance this outweighs the need for such a condition.

35. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty under the Equality Act 2010. Article 8 of the European Convention on Human Rights (as incorporated by the HRA) deals with the right to respect for private and family life and the home. The Council has said that it may consider enforcement action. Dismissal of this appeal would, in all likelihood, result in Mr Jamieson having to stay with friends and relatives. This would represent an interference with his home and family life. Without an authorised site it would also be difficult for him to pursue his current lifestyle.
36. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is crucial. These interferences would be in accordance with the law and in pursuit of a well-established and legitimate aim: the protection of the environment. The environmental harm which would be caused by the development in terms of its location would be significant. In the context of this case it outweighs the human rights of the appellant. Despite the need for pitches, the lack of a five year supply, the lack of an available and suitable alternative site and the other matters weighing in the appellant's favour, I conclude that the granting of a temporary or permanent planning permission would not be appropriate. I am satisfied that the legitimate aim of the protection of the environment cannot be achieved by any means which are less interfering with the appellant's rights. They are proportionate and necessary in the circumstances.

Conclusion

37. I have taken into account all other matters raised where relevant but none are sufficient to alter or outweigh my findings. The appeal should be dismissed.

Sarah Colebourne

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M Hargreaves	Planning consultant
Mr R Jamieson	Appellant
Mr R Watson	Friend
Mrs S Watson	Friend

FOR THE LOCAL PLANNING AUTHORITY:

Mrs L Page	Principal Planning Officer
Mr S Jarman	Opinion Research Services

INTERESTED PERSONS

Mr P Bloomfield & Mr M Fearn	Planning consultants
(on behalf of Mr and Mrs Bunton and other local residents)	
Mr M Dingemans	Local resident

DOCUMENTS

1. Legal summary R v South Hams ex parte Gibb, 1994.
2. Email from Mr Jamieson to ORS.
3. Land registry title number and plan for Standon.
4. Photographs of Standon site.
5. Plans showing site layout and landscaping for previous scheme.

Appeal Decision

Site visit made on 3 November 2016

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 12th December 2016

Appeal Ref: APP/J1915/W/16/3155152

202 Hertingfordbury Road, Hertford, Hertfordshire SG14 2LA

- 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 Hunter & Stone Developments against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2424/FUL, dated 4 December 2015, was refused by notice dated 4 February 2016.
 - The development proposed is the development at land at 202 Hertingfordbury Road, Hertford of three detached two storey dwellings with associated private amenity space and parking.
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Decision

1. The appeal is dismissed.

National Planning Policy Background

2. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the housing supply policies in the East Herts Local Plan Second Review 2007 (LP) are out of date.
3. Consequently the fourth bullet point of paragraph 14 of the Framework comes into play. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Main Issues

4. The main issues are the effect of the development on:-
 - i. the character and appearance of the area;
 - ii. the living conditions of the future occupiers of the development and the occupiers of the properties to the north on Ladywood Road with particular regard to privacy; and
 - iii. highway safety with particular regard to the adequacy of turning facilities.
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Reasons

Character and appearance

5. The site is located on the north side of a spur of the A414 (Hertingfordbury Road) on the urban edge of Hertford, in an area where there is a significant number of trees, providing a green corridor along the north side of the A414.
6. From the evidence before me the appeal site is not designated as a 'green finger', but is adjacent to the Metropolitan Green Belt on a fringe of the rural area. The frontage to the site has several trees, a large proportion of which are the subject of a Tree Preservation Order¹.
7. The existing properties on this stretch of Hertingfordbury Road are set in large plots and exhibit a sense of spaciousness within the dense tree coverage. The low density nature of the existing development along Hertingfordbury Road, together with the tree coverage, contributes greatly to the overall rural and verdant character of the area.
8. The proposed development would result in the insertion of three detached closely grouped two storey dwellings within this area, together with the removal of part of the current bank along with all of the trees along the frontage of the site. This would have a significant urbanising effect on this section of Hertingfordbury Road, appearing cramped when compared to the existing development along the Road, resulting in an unacceptable impact on the spacious character of the area.
9. In arriving at this conclusion I acknowledge the presence of the development at Ladywood Road and that the proposed development would be built with a significantly lower density than this existing development. However, the Ladywood Road development is at a significantly higher level, and whilst the density of the proposed development could be considered to be low density, it would still be a significantly higher density of development than that already in existence along this section of Hertingfordbury Road.
10. The proposal includes a retaining wall with a new bank behind which would provide an area for replacement trees to compensate for those lost. From the limited information before me, the retaining walls (including those around the bin storage area) are described as being low, although no actual heights are specified.
11. However, irrespective of the height of the retaining walls they would extend across the entire frontage of the site, adding to the urbanising effect that I have already identified. I acknowledge that there is a retaining wall for the access at No 208, but this does not dominate the street frontage and allows for some landscape screening as it rises away from the road.
12. Land in the vicinity of the appeal site, between Hertingfordbury and Hertford, is designated as Green Belt, where new development is tightly controlled. In light of this, development of the site, although inevitably reducing the amount of undeveloped land between Hertford and Hertingfordbury, would not in itself close an important green gap to an unacceptable degree.

¹ Tree Preservation Order (4) 1995 Old Hertingfordbury Road Hertford

13. The length of the proposed rear garden areas would range from approximately 7.9 metres to 10 metres, with the width of each plot being significantly greater. Given this amount of space the rear garden areas would not, in my view, contribute to a cramped appearance of the development.
14. In respect of the effect of on-street parking on the character and appearance of the area, such parking already occurs from the occupiers of Nos 200 and 202 Hertingfordbury Road. The addition of three dwellings, or six parking spaces, would not have a significant impact on the character and appearance of the area.
15. My attention has also been drawn to an appeal decision at 200 Hertingfordbury Road (APP/J1915/A/02/1096650). From the limited information before me this decision also deals with matters relating to the character and appearance of the area and changes to the site frontage. However, notwithstanding some similarities on the main issues in terms of loss of trees and the provision of retaining walls, I have dealt with this appeal on its merits.
16. For the above reasons, I conclude that the dwellings would lead to unacceptable harm to the character and appearance of the area contrary to the provisions of Policies ENV1 and HSG7 of the LP which amongst other things seek to protect the character and appearance of the area. The development would also be at odds with the Framework which seeks to secure good design.

Living conditions

17. The properties on Ladywood Road (Nos 117-124 inclusive) are all sited at a significantly higher land level than the appeal site. At the eastern end of the appeal site there is row of conifer trees along its northern boundary which would provide an element of screening between Nos 123 and 124 and plot 3 of the development. However pruning works to these trees have reduced its effectiveness.
18. The distance between the habitable room windows of Nos 117, 118, 123 and 124 and the proposed development range from around 16.2 metres to around 20.3 metres. Nos 119 and 122 are set further back from the proposed development but still overlook the appeal site with a distance of around 23 metres to plot 2. Nos 120 and 121 are set even further back at a distance of around 27 metres to plot 2.
19. Whilst the Council does not provide guidance on the expected distances between habitable rooms the distances between plot 1 and Nos 117 and 118, and plot 3 and Nos 123 and 124 are such that there would be a significant loss of privacy for the occupants of those properties and an unacceptable level of overlooking to the future occupants of plots 1 and 3 of the development. This overlooking and loss of privacy is further compounded by the significant land level differences. Additionally, to a lesser extent, the future occupiers of plot 2 and the occupiers of Nos 119 and 122 would also suffer from overlooking and lack of privacy. Given the distances between the development and Nos 120 and 121 the level of overlooking would be minimal.
20. I have also considered whether the boundary treatment between the existing and proposed development would provide an adequate level of screening to prevent undue overlooking and loss of privacy. Whilst the boundary treatment

could provide sufficient screening to the garden areas, it would not provide a screening between habitable room windows.

21. The Council have also referred to an insufficient rear garden space for the proposed dwellings. Whilst the rear garden areas range between approximately 7.9 and 10 metres in length, this is not the only area which could be utilised by the future occupants of the dwellings. Each of the dwellings would have a sizable front garden area which would be raised from the street level and the proposed plans indicate a patio area for each. Given the amount of space available, and the characteristics of the site, I consider that there would be sufficient private amenity space. That is to say the spaces would be of a size and location to allow occupiers to carry out all the domestic activities one would normally expect for the size of the dwellings. Nevertheless, this does not outweigh the harm I have found.
22. For the above reasons, the development would result in a significant loss of privacy to the occupiers of 117, 118, 123 and 124 Ladywood Road, and some loss of privacy to the occupiers of 119 and 122 Ladywood Road. The future occupiers of the development would also suffer from overlooking and subsequent lack of privacy. Consequently, the proposal would conflict with the provisions of Policy ENV1 of the LP which amongst other things seek to protect the amenity of the occupiers of residential properties.

Highway safety

23. The appeal site is located on a spur of road which beyond the appeal site (to the west) only serves 208 Hertingfordbury Road. There is no turning head provided at the end of the road and the development proposes 6 parallel parking spaces located within the highway boundary (2 for each property).
24. Traffic flows along this section of Hertingfordbury Road are very low owing to it only serving Nos 200, 202 and 208. From my site visit I noted that both Nos 200 and 202 do not have any off street parking provision and rely on the available space on street.
25. Whilst the development would not provide dedicated turning facilities, from my site visit I saw that vehicles would be able to turn around at the end of the road without significant difficulty owing to the width of the road at that point. Therefore, the lack of a dedicated turning facility on this stretch of road does not give rise to a significant highway safety issue.
26. From the evidence before me, the proposed parking spaces would be provided within the highway boundary and would involve the excavation of part of the bank up to the main part of the site. To my mind, it would be possible to create these parking spaces and provide sufficient room for vehicles to pass the site without causing any obstruction to the limited amount of traffic, including any service or emergency vehicles.
27. My attention has been drawn to the Roads in Hertfordshire – Design Guide 2001 and the Council’s Supplementary Planning Document on Vehicle Parking Provision at New Development. From the limited evidence before me in this respect, the development would accord with the overarching principles of these documents which seek to ensure that sufficient parking provision is made and that the design of streets, including on street parking, does not have an adverse impact on highway safety.

28. For the above reasons the development would not be prejudicial to highway safety and would accord with the transportation aims of Policies TR2 and TR7 of the LP.

Other matters

29. I have also had regard to the effect of the development on the setting of The Dell (a grade II listed building). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.

30. In this case, the development would not have any adverse impact on the setting of The Dell given its distance to the building itself and the intervening development. Therefore, I find that the proposal would accord with the conservation aims of the National Planning Policy Framework.

Planning balance

31. In their reason for refusal the Council mention Policies ENV1 and HSG7 of the LP. Both of these policies seek to restrict new housing in the countryside.

32. A recent court judgement (Cheshire East Borough Council v SoS for CLG and Renew Land Developments Ltd) has made clear that relevant policies for the supply of housing as mentioned in paragraph 49 of the Framework include policies that influence the supply of housing by restricting the locations where they may be developed. From this I deduce that the policies mentioned above are policies for the supply of housing, and that therefore they cannot be considered to be up to date. Limited weight can therefore be afforded to any conflict arising with them and the fourth bullet point of paragraph 14 of the Framework comes into play as detailed above.

33. I have found that the proposed development would give rise to harm to the character and appearance of the area and on the living conditions of both the future occupiers of the development and the occupants of several properties on Ladywood Road. This harm gives rise to conflict with the LP and the Framework. These factors weigh against allowing the proposed development.

34. The development would give rise to some minor social benefits in that it would provide much need additional housing. The development would also bring some minor economic benefits through the construction process.

35. From the evidence before me it is unclear what the shortfall in the Council's five year housing land supply is. However, the provision of three dwellings is unlikely to have any significant effect in reducing the deficit.

36. Against this background, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework.

Conclusion

37. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Appeal Decisions

Site visit made on 6 December 2016

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 15.12.16

Appeal Refs: APP/J1915/W/16/3157588 & APP/ J1915/Y/16/3157591 Crowsfoot Cottage, 8 Green Lane, Herts SG11 2QG

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission and under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) against a refusal to grant listed building consent.
 - The appeals are made by Mr Victor Hughes against the decisions of East Hertfordshire District Council.
 - The applications Refs 3/16/0903/FP and 3/16/0903/HH, dated 14 April 2016, were refused by notices dated 8 June 2016.
 - The development proposed is a single storey front extension, first storey side extension, demolition of existing rear conservatory and replacement with rear single storey extension.
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Decisions

1. The appeals are allowed and planning permission and listed building consent are granted for a single storey front extension, first storey side extension, demolition of existing rear conservatory and replacement with rear single storey extension at Crowsfoot Cottage, 8 Green Lane, Herts SG11 2QG in accordance with the terms of the applications, Refs 3/16/0903/FP and 3/16/0903/HH, dated 14 April 2016, and the plans submitted with them, subject to the following conditions:

Planning permission:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The external materials to be used on the extension hereby permitted shall match those existing.
- 3) Notwithstanding the details shown on the application drawings, the roof pitch of the rear first floor extension shall match that of the main building.
- 4) Except where subject to other conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 2016/112/02, /03, /04, /05, /06.

Listed building consent:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

- 2) The external materials to be used on the extension hereby permitted shall match those existing.
- 3) Notwithstanding the details shown on the application drawings, the roof pitch of the rear first floor extension shall match that of the main building.
- 4) No works whatsoever are to be carried out to historic fabric in the form of the transverse timber beam over the new door to bedroom 1.
- 5) Except where subject to other conditions, the works hereby permitted shall be carried out in accordance with the following approved plans: 2016/112/02, /03, /04, /05, /06.

Main Issues

2. The main issue in both appeals is the effect of the proposed alterations and extensions on the architectural character and historic interest of the building, which is listed at Grade II.

Reasons

3. The development plan for the area includes saved policies of the East Herts Local Plan Second Review of April 2007 (LP). Policy ENV1 is a general policy requiring a high standard of design and environmental quality. With regard to extensions to dwellings, ENV5 permits extensions providing the character, appearance and amenities of the dwelling would not be significantly detrimentally affected. ENV6 sets out criteria which would apply to all extensions. The reasons for refusal also refer to Section 12 of the 2012 National Planning Policy Framework (NPPF) which deals with conserving and enhancing the historic environment.
4. The effect on the Braughing Conservation Area is not a reason for refusal, but the Council refer in their representations to the BH series of policies which seek to protect built heritage. It is important to note that in making decisions, the LBCA draws attention in s66 to the duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. As required by s72(1) of the LBCA, special attention must also be given, with respect to any buildings or other land in a conservation area, to the desirability of preserving or enhancing the character or appearance of that area.
5. The appeal property consists of a cottage originating from the late 16th century. It has been substantially altered in the intervening years including being divided into 2 semi-detached dwellings. More recent changes dating from the late 20th century include significant extensions to both dwellings. In the case of No. 8, these involved ground floor extensions of generally subordinate character but of unremarkable quality and materials. The proposal would involve internal reworking of the accommodation to provide a larger kitchen at the rear and 3 upper floor bedrooms in place of the 2 at present.
6. Seen from the front and rear, the character of both dwellings as 'small cottages' has been largely lost due to the significant earlier extensions. The proposal to bring forward the ground floor of the side extension towards the front is not objected to by the Council. In my opinion, the introduction of a new recessed upper floor above this would not significantly further diminish the architectural quality or historic interest of the building. The original form of the

gable would be clearly distinguishable, the ridge would be significantly lower¹, and the new small en-suite bathroom window would be of an appropriate size to match those existing.

7. At the rear, the first floor bedroom extension would certainly be noticeable and would considerably increase the volume of the building, but it would be generally subservient and in scale with the original dwelling. The gable would be modest at about 3 metres wide and providing the roof pitch matches the existing roof, would not appear over dominant. The alterations to the conservatory are acceptable to the Council and the overall appearance of the dwelling would, in my view, improve.
8. In conclusion, the proposed development represents a further evolution in the residential occupation of a much altered listed cottage without diminishing further its special architectural character or historic interest. The development would enable the replacement of unsympathetic 20th century alterations with more appropriate and energy efficient spaces without detracting from the original fabric. The works would comply with the design quality aims of LP policies ENV1, ENV5 and ENV6 and would not conflict with the heritage protection aims of the NPPF or the BH policies in the LP. The character and appearance of the Braughing Conservation Area would be preserved.

Conditions

9. To ensure that the architectural and historic interest of the building is protected, conditions are imposed to ensure that the external materials and the roof pitch match existing. The existing timber tie beam over the door to bedroom 1 is original and no alterations are to be made to it. For the avoidance of doubt and in the interests of proper planning, the approved application drawings are listed.

Conclusion

10. For all the above reasons, the appeals should be allowed.

Paul Jackson

INSPECTOR

¹ In this connection I note that the ridge line on the roof plan on drawing 2016/112/06 is incorrect. The scheme has been considered on the basis of the section on the same drawing.

Appeal Decision

Site visit made on 22 November 2016

by **Philip Major BA(Hons) DipTP MRTPI**

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

Decision date: 28th November 2016

Appeal Ref: APP/J1915/D/16/3160716

6 Proctors Way, Bishops Stortford, Hertfordshire CM23 3HE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Walker against the decision of East Hertfordshire District Council.
 - The application Ref: 3/16/1021/HH, dated 26 April 2016, was refused by notice dated 19 July 2016.
 - The development proposed is a roof space conversion with dormer windows to front and rear elevations and ground floor entrance porch with wc.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the dwelling and street scene.

Reasons

3. The Council is not contesting the proposed development so far as the rear facing dormer window is concerned as it is treated as being capable of construction as permitted development. I also note that the porch extension is under construction. I therefore concentrate in this decision on the development which would involve change to the front roof slope of the dwelling.
 4. Proctors Way is a street made up almost entirely of semi-detached houses. Some of the houses have been altered but they retain a coherence of form and style, for the most part with plain front roof slopes facing the street. The proposal would depart from this established character by introducing a large rectangular dormer in the roof. It would extend across about half the roof and almost reach ridge height so that it would be particularly prominent and incongruous. The presence of roadside trees would do little to mitigate the clear views of the structure and the fact that the proposed windows line up vertically would not lessen the bulk and shape of the dormer.
 5. I have taken account of the properties cited which have roof alterations. Those in Proctors Way generally follow the contours of the roof (such as solar panels). Those elsewhere I have no detailed knowledge of but some appear to have been an integral part of a design rather than a later extension. In any event I
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must make my determination on the basis of the particular circumstances in this case. The examples provided do not, therefore, add weight to the Appellant's case.

6. The development plan includes the East Herts Local Plan Second Review of 2007. Saved Policies ENV1 and ENV5, taken together, seek to ensure that all development is of a high standard of design and compatible with the character and appearance of surrounding buildings and townscape. Under the terms of Policy ENV6 roof dormers are only deemed to be acceptable where they are appropriate to the design and character of the original dwelling and its surroundings, and when not so large as to dominate the roof. In my judgement the proposed front dormer would be in conflict with these policies because of its location, mass, shape and size. It would dominate the front roof slope of the dwelling.
7. I understand the reasons for wishing to extend the house in order to improve the available accommodation for the Appellant's family, but I find that this matter is outweighed by the harm I have identified.
8. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR



Appeal Decision

Site visit made on 8 November 2016

by **J A B Gresty MA MRICS**

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

Decision date: 30th November 2016

Appeal Ref: APP/J1915/D/16/3157985

32 Dane Park, Bishops Stortford, CM23 2PR

- 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 Josh Davidson against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1053/HH, dated 5 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is remodel and extension of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for remodel and extension of existing dwelling at 32 Dane Park, Bishops Stortford, CM23 2PR in accordance with the terms of the application, Ref 3/16/1053/HH, dated 5 May 2016, 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: 001 (Location and Site Plan), 002 (Existing Floor Plans), 003 (Existing Elevations), 004 (Proposed Floor Plan), 005 (Proposed Side and Front Elevations) & 006 (Proposed side and Rear Elevations).

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The appeal property is a detached, two-storey house situated on a corner plot at the junction of a small cul-de-sac, Maple Spring, and Dane Park. The local area is predominantly residential and is characterised by two-storey, detached dwellings of generally similar scale to the appeal property. The dwellings are set back from their respective roads behind front gardens and driveways and, whilst they vary in their original designs, in the main the houses appear to date from a similar period, giving the local area a uniformity of residential character and appearance.
 5. The appeal proposal includes substantial extension of the house at both ground and first floor levels. Except for the design of the fenestration and external
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cladding of the front and east elevations of the house, the proposed works are more or less identical to a scheme, Ref: 3/15/2580/HH, recently approved by the Council. The house is situated in a good sized plot and, following extension, the size and scale of the house would remain in keeping with the size of its plot and the scale of other properties nearby. Therefore, I concur with the Council that, with respect to its scale and layout, the proposed development would be in keeping with the character and appearance of the local area.

6. The appeal property stands on slightly higher ground than Dane Park and, because of its corner plot location, most of the front, east and rear elevations of the appeal property are open to view from the adjoining roads. The new rear elevation of the house would have a bold design with large sections of plate glass extending from ground level to the eaves. The solid sections of wall would be clad in a mixture of horizontal timber boarding, natural stone and render. Because of its striking design and open, elevated position, the rear elevation of the house would stand out prominently in the local landscape when viewed from Dane Park. However, the house would retain a domestic appearance and, in keeping with planning permission Ref 3/15/2580/HH, I conclude that the striking appearance of the rear elevation of the extended house would complement the character and appearance of the local area.
7. The side and front elevations of the extended house would be of similar design to that of the rear elevation with extensive use of plate glass, stone and timber cladding and render. Overall the cladding and fenestration would give the house a more modern appearance than other properties nearby. However, the use of timber cladding would reflect the, albeit limited, use of timber cladding on some houses on Dane Park and the stone would be of a similar muted tone to the brickwork of the neighbouring house on Maple Spring. Further, the cladding and fenestration of the side and front elevations combine with the proposed rear elevation to give the extended property having a cohesive and designed appearance.
8. Although the appeal property is in a prominent position, the house stands sideways-on to Dane Park and is separated from the neighbouring house on Dane Park by the length of its back garden. Consequently, visually the appeal property does not relate strongly to the other nearby development which fronts onto Dane Park.
9. Overall the proposed development would result in a significantly larger house with a striking and relatively contemporary appearance which would stand out as a bold and distinctive feature in the local street scene. However, the appeal property would remain in keeping with the scale and residential character of the area and, in part because visually the property does not relate strongly to the pattern of development on Dane Park, its bold appearance would not overpower that of the neighbouring properties. Accordingly, I conclude that the proposed development would be in keeping with the character and appearance of the local area and in this respect it would meet the requirements of Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review.

Conclusion

10. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and new development should respond to local character. In this case the proposed works would be in keeping with the

host property whilst complementing the established character and appearance of the local area. Therefore, for the above reasons, I conclude that the proposed development would represent sustainable development as sought by the Framework and that the appeal should be allowed.

11. For the sake of clarity, I impose a condition requiring the development to be carried out in accordance with the approved plans.

J A B Gresty

INSPECTOR

Appeal Decision

Site visit made on 6 December 2016

by **A Napier BA(Hons) MRTPI MIEMA CEnv**

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

Decision date: 20 December 2016

Appeal Ref: APP/J1915/D/16/3160819

3 Hollydell, Hertford SG13 8BE

- 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 L Merhemitch against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1635/HH, dated 19 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within Hertford Conservation Area, which is a designated heritage asset and I am mindful of my statutory duties in this regard. The main issues in this appeal are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is located towards the edge of the Conservation Area, which is extensive in size and covers much of the historic core of the settlement. From the evidence available to me, I consider that its importance is largely derived from the range and type of properties within it and the pattern of built development, including the spaces between and around buildings, as well as several important areas of open space. Whilst a school exists nearby, the established development in the immediate vicinity of the appeal site is predominantly residential in character and largely comprised of older, fairly substantial houses, set within generous gardens, interspersed with more recent development of varying sizes and styles, generally on smaller plots.
 4. The appeal dwelling forms one of a small number of similar single-storey dwellings that, from the submitted details, were constructed relatively recently on sites that previously formed part of the larger garden areas of neighbouring older dwellings. Whilst there is some variety in design details, in terms of their
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overall scale, form, appearance, density and the pattern of built form, the single-storey dwellings form a cohesive group of properties that relate positively to each other and can be clearly read as later development to the larger dwellings nearby.

5. Whilst I have not been provided with a copy of the document, I understand that no specific reference is made to Hollydell within the Council's draft Conservation Area Appraisal. Furthermore, I recognise that greater variety is provided further along the road by more recent additions to the streetscene. Nonetheless, I consider that this does not diminish the contribution made by the appeal group of dwellings identified above and, overall, I find that they make a modest but positive contribution to the quality and character of the area.
6. The proposed additions and extensions to the appeal dwelling would significantly alter its appearance. The proposal would notably change the form and considerably increase the scale and mass of the appeal dwelling. The introduction of a first floor would materially increase the height of the dwelling and the design approach proposed would not reflect the details of the existing dwelling, such as the distinctive roof, simple fenestration and use of brick external walling materials. As a result, overall, I consider that the proposed alterations would not be sympathetic or complementary additions to the dwelling and would markedly change the character of the property.
7. The proposal would significantly increase the amount of development on the site. Given the size of the garden areas remaining to either side, I consider that the resulting dwelling would not appear unacceptably cramped. Nonetheless, notwithstanding the variety in design that exists elsewhere in the locality, the resulting material change to the form, design and appearance of the dwelling and the significant increase in its relatively modest existing scale and mass would materially alter the visual relationship of the appeal dwelling to its immediate neighbours.
8. As a result, I consider that it would appear as an unacceptably dominant element within this small group of properties, which would significantly disrupt their existing cohesive design and intrusively detract from the qualities of the streetscene. Therefore, notwithstanding the limited long-distance views of the site, but given the positive contribution currently made by this group to the street as a whole, I also consider that the wider impact of the proposal in this respect would be materially detrimental.
9. Consequently, for these reasons, I conclude that the proposal would not preserve the character and appearance of the Conservation Area. It would conflict with the *East Herts Local Plan Second Review April 2007* (LP) Policies ENV1, ENV5, ENV6 and BH5, which collectively seek to protect local character and appearance, including in relation to the historic environment. Policies from the pre-submission consultation draft of the Council's *District Plan* have also been drawn to my attention. However, as this is an emerging policy document, its policies may be subject to change and this considerably limits the weight that I give to them. Nonetheless, they do not lead me to an alternative conclusion in these regards.
10. For the reasons given, the proposed development would be harmful to the significance of the heritage asset. However, it would affect one site within a much larger Conservation Area. As such, I consider that the harm, whilst

material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11. The main public benefits resulting from the scheme would be the provision of additional living accommodation for the dwelling. However, although this would increase flexibility in the use of the property and, as such, make some contribution to sustaining its residential use in the long-term, there is nothing before me to suggest that the use of the dwelling would be at risk in the absence of the scheme. Furthermore, whilst the construction of the proposal would also be likely to have some local economic benefits, given the scale of the development proposed, I consider that these would be likely to be relatively modest. As a result, I give these benefits limited weight.
12. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
13. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage asset and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Living conditions

14. The appeal site is broadly rectangular in shape and has a relatively limited depth. The dwelling is sited roughly centrally within it, close to the rear boundary. As a result of this siting, it is in reasonable proximity to the neighbouring property to the rear, No 16 Morgan's Road, which is a substantial house, with windows to its side and rear elevations. Although the re-siting of the garage element and addition of a first floor as proposed would increase the amount of built development immediately adjacent to this boundary, the appeal scheme proposes no new windows to the first floor on the rear elevation.
15. Furthermore, although the rooflights and glazed window and doors to the master bedroom would be in close proximity to this boundary, due to the position of these openings and respective siting of the dwellings, the potential for overlooking would largely be limited to oblique views of the neighbouring property. Given the proposed use of this room, I am satisfied that the impact of the proposal in this regard would not cause an unacceptable loss of privacy for these neighbouring occupiers.
16. Whilst the first floor side window would result in some overlooking between the appeal dwelling and the neighbouring single-storey dwelling at No 2 Hollydell,

taking into account the separation distances involved, the albeit relatively limited screening provided by the two garden areas and the urban location of the site, I consider that the impact of the proposal would not be materially harmful in this regard. In addition, for similar reasons, notwithstanding the proposed first floor bedroom windows to the other side elevation, I consider that the proposal would not have an unacceptable impact on the privacy of the neighbouring occupiers at No 12.

17. From the details provided, the garden of No 16 is generous and, notwithstanding the siting of that dwelling close to the common boundary, I consider that the extent of development proposed, including the resulting increase in height of the appeal dwelling, would not be unacceptably overbearing to these neighbouring occupiers, or result in a significant loss of outlook for them.
18. Accordingly, overall, I conclude that the proposal would not have an unacceptable effect on neighbouring living conditions. It would not conflict with LP Policies ENV1, ENV5 and ENV6, where they collectively seek to protect residential living conditions. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

19. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
20. I have found above that the effect of the proposal on neighbouring living conditions would be acceptable and it would have a number of public benefits. In addition, I recognise that the provision of additional living accommodation is very likely to be of personal benefit to the appellant. However, for the reasons given, I conclude that none of these matters, either collectively or individually, would be sufficient to address or outweigh the harm identified above, to the character and appearance of the area and the significance of the heritage asset. As such, I find that the proposal would not represent sustainable development.

Conclusion

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

A Napier

INSPECTOR