



Appeal Decision

Site visit made on 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/J1915/W/21/3280237

Land adjacent to The Cottage, Hay Street, Braughing, SG11 2RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Christopher Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2498/OUT, dated 12 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is one detached self build dwelling with all matters reserved apart from access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is for outline planning permission with all matters reserved apart from means of access.

Main issues

3. The appeal scheme raises the following issues:
 - The location of the proposed development,
 - The effect of the proposal on landscape character, and
 - Whether or not the appeal scheme fulfils the requirements of a self build project as defined by the Self Build and Custom Housebuilding Act 2015.

Reasons

Location

4. The appeal site lies in Hay Street, a hamlet which is around 0.5-1 kilometre north of the centre of Braughing, a Group 1 village defined in Policy VILL1 which includes a limited range of services. Hay Street comprises ribbon development along a classified 'B road'. It has no services and is defined as a Class 3 village, defined by Policy VILL3 in the Local Plan, where infill development would only be allowed if included in a Neighbourhood Plan. The site is not included in the Braughing Neighbourhood Plan (BNP).
5. The Cottage is a 2 storey dwelling located on the east side of Hay Street with an Annex in the rear garden. The appeal scheme would be for a separate dwelling located in the side garden occupied in part by sheds.

6. Policies GBR2 and VILL3 seek to reinforce the existing settlement pattern with new development being concentrated in a hierarchy of centres and the protection of rural areas which are not designated Green Belt.
7. The proposed scheme would be contrary to these policies and would not fall within the exceptions identified. The appellant questions what he considers is the arbitrary nature of settlement boundaries and the fact that the site would lie only around 500metres from the settlement boundary with Braughing. However, the site lies on a narrow unlit lane without footways and would not be conducive to walking or cycling. It does not lie on a bus route. For these reasons the location would not offer a genuine choice of transport modes and its development would encourage reliance on private transport contrary to both local policies and those included in the National Planning Policy Framework, (the Framework).
8. For these reasons, I conclude that the appeal scheme is not in a sustainable location and conflicts with Policies GBR2 and VILL3 of the East Herts District Plan 2018.

Landscape character and appearance

9. The site is largely hidden from the adjacent highway by a thick hedge which lies on the back edge of a narrow grassed road verge at the front of the appeal site. The Design and Access statement states that the proposed access would avoid the loss of part of the existing hedge; this marks a contrast from a previous scheme.
10. Policies GBR2 and DES3 together, seek the protection of the countryside as a valued resource which may have landscape and biodiversity value. It is not part of the Council's case that the hedge has important biodiversity value.
11. Given that the scheme would not involve any part of the hedge being removed there would be no adverse impact on the landscape character of the area. For this reason, the appeal scheme dose not conflict with Policy GBR2 and DES3.

Self build homes

12. The difference between the main parties on this issue is whether the appeal scheme falls within the provisions of the Self Build and Custom Housebuilding Act 2015 (the Act) and the implications of this for Policy HOU8.
13. Policy HOU8 is specific on how the provisions of the Act are to be interpreted. This would allow for the inclusion of self build plots as part of major development proposals. This is to ensure that suitably serviced plots would be available for the development of this important form of housing. Other criteria included in the Policy reinforce the Council's support for Neighbourhood Planning.
14. I understand that the appellant is on a register of persons who would be contacted as land is released for this form of development. However, the appeal site is not a 'suitably serviced plot' within the meaning of the Act.
15. For these reasons, I conclude that the appeal scheme conflicts with Policy HOU8 of the Local Plan.

Conclusions

16. I find that the appeal scheme conflicts with Policies GBR2, VILL3 and HOU8. Whilst the appellant identifies the site as a 'windfall' site which could contribute to the Council's housing supply its development also conflicts with the policies of the BNP.
17. I acknowledge the appeal decisions¹ submitted with the appeal where my Inspector colleagues allowed appeals for housing falling within the definition of housing included in the Act. However, the full details of these sites is not before me. The appeal before me does not fall within the meaning of the Act.
18. Whilst I understand that the proposed access arrangements have been revised from a previous scheme², it is the principle of development on this site which is the determining issue in this appeal which conflicts with adopted policy.
19. I have had regard to the support of the Parish Council for this scheme but this does not outweigh the conflict with the policies of the Development Plan including those contained in the BNP.
20. For the above reasons, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

¹ APP/W0530/W/19/3230103, APP/G2435/W/18/3214451 & APP/H1480/W/19/3241879

² 3/19/1802/OUT



Appeal Decision

Site visit made on 15 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2022

Appeal Ref: APP/J1915/W/21/3274513

Elm Cottage, Hare Street, Buntingford, SG9 0EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Mason against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2623/HH, dated 22 December 2020, was refused by notice dated 25 February 2021.
 - The development proposed is demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive at Elm Cottage, Hare Street, Buntingford SG9 0EA, in accordance with the terms of the application, Ref 3/20/2623/HH, dated 22 December 2020, subject to the attached schedule of conditions.

Procedural Matters

2. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the application was submitted by Mr D Mason, but the appeal was lodged by Mrs Deborah Mason. The applicant has subsequently provided confirmation that the appeal would be pursued by him, so it will continue in the original name of the applicant. I have therefore considered the appeal on this basis.
3. The appellant has submitted an amended plan in support of the appeal (Drawing No 14034-P004-B). While it appears that this was sent to the Council during the determination period of the planning application, it was not the scheme determined by the Council. Having regard to the Wheatcroft principles (Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]), I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. The appellant has submitted letters of support from neighbouring occupiers, which appear to refer to the alternative scheme, but this is not certain. In the interests of fairness and natural justice, I consider that interested parties would be prejudiced were I to consider the amended plan. My findings therefore relate to the scheme as determined by the Council.
4. The appeal relates to development proposed within the rear garden of Elm Cottage, a Grade II listed building, so it falls within the setting of the property. I must therefore exercise my statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This requires the

decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5. The description of development in the banner heading does not include any alterations to the dwelling. However, the application drawings refer to the erection of a replacement oak post supporting the existing porch and a timber boarded infill to its eastern side. It does not appear that an application was made for listed building consent. My consideration of the appeal does not extend to section 16(2) of the Act, which relates to the grant of listed building consent for works to alter the listed building, including those that do not require planning permission and are therefore outside the scope of this appeal.

Main Issues

6. The Council did not raise any concerns with regard to the proposed entrance gates and alterations to the drive. The main issues are therefore the effect of the proposed garage and studio outbuilding on:
 - the character and appearance of the site and its surroundings, including the setting of the Grade II listed building, known as Elm Cottage.
 - the living conditions of the occupiers of Blossom House, with specific regard to sunlight within and outlook from its garden.

Reasons

Character and Appearance

7. The listed building is of 18th Century or earlier origins. It is a timber-framed cottage clad in stuccoed render and horizontal weatherboarding, with a steeply-pitched thatch roof to the front and side and a pantile roof at the rear. As far as it is relevant to the appeal before me, the significance of the listed building lies in its architectural and historic interest as an 18th Century or earlier timber-framed house. Particularly the ornate form of its thatch roof and how this assimilates with the architectural detailing of its windows and external cladding of the timber frame.
8. The cottage also draws significance from its setting, including how it is experienced from its rear garden and the views available from the house and the street, especially given the close proximity of the building to the footway. The existing detached garage at the side of the property and the prominent nature of parking in its foreground have altered the way in which the cottage is appreciated within its setting, including reduced space around it. However, the front and side elevations of the house remain prominent within the street and the architectural form and detailing to its rear remain prominent within its extensive rear garden. New homes south of the cottage have also altered its setting, but they are arranged in a linear pattern, consistent with the established grain of development in Hare Street and do not inhibit the appreciation of the property in its surroundings.
9. The high quality of the architecture of the cottage, its prominent position at the street frontage, and the visibility of its grounds also make key contributions to the character and appearance of Hare Street.

10. The proposed outbuilding would be sensitively sited to the side and further down the slope of the rear garden, appreciably larger than the garage it would replace, but notably smaller than the cottage, and clad in a sympathetic palette of materials. Hence, the listed building would remain the dominant structure, in size and stature, within the site and outlook would be preserved over its garden. The proposal would also be appreciable as a later addition to the site.
11. Although the proposed gates would maintain some closure of views into the rear garden, the removal of the garage and siting of the outbuilding would increase the space around the property. This would improve the way in which the listed building is experienced from within its setting. The outbuilding would also not be any more prominent than the existing garage and would be similar in appearance to it.
12. Given my appraisal of the effect of existing development around the listed building, I have given very limited weight to the Council's assertion that the setting of the house has been compromised, especially as this could fetter the consideration of other proposals within the site or nearby. Nevertheless, for the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the site and its surroundings, and it would preserve the setting of the listed building. Hence, the proposal would satisfy the requirements of the Act, and accord with the design and heritage aims of Policies DES4, HA1, HA7, HOU11 and VILL2 of the East Herts District Plan 2018 (DP).

Living Conditions

13. The long side of the proposed outbuilding would be positioned at the boundary with Blossom House, the neighbouring dwelling to the south. The eaves and the highest part of the pitched roof of the structure would be somewhat taller than the boundary fence which currently separates the gardens of the properties. Due to its position at the boundary, the proposal would be conspicuous from the garden of Blossom House, but its height and scale would not appear oppressive or lead to a harmful sense of enclosure, particularly as it would predominantly be the roof of the structure that would be above the height of the existing boundary fence and this would slope away from the boundary. Furthermore, given the orientation of the site, it is also unlikely that the proposal would lead to overshadowing of the garden of Blossom House.
14. For these reasons, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of Blossom House, with specific regard to sunlight within and outlook from its garden. Hence, the proposal would accord with the aims of DP Policies DES4 and VILL2.

Other Matters

15. The proposed gates and alterations to the driveway of the property would be of a sympathetic design and utilise a carefully considered palette of materials. As such, they would not be harmful to the character or appearance of the site and its surroundings, including the setting of Elm Cottage. I note that the Council arrived at a similar conclusion.
16. Immediately to the north of the appeal property is Oak Cottage, a Grade II* listed building. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal

with this designated asset, its setting will be preserved and the proposal will not detract from it. The Council also did not raise any concerns in this regard.

17. Part of the proposed outbuilding would overhang the boundary of Blossom House, but an appellant does not have to own a site to seek planning permission and notice has been served on the owner of that property, who appears to have no objection to the proposal. There is also no evidence that any problems could not be adequately dealt with under legislation covering private legal rights and landownership.
18. The Officer Report outlines that the proposal did not demonstrate compliance with DP Policies CC1 and CC2, which deal with climate change adaptation and mitigation, but such matters could be addressed by planning condition. As such I wrote to the main parties to seek wording for a condition. In response the Council confirmed it has taken an internal officer-level position to not require such conditions on householder applications. However, in the absence of a formal policy position to adopt such an approach, it would be necessary for me to ensure that the development meets the requirements of the policies, so I sought comment on an alternative wording and did not receive any objections from the main parties to its content.

Conditions

19. In addition to the standard time limit for the appeal, in the interests of clarity I have specified the approved plans. Furthermore, in the interests of preserving the setting of the listed building, a condition for the specifications and samples of materials is necessary, but I have altered the condition suggested by the Council as such details could be agreed prior to their use on site. As outlined above, the Officer Report refers to the need for the development to comply with climate change adaptation and mitigation policies of the DP. These details are necessary prior to above ground construction of the outbuilding.
20. The Officer Report also refers to surface water drainage and the Council identified that the method of drainage from the proposal would meet the requirements of DP Policy WAT5. There is no substantive evidence before me to lead me to a different conclusion. The planning condition suggested by the Council would therefore be unnecessary in its current form, but I have amended it to ensure the drainage scheme shown on the application drawing is implemented prior to the building first being brought into use.

Conclusion

21. For the reasons given above, I conclude that the appeal should succeed.

Paul Thompson

INSPECTOR

Schedule of 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 plan: 14034-P004-A.

- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.
- 4) Prior to the above ground construction of any part of the development hereby permitted, details of climate change adaptation and mitigation measures shall be submitted to and approved in writing by the local planning authority. The details shall include measures to:
- minimise the overheating in summer and reduce the need for heating in winter;
 - minimise on-site carbon dioxide emissions;
 - minimise the energy embodied in construction materials, through re-use, recycling and the use of sustainable materials and local sourcing; and
 - integrate green infrastructure, such as tree or other planting;

The development shall be constructed in accordance with the approved details and retained as such thereafter.

- 5) Prior to the outbuilding hereby permitted first being brought into use, drainage works shall have been completed in accordance with the details shown on the approved plan.

End of Schedule



Appeal Decision

Site visit made on 29 June 2022

by **S D Castle BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: **APP/J1915/D/21/3276136**

27 Birch Green, Hertford SG14 2LR

- 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 Mark Hutton against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0387/HH, dated 15 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is part retrospective application for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window at 27 Birch Green, Hertford SG14 2LR, in accordance with the terms of the application, Ref 3/21/0387/HH, dated 15 February 2021, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

- P102 (Location and Block Plans)
- P100 A (Driveway & Proposed Floor Plans)
- P101 (Proposed Elevations)
- P102 (Proposed Boundary Plan & Elevations)
- P103 (Proposed First Floor Plan & Roof Plan)

- 2) The exterior of the development hereby approved shall be constructed in accordance with the details of the materials specified on the approved plans and the submitted application form.

Preliminary Matters

2. During the application process a revised description was agreed between the appellant and Council. That revised agreed description was used by the Council on their decision notice and I have taken the description of development in the banner heading above from the decision notice.

3. Subsequent to the appeal being lodged, the Council has granted planning permission¹ on the site for, 'Part retention of a single storey infill extension with rooflights. External elevation changes, including 1st floor front bay window replaced with new window and erection of a boundary wall, fence and entrance gates.' This recently approved permission reflects that the Council's objection to the appeal scheme, as set out in their refusal reason, relates solely to the proposed car port.
4. At the time my site visit, development of a single storey infill extension, external changes, and erection of boundary wall and entrance gates were already substantially progressed. As such, I have proceeded on the basis that planning permission is sought on a part retrospective basis. There are some minor differences between what has been built thus far and the appeal scheme. I note that these minor differences appear to have been regularised by the extant permission recently granted.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area and the host dwelling.

Reasons

6. The appeal relates to a 2-storey detached dwelling set back from the highway behind an attractive area of public landscaping. The appeal property is predominantly only glimpsed in public views, primarily down the shared access track from the highway, due to the extensive vegetation and tree screening present on the landscaped area. In contrast to the dwellings opposite the site on the western side of the highway, no 27 does not form part of a wider planned development. It does not, therefore, form part of a distinct building line or grouping of similarly designed dwellings. Instead, the site forms part of an informal pattern of development, dominated by the surrounding landscaping.
7. The carport would be situated to the front of the dwelling, at the south-east corner of the site. Whilst outbuildings to the front of dwellings can harmfully dominate the important principal façade of their host dwellings, that would not be the case in this instance given the carport would be significantly below the height of the adjacent garage. There would be very limited visibility of the carport from public vantage points given its small scale, the site's setback from the highway, and the surrounding vegetation. Considering the informal arrangement of surrounding built form, the carport's forward projection would not be detrimental to any established building line or pattern of development. Facing materials of timber cladding and tiles to match the existing garage would enable the structure to visually assimilate with the host dwelling and its surroundings. Moreover, the subordinate appearance of the carport, in combination with the retained space to the front of the dwelling, would prevent the site appearing cramped.
8. I therefore conclude that the proposed development would have an acceptable effect upon the character and appearance of the area and the host dwelling. Consequently, I find the proposal to comply with Policies DES4 and HOU11 of the East Herts District Plan 2018. These policies, taken together, amongst

¹ LPA ref: 3/21/1470/HH

other things, require development to be of a size, scale, mass, form, siting, design, and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Furthermore, the proposal would accord with paragraph 130 of the National Planning Policy Framework which requires development to be sympathetic to local character.

Other Matters

9. I have had regard to the concerns relating to the effect of the development on the living conditions of the occupiers of no 29, including through the loss of light and outlook. These matters are identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters. The eastern elevation of the carport would be low in height and the roof has a shallow pitch. I am not persuaded, therefore, that it would have an unacceptable effect on the living conditions on no 29, in terms of loss of light and outlook, given the existing boundary treatment between the properties.
10. I have also had regard to concerns relating to the accuracy of the boundaries as indicated on the submitted plans. Ownership issues are, however, a private matter between the relevant parties and not within my jurisdiction. Granting planning permission would not negate or supersede any private legal rights relating to land ownership.

Conditions

11. As the development is part retrospective, a commencement condition is not required. In order to provide certainty as to what has been permitted, I have imposed a condition specifying the relevant drawings. In the interests of the character and appearance of the area, it is necessary to control the external materials of the development.

Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, the proposal would comply with the development plan when taken as a whole.
13. The appeal is therefore allowed.

S D Castle

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3292856

Dowers, 1 Cherry Green Barns, Cherry Green, Westmill, SG9 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Brown against the decision of East Herts Council.
 - The application Ref 3/21/0549/HH, dated 3 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a new 1.5m high red brick wall to replace existing fence on north-east boundary.
-

Decision

1. The appeal is allowed and planning permission is granted for a new 1.5m high red brick wall to replace existing fence on north-east boundary at Dowers, 1 Cherry Tree Barns, Cherry Green, Westmill, SG9 9NQ in accordance with the terms of the application Ref 3/21/0549/HH, dated 3 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2003-01; 2003-02; 2003-04; and 2003-04 (Rev A).
 - 3) The wall hereby approved shall be constructed of red brick to match that used on parts of the existing dwelling and outbuildings.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings, including the effect on the setting of the host dwelling, Dowers.

Reasons

3. The appeal site is within a complex of dwellings that are situated in open countryside. The complex comprises barn conversions, together with the appeal property, which was a newly constructed dwelling built around 2003. The complex of buildings is adjacent to a listed building, Cherry Green Farmhouse and it forms part of the setting of the heritage asset.
4. Whilst the former barns are curtilage listed, the appellant points to the fact that as the appeal property is a relatively new dwelling, it is not curtilage listed as it

is not fixed to the principal building and was constructed after 1 July 1948. I have no reason to refute this.

5. The proposal is to construct a 1.5m high brick wall to replace an existing post and rail fence, which is infilled with wicker panels. The new wall would be positioned along the north-east boundary of the garden, with a small section returning along its south-eastern side.
6. The Council contends that the proposed wall would be harmful to the rural character of the wider farmstead and the setting of the appeal dwelling. It states that the development would conflict with Policies DES4 and HA1 of the adopted East Herts District Plan 2018 (DP). Amongst other things, these policies seek to achieve a high standard of design that reflects local character and distinctiveness and preserve and enhance the historic environment of East Herts. In my opinion, these policies are consistent with the provisions of the National Planning Policy Framework 2021 (The Framework).
7. In reaching my decision, I have taken into account the position of the appeal site in relation to the adjoining open countryside. However, the proposed brick wall would be a relatively minor form of development that would not be highly visible from outside of the site.
8. I also noted at my site visit that there are other brick walls within the complex of buildings and, in that regard, the proposal would not be out of context with the group of buildings in which it is located. Furthermore, there would be no impact on the setting of the principal listed building, Cherry Green Farmhouse, because of the separation distance and intervening buildings. Given that Dowers is a modern property with some small areas of brickwork used on the walls the proposed wall appear out of context or out of character with the appeal dwelling itself. Views into the site would also be retained because of the relatively low height of the proposed wall.
9. For the above reasons, I consider that the proposal would not be out of character with the area, nor would it have an adverse effect on the setting of any nearby buildings. Consequently, the proposal would not conflict with the provisions of the DP or with The Framework, as referred to above.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period in which to commence the development and listing the approved plans, I have also imposed a condition requiring that the bricks match those used on parts of the existing dwelling and outbuildings.
11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 12 July 2022

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/J1915/W/21/3278763

27 Bell Street, Sawbridgeworth, Herts CM21 9AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of decisions on an application for planning permission.
 - The appeal is made by Mr Peter Bennett against East Hertfordshire District Council.
 - The application Ref 3/21/1041/FUL (now 21/00069/NONDET), is dated 21 April 2021.
 - The development proposed is a single storey detached outbuilding, lowering of rear terrace and installation of connecting pergolas.
-

Preliminary matters

1. The application was made for planning permission and listed building consent. I have not been advised of whether a decision has been made on the application for listed building consent, ref 3/21/1042/LBC. The appeal is submitted against the failure to make a decision on the planning application alone and I have considered it accordingly.
2. Had it been in a position to make a decision, the Council would have refused planning permission on grounds of the effect on the living conditions of adjacent occupiers due to noise and disturbance. Local residents object on grounds of natural light, privacy and noise. I have considered these matters in the decision.

Decision

3. The appeal is allowed and planning permission is granted for a single storey detached outbuilding, lowering of rear terrace and installation of connecting pergolas at 27 Bell Street, Sawbridgeworth, Herts CM21 9AR in accordance with the terms of the application, Ref 3/21/1041/FUL, dated 21 April 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

4. Having regard to all the representations, the main issue is the effect of the proposed development on the living conditions of adjacent occupiers in terms of noise and disturbance, overlooking and natural light.

Reasons

The site and surroundings

5. The building is a 16/17th century house, listed Grade II, once converted to shop use before being used for financial services. Since closure of the bank, the building is now used as a café on the ground floor and the paved rear yard is

being used as an outdoor seating area. It lies in the main shopping street in Sawbridgeworth and is surrounded by residential properties including a development of small flats for the elderly and other retail uses. The proposal involves erecting a building in the rear yard for seating.

Noise and disturbance

6. A narrow passageway separates The Gables retirement housing from the wall and fence at the back of the outdoor seating area. At present, customers of the café sit at tables near the boundary and would be easily heard by residents of the nearest 2 flats through their windows facing south. The appellant has erected an interwoven fencing panel on top of the wall but this would have virtually no effect on noise transmission. I consider that this situation would be very different from when the yard at the rear of the bank was unused and it is unsurprising that residents feel the need to close windows facing the yard from time to time. Even then, noise from customers would be a constant murmur heard through west facing windows of the same flats. Residents using the external terrace behind the west wall of the flats would hear customers of the café and the noise would be hard to avoid.
7. The drawings for the proposed detached outbuilding indicate a solid wall on 3 sides and an impervious roof facing The Gables. The appellants indicate that these would have an acoustic value to mitigate the effect of customers talking but provide no details. I consider that it would be possible to impose a condition requiring a certain level of construction density or acoustic insulation and providing this is done, the level of noise from the number of customers in the building along with those that could occupy the outside space is unlikely to have an unacceptable effect on living standards. Any customers sitting outside in periods of fine weather in normal opening hours, indulging in normal conversation, would be far enough away to avoid unacceptable nuisance. In considering this matter I have had regard to the status of Bell Street as a Secondary Shopping Frontage in the 2018 East Herts District Plan, where a mix of uses is expected and considered desirable. Residents of such areas where housing is situated adjacent to retail activities have the benefit of easy access to services but may notice a degree of noise from time to time from pubs, restaurants and cafés. A condition is imposed to limit the hours of use of the rear area. If a high and unacceptable level of noise occurred at any hour, local occupiers would have recourse to the Environmental Health Department of the Council in the usual way.

Privacy

8. The existing brick wall at the rear of the yard separating the appeal property from The Gables has been raised with interwoven fencing panels to a height of around 1720 millimetres (mm) above the outdoor seating area. This is insufficient to prevent some curious customers, if they wished to, from being able to look over into the secondary window of a living area of a single ground floor flat. Another window is glazed with obscured glass. The proposed scheme would address this issue by lowering the ground level and erecting a building across the plot, preventing any overlooking. I do not consider that the level of intervisibility between the terrace of the flat and the remaining outdoor area of the café would pose any issues.
9. Neighbouring occupiers' concerns on privacy relate to the present situation but also run in harness with concerns about daylight. It is clear that raising the

fence element has proportionally reduced the amount of daylight reaching the ground floor windows.

Natural light

10. Turning to natural light, I am conscious that the window in question is very near the west end of the fence and also receives some natural daylight over the boundary at No. 25. Recognising that there has been a change in the boundary height and the way this has been perceived by some occupiers of The Gables, I do not find that the levels of daylight and sunlight have been unacceptably compromised. In a dense area of development such as this with conflicting uses, a level of compromise is necessary.
11. The proposed scheme would involve a significant reduction of ground levels in the yard and the edge of the roof would be no higher than the existing fence. A condition can be imposed to ensure the roof would not exceed this height. In these circumstances, whilst there would be a change, it has not been shown that the living conditions of occupiers of The Gables would be altered to the extent that there would be a conflict with planning guidance or policy.

Conclusion

12. I have taken account of all the other matters raised including the planning application process and the images shown on the application drawings, but find nothing to outweigh my conclusion that the proposed building would be acceptable in planning terms. The stability of the brick wall during the works is not a planning matter but one which should be discussed between the parties and their respective surveyors.
13. Conditions are imposed to control the external materials and to ensure that an archaeological investigation takes place. The hours of operation of the rear building need to be controlled and use of speakers and amplification equipment avoided for the benefit of local residents. The height of the rear edge of the roof is controlled in accordance with the application drawings to prevent any further impact on natural light. The walls and roof need to meet a minimum acoustic standard and this is anticipated by the appellant. The figure of 43dB (A) is used as there are common forms of construction deemed to meet this standard. Given the proposed use, the location and noise rating of any future extract fans or air conditioning units need to be controlled. Finally, the development needs to be constructed in accordance with the approved drawings, for the avoidance of doubt.
14. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 9 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 00/101 Floor plans; 10/101 Sections; 30/100 Detail at north boundary.
- 3) Prior to any building works being commenced details of the external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
- 4) No permanent or temporary sound amplification or speaker systems shall be installed in the proposed detached outbuilding or in the external space.
- 5) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 6) The development hereby approved shall not be used for the sale and consumption of food and beverages outside the hours of 0830 - 2000 hours Sunday to Thursday and 0830 - 2200 hours on Fridays, Saturdays and Bank Holidays.
- 7) In accordance with drawing ref 30/100, the height of the top of the edge of the roof at the rear of the extension shall not exceed the height of the existing wall and fence panel forming a boundary to The Gables.
- 8) No plant, extract fans or air conditioning units shall be installed in the building without details being submitted to and approved in writing by the Local Planning Authority. Any such equipment shall be installed in accordance with the approved details.
- 9) The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 43 dB(A), with windows shut and other means of ventilation provided. The sound insulation works shall be completed before the use of the building begins and retained thereafter.



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3296701

18 Park Avenue, Bishops Stortford, CM23 3EZ

- 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 Charles against the decision of East Herts District Council.
 - The application Ref 3/21/1970/HH, dated 23 July 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a first-floor side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the streetscene.

Reasons

3. The appeal property is a semi-detached dwelling, which is situated in a residential area, comprising of houses that are mixed in terms of their scale, age and appearance. The appeal property is set back from the highway and the existence of trees and other vegetation along this section of Park Avenue provide a verdant and leafy character to the streetscene.
4. The proposal is to construct a first-floor side extension that would enable the upstairs accommodation to be enlarged and reorganised to provide a larger bedroom at the front with an en-suite and a relocated bathroom. The extension would be constructed close to the shared side boundary with the neighbouring dwelling at number 16 Park Avenue, which (according to the Council) was itself extended at first-floor level in the mid 1970's. The extension at number 16 is built up to the side boundary with the appeal property. However, the Council points out that it pre-dates the current District Plan.
5. Policy DES4 of the adopted East Herts District Plan (DP) requires (amongst other things) new development to be of a high standard of design that respects the character of the area. In addition, Policy HOU11, which specifically relates to house extensions, states that extensions should generally appear as being subservient to the main dwelling and that side extensions at first-floor level should ensure that appropriate space is left between the flank wall of the extension and the common curtilage with the neighbouring property. It states that the separation distance of 1 metre should be the minimum.

6. A requirement for high quality design is also embodied in Policy HDP2 of the Bishops Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley (NP). I consider that the policies of the DP and the NP are consistent with the provisions of The National Planning Policy Framework 2021 (The Framework), which also requires planning policies and decisions to add to the overall quality of the area, be visually attractive and sympathetic to local character.
7. In reaching my decision, I have taken into account the mixed character and appearance of the area and I observed at my site visit the variety of spacings between the sides of dwellings at first-floor level. Nevertheless, gaps between dwellings at first-floor level are a positive and important part of the area's character. I also noted that the recent first-floor extension at number 20 Park Avenue, which has been referenced by the parties, has retained a gap of 1 metre, or thereabouts, between the wall of the extension and the side boundary of the plot.
8. I have also given weight to the fact that the proposed extension would obscure the plain blank rear wall of an existing rear/side extension on the appeal property. However, in my opinion, the proposed extension would create an unacceptable terracing effect that would be harmful to the appearance of this part of the streetscene. Therefore, the proposal would conflict with the provisions of the Development Plan and with The Framework, as referred to above.

Conclusion

9. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022.

Appeal Ref: APP/J1915/D/22/3297249

The Goose, Moor Green, Ardeley, SG2 7AT

- 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 Mackervoy against the decision of East Herts Council.
 - The application Ref 3/21/2498/HH, dated 30 September 2021, was refused by notice dated 15 March 2022.
 - The development proposed is a residential annex (ancillary).
-

Decision

1. The appeal is allowed and planning permission is granted for a residential annex (ancillary) at The Goose, Moor Green, Ardeley, SG2 7AT in accordance with the terms of the application, Ref 3/21/2498/HH, dated 30 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 001-P02; 002-P02; 010-P02; 100-P01; 110-P01; 200-P01; 210-P01; 220-P01; and 300-P01.
 - 3) The building shall be used only as a residential annexe ancillary to the dwelling and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Main Issue

2. The main issue is whether the position of the proposed annex is well related to the main dwelling.

Reasons

3. The Goose is a detached dwelling, which is situated within a cluster of other dwellings and buildings in, what is otherwise, open countryside. The property also includes land at the rear which is used as domestic garden, stables and garaging. It also includes a riding enclosure.
4. The appeal proposal is to construct a residential annex on an area to the rear of the existing stables and garaging. The building would be single-storey and would contain bedroom, workspace and storage areas. Materials to be used on the external faces of the building would be black timber clad walls and a black

- metal roof. In terms of the building's design and appearance, I consider it to be sympathetic to its surroundings and it would not be harmful to the character or appearance of the area.
5. The Council considers that the proposed annex would not be well related to the existing dwelling, because it would not be within the curtilage of the property and because of the separation distance between the annex and the main dwelling. Consequently, the Council's decision notice states that the proposal would conflict with Policy HOU13 of the Esat Herts District Plan 2018 (DP). This policy allows for the development of residential annexes provided (amongst other things) they are close to and well related to the main dwelling. In addition, Policy HOU11 of the DP provides detailed design criteria for assessing outbuildings.
 6. The appellants point to the Council Officer's report, which concludes that the annex would be acceptable in terms of its design and appearance and effect on the character of the area. In terms of its position, the appellants consider that the annex would be within the curtilage of the dwelling and that it would be conveniently located in terms of the proposed separation distance.
 7. Whether the land is within the curtilage of the dwelling or not is debateable. There is no authoritative definition of the term and it should not be confused with the use of land as a garden. It is generally accepted however that for land to fall within the curtilage of a dwelling, it should serve the dwelling in some reasonably necessary or useful manner. The size of the land can also be a factor, but as with many planning matters, it is a case of fact and degree.
 8. In this case, it is not a matter for me to formally determine whether the appeal site forms part of the residential curtilage, as this would normally be the subject of a lawful development certificate application. However, during my site visit, I observed that the land in question was connected to the dwelling in terms of its use and appearance, notwithstanding the intervening small post and rail fencing, track and some planting.
 9. In terms of the separation distance between the proposed annex and the dwelling, the appellants state that this would be around 20m. In their opinion, they do not consider it to be excessive and it is comparable to the distance between the dwelling and the existing garages. Whilst the existing garages are closer, I am not persuaded that the Council's concerns are justified, as it would only be a short and relatively easy walk between the house and the proposed annex. It would also be clearly visible from the dwelling itself.
 10. For the above reasons, I consider that the position of the proposed annex would be well related to the existing dwelling and, in that regard, it accords with Policy HOU13 of the DP.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. In addition to the condition relating to the standard 3-year time period in which to commence the development, I have also attached a condition that restricts the use of the building to a residential annex. This is necessary to ensure that other uses are controlled in the interests of the amenities of the occupants of nearby dwellings.
12. A condition specifying the approved plans is also imposed.

Other Matter

13. The appellants' grounds of appeal also refer to delays and communication issues with the Council. These matters are addressed in the decision on the appellants' application for costs.

Conclusion

14. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR



Costs Decision

Site visit made on 14 June 2022

by Ian McHugh Dip TP MRTPI

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

Decision date: 08 July 2022.

Costs application in relation to Appeal Ref: APP/J1915/D/22/3297249 The Goose, Moor Green, Ardeley, SG2 7AT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs MacKervoy for a full award of costs against East Herts Council.
 - The appeal was against the refusal planning permission for a residential annex (ancillary).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be procedural or substantive.
3. In this case, the appellants submit that the Council has acted unreasonably on both procedural and substantive grounds. They point to the Council failing to determine the planning application within 8 weeks without offering to extend this period. In addition, the appellants contend that the Council's decision was unreasonable, as they consider that the proposal was in accordance with the Council's planning policies.
4. The Council has stated that it does not agree with the application for costs, although no substantive reasoning for this opinion has been provided.
5. With regard to the determination period, I note that the application was registered by the Council on 30 September 2021 and the decision notice was not issued until 15 March 2022. The appellants state that during this period, the Council failed to communicate and that it did not work positively or proactively with them or with their agent.
6. I accept that the length of time taken to determine the application was an unduly long period. However, it would have been open to the appellants to appeal against non-determination. I have no information as to why such an appeal was not lodged.
7. Turning to the reason for the Council's decision. I have found the proposal to be acceptable, although, in my opinion, it was not clear cut. As with many planning decisions, the interpretation of planning policy and guidance can be

subjective and the outcome can often depend on the opinion of the decision maker. In this case, I have no evidence to conclude that the Council acted unreasonably in its interpretation of the Development Plan and its assessment of the proposal.

Conclusion

8. For the reasons given above, I therefore find that an appeal was unavoidable and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3294741

7 The Bungalow, Hay Street, Braughing, SG11 2RJ

- 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 T Strachan against the decision of East Herts Council.
 - The application Ref 3/21/2648/HH, dated 8 October 2021, was refused by notice dated 16 February 2022.
 - The development proposed is a two storey and first floor rear extension. Two front dormers. Recladding with shiplap. Rear terrace, external steps and fencing. Replacement windows and doors. New ground floor side door and new front windows added to porch.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the appeal property and the surrounding area; and the effect on the living conditions of the occupants of neighbouring property, with particular regard to outlook, natural light and privacy.

Reasons

Character and Appearance

3. The appeal property is an existing bungalow, which is situated within a stretch of ribbon development that backs onto open countryside. The property is currently vacant and it is evident that it requires repair and refurbishment. It has been extended previously with a number of ground and first floor additions at the rear. These previous additions are of no architectural merit and although they are not clearly visible from the public domain, they have a negative effect on the appearance of the dwelling. I also observed during my site visit that a number of properties along this stretch of Hay Street have been altered and extended. These include the neighbouring properties on either side at numbers 6 and 8 Hay Street.
4. The proposal would involve extensive works, as described in the heading above. These would include increasing the roof height of the property and constructing a large rear extension that would cover the full width of the property. Two dormers would also be added on the front facing elevation. I also noted during my site visit that there are dormers on other properties

- nearby and, in that regard, the principle of constructing these features would be acceptable.
5. However, overall the bulk and mass of the extensions, would appear out of scale and harmful to the character and appearance of the appeal property and its immediate surroundings.
 6. Policies DES4 and HOU11 of the East Herts District Plan 2018 (DP) seek, amongst other things, to ensure that the design of new development is of high quality and should respect or improve the character of the site and surrounding area. This is reflected in Policy 2 of the Braughing Area Neighbourhood Plan (NP). Policy HOU11 of the DP also requires extensions to appear as a subservient addition to the existing building.
 7. Whilst I agree that a degree of modernisation and remodelling would enhance the appearance of the property and improve the living conditions for future occupants, I consider the overall scale to be excessive and unacceptably harmful to the dwelling and its immediate surroundings. In addition, although the crown roof would not be highly visible in the streetscene, it would not be sympathetic to the character or appearance of the dwelling. Accordingly, the proposal would conflict with the relevant policies of the DP and the NP, as referred to above.

Living Conditions

8. The Council contends that the proposal would have an adverse effect on the living conditions of the occupants of numbers 6 and 8 Hay Street in terms of their outlook, natural light and privacy. Policy DES4 of the DP states that development proposals should avoid significant detrimental impacts on the amenities of occupiers of neighbouring properties.
9. Although the proposed extensions would be inset from the two shared side boundaries, the proposal, when viewed from both neighbouring dwellings and their gardens, would be overly dominant and oppressive. This would be particularly the case in relation to number 8 Hay Street. Furthermore, the proposed full width floor to ceiling windows on the rear elevation would present a strong perception of being overlooked, which would make the rear gardens of the neighbouring dwellings less enjoyable places in which to be. This concern would also apply to the raised patio at the rear, which would also be at higher level.
10. For the above reasons, I find that the proposal would have an unacceptably harmful effect on the living conditions of the occupants of the neighbouring dwellings. Therefore, the proposal would conflict with Policy DES4 of the DP.

Conclusion

11. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3297449

16 Revels Road, Hertford, SG14 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs I Reynolds against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2751/HH, dated 26 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the erection of a first-floor extension above part of the existing single-storey side accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the wider street scene.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling within a residential area comprising mostly semi-detached properties of some variety, but with many of an equivalent age, type and appearance to No 16 and its attached neighbour at No 18. Despite the variety between some, and alterations and changes to many properties over time, including the appeal property, I found there to be a pleasing cohesion to the character of the area that remains dominant and which is derived through a general sense of uniformity in scale and appearance between individual house types and complementary use of materials.
4. No 16 occupies a triangular-shaped corner plot with a wide frontage to Revels Road and little depth to the rear garden. It has been significantly altered beyond its original form with a single-storey side extension that wraps around the front elevation to incorporate an entrance porch, and a recently completed hip-to-gable change with a 'box-like' dormer covering the majority of the rear roof slope which I understand was completed as permitted development without the express need to obtain planning permission from the Council. Due

to its slightly elevated levels relative to the road and its openly exposed side elevation, the property appears fairly prominent within the street scene. As a semi-detached pair, Nos 16 and 18 stand out as different to the architecture immediately surrounding along this part of Revels Road, but they are not disassociated with the wider estate which includes many properties that are of similar age and style, including 40 Parker Avenue which is in very close proximity and visual association, all of which contribute to the area's character.

5. The proposal would add a first-floor extension to the side over the existing extension and recessed marginally behind the front elevation and significantly so behind the rear elevation, with a hipped roof over.
6. The extensions that have already been completed at the appeal property undeniably unbalance the appearance of this semi-detached pair, with No 18 retaining its original form. However, especially when seen head-on from Revels Road, they maintain a reasonably acceptable sense of proportion and scale that enables the building to appear comfortable within its surroundings.
7. The first-floor side extension would add noticeable bulk to the existing building in a form that in my assessment would appear poorly executed and with little respect shown to the scale, appearance or architectural composition of the original, which I find would appear distorted and out of proportion. Whilst I accept that the extension would display a degree of subservience to the host dwelling, it would contribute to an amalgam of additions that would show little harmony with each other. The result would be a dwelling lacking in cohesion and one that would be out of keeping and harmful to the established character and appearance of the area. As such, there would be conflict with part (a) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018 insofar as it requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and with Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout in order to reflect and promote local distinctiveness.
8. I have noted and seen for myself the examples given by the appellants where other similar properties in the area have been extended to the side. Those at 9 and 43 Parker Avenue both have hipped roof side additions, but when seen in the round, they both respect the architectural form of the original building by matching the roof style and appearing as extensions that are well-related to the host dwelling. The same is true at Nos 1 and 4 Revels Road. Although I accept that the proportions of the dwellings have been enlarged in each of these cases, the resulting discordant and incohesive combined form of the extensions at No 16 would result in a building demonstrably out of keeping.
9. I appreciate the appellants' efforts to try to overcome the reasons for refusal of an earlier proposed scheme, which was appealed and dismissed in October 2020 (appeal ref: APP/J1915/D/20/3255457), and I recognise that part of the works that were considered at that time have now been lawfully implemented. However, this does not alter my findings that the proposed side extension would add to the property in a manner that would be harmful to its character and appearance and the wider street scene. The appellants' need to provide

additional accommodation to support their family is noted but this need does not outweigh the harm that I have identified.

Conclusion

10. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR

Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2022

Appeal Ref: APP/J1915/Z/22/3295873

The Waterside Inn, Bridge Foot, Ware, SG12 9DW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by _____, Stonegate Pub Company against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2991/ADV, dated 30 November 2021, was refused by notice dated 8 March 2022.
 - The advertisement proposed is 2 sets of externally illuminated fascia text and 2 externally illuminated projection signs.
-

Decision

1. The appeal is allowed and consent for the display of the 2 sets of externally illuminated fascia text and 2 externally illuminated projection signs as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. At the time of my visit, I saw that the installation of the signage was complete. I visited the site twice on 22 June 2022, first during the afternoon, arriving approximately 1400hrs during daylight, and second arriving approximately 2200hrs during darkness when the premises were open and the signage was illuminated.
3. The application was explicitly made for the display of 2 externally illuminated fascia signs and 2 externally illuminated projecting signs. These were all clearly identified on the application drawings and identifiable in-situ on the premises.

Main Issue

4. The Council has raised no concern regarding the effect of the advertisements on public safety. I have no reason to disagree. The main issue therefore is the effect of the advertisements on the visual amenity of the area.

Reasons

5. The appeal property is a large and fairly imposing Public House that occupies a prominent corner location. It faces a 3-limb roundabout junction where High Street, Bridge Foot, and Star Street meet. The property is set immediately to the back edge of the pavement and on a splay at the junction with return frontages to both Bridge Foot and Star Street. It is located on the fringes of
-

Ware Town Centre and within the Ware Conservation Area (CA). The adopted *Ware Conservation Area Appraisal and Management Plan (2016)* places the site within *Identity Area 1* which is principally the historic core of the town. I saw this to be a typically vibrant town centre location comprising a mix of building types and uses, many of historical and architectural interest. Shopfront and commercial property adverts are plenty, including a variety that I saw to be illuminated during the hours of darkness. In addition, and similar to the appeal property, I saw that some buildings in the locality and within the CA, were floodlit.

6. The appeal signage comprises two identical sets arranged on each of the building's main facades. They include the name of the public house sign-written onto the rendered wall of the building and externally illuminated from above by a steel trough fitted with low energy LEDs, and a projecting sign hanging from a steel frame with vinyl letters and images attached to both sides of an aluminium panel and lit from above with two steel troughs to each side and also fitted with low energy LEDs.
7. The Council has stated that the fonts, colours, style, and design of the signage is acceptable. I do not disagree. They are fairly typical and traditional for a public house premises, are of muted colours and form, and of sizes that are in scale and proportion to the building and its setting. I also found the means of the illumination to be discreet and non-intrusive.
8. During my evening visit I saw a contrast between the pure white tone of the floodlighting that is used on the building compared with that for the advertisements, which appeared softer. However, my impression was that this arrangement merely gave the signage a light sepia effect that was unobtrusive and complementary to the floodlighting and the glow emanating from the internally lit bar and restaurant area through the extensive floor to ceiling glazing at ground floor level, especially along the frontage facing Bridge Foot. I found this to be neither discordant nor out of keeping within this vibrant town centre location.
9. The building sits dominant to the side of the roundabout it faces towards. There is a terrace of listed buildings (Nos 12-20) nearby to the north side of High Street and extending away from the roundabout junction with Bridge Foot and Star Street. However, I am satisfied that the setting of these is unaffected by the advertisements which I find has no harmful effect upon the amenity of the area. It follows therefore that the character and appearance of the CA is also preserved.
10. I have considered Policies DES6 and HA6 of the East Herts District Plan 2018 (EHDP), which deal with advertisements and signs and advertisements in CAs respectively. I have also had regard to EHDP Policies HA1 and HA4 which deal with proposals affecting designated heritage assets and CAs respectively. Amongst other things they all seek to protect amenity and so are considered to be material in this case. The signage would be compliant with the criteria listed in Policy HA6 for reasons explained above. Moreover, I have concluded that the proposal would not harm amenity, including the character and appearance of the CA or the setting of nearby listed buildings. The proposal therefore does not conflict with these policies. I have not been directed within the officer's report to any specific conflict with the Council's *Retail Frontages: Design & Signage SPD October 2019*, their *Emerging Ware Neighbourhood Plan 2021-2033*, or Historic England's advice for external lighting of historic buildings.

11.Paragraph 136 of the National Planning Policy Framework 2021 advises that the visual quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along Bridge Foot, High Street and Star Street, I am satisfied that the advertisements do not appear poorly sited or poorly designed within the street scene. Consequently, for the reasons given, I conclude that, subject to the five standard conditions set out in the Regulations, the display of the advertisements is not harmful to amenity. The appeal therefore succeeds.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3298924 28 Fordwich Hill, Hertford, SG14 2BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Smith against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0059/HH, dated 12 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a two-storey rear and side extension and first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear and side extension and first floor rear extension at 28 Fordwich Hill, Hertford, SG14 2BQ in accordance with the terms of the application, Ref 3/22/0059/HH, dated 12 January 2022, 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: Drg No NH/962/01, NH/962/02, NH/962/03, NH/962/04, NH/962/05 and NH/962/06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of 28 Fordwich Hill and the wider street scene.

Reasons

3. The appeal property is a two-storey semi-detached dwelling (not detached as stated within the Council's planning officer's report) and sits within a sub-urban residential cul-de-sac comprising detached and semi-detached properties of

- similar age but with mixed appearances, many having been extended or altered in a variety of ways beyond their original forms.
4. The proposal comprises two parts. The Council has no objection to a first-floor rear extension that is proposed immediately adjoining the attached neighbouring property at No 26. I have no reason to disagree as it would merely project an existing rear facing gable deeper and mimic a similar extension to the attached property.
 5. The second part of the proposal would replace an existing two-storey hipped roof projection that spans the outside part of the property's rear elevation with a deeper two-storey extension which would extend sideways and wrap around part of the dwelling's side elevation. The side projection would be recessed behind the property's front elevation by around 4.2m with its flank set away from the side boundary with No 30 by around 1m. It would have a hipped roof facing Fordwich Hill and an eaves height slightly lower than the two-storey eaves height to the side of the original dwelling.
 6. Part (b) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018 (EHDP) states that side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property and that as a general rule a space of 1m will be the minimum acceptable in order to safeguard the character and appearance of the street scene and prevent a visually damaging 'terracing' effect. The appeal proposal would achieve the minimum separation that is required by Policy HOU11. Moreover, although No 30 is built right up to the common side boundary, I saw that this degree of spacing would reflect the separation distances between many other properties along the length of both sides to Fordwich Hill, in some instances those gaps appearing to be original and in others where properties have been extended to the sides. The side extension would not appear cramped within the street scene, despite the eaves' overhangs of both properties, which I accept would narrow the gap to a degree when seen at that level, but not in a form that would be alien to the locality, or which I find would be visually harmful.
 7. I recognise that there would be variation between the eaves and first floor window heights of the extension when compared with the original property. However, this is as a consequence of keeping the side extension appropriately subservient, and given its deep recess, I am not persuaded that this would appear incongruous or poorly related to the existing when viewed from Fordwich Hill. I therefore find no conflict with part (a) of Policy HOU11 insofar as it requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and for them to generally appear subservient to the dwelling.
 8. Overall, I am satisfied that the extensions would display the standard of design necessary to respect the character of the existing dwelling and the wider street scene. As such there would be no conflict with the overall requirements of Policy HOU11 or with EHDP Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout to reflect and promote local distinctiveness.

Conditions

9. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.

Conclusion

10. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3297738

19 Mayflower Gardens, Bishops Stortford, CM23 4PA

- 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 D Marriott against the decision of East Herts Council.
 - The application Ref 3/22/0114/HH, dated 19 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is a single storey rear extension, infill extension and removal of garage roof with a new pitched roof.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension with link infill extension and raising pitched roof of existing garage at 19 Mayflower Gardens, Bishops Stortford, CM23 4PA in accordance with the terms of the application, Ref 3/22/0114/HH, dated 19 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing Number - D210203/1; and Drawing Number - D210203/2 D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of the development used in the banner heading above is taken from the planning application form. However, I have noted that the description given in the both Council's decision notice and appeal form is slightly different. In my opinion, these give a clearer description of the proposal and, therefore, I have used this wording in my formal decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and the streetscene.

Reasons

4. The appeal property is a detached dwelling with a detached double garage, which is situated within a modern housing development. The property is positioned on a corner plot and it is relatively prominent in the streetscene. Dwellings in the vicinity of the site vary in terms of their size and design. I also noted during my site visit that garages within the estate vary with some being integral, some attached and others detached. However, I note that the Council points to garages nearby being either detached or integral.
5. The proposal is to infill the existing space between the garage and the side wall of the dwelling, raise the height of the garage and construct an extension at the rear of the garage linked to the dwelling. The proposal has been submitted to try and overcome the Council's refusal of a previous application for a larger and taller extension that would have resulted in the extended garage being two storeys in height.
6. The Council considers that the appeal proposal would be a bulky and unsympathetic addition to the host dwelling, which would be visually intrusive in the streetscene. It also points to it being out of character with other garaging nearby which are mainly detached or integral. As such, the Council states that the proposal would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 (DP) and with Policy HDP2 of the Bishops Stortford's Neighbourhood Plan for Silverleys and Meads (NP). Amongst other things, these policies generally seek to ensure that the design of extensions are of a high standard and appropriate to their surroundings in terms of scale, mass, form and siting.
7. Although the proposed garage extension would be clearly visible when viewed from the front and side, I do not agree that it would appear out of scale or visually harmful. Notwithstanding the fact that it would be attached to the dwelling, it would appear subservient because of its lower roof height when viewed from the front. The roof of the garage would also slope upwards away from the dwelling, thereby retaining a gap between the ridge of the garage roof and the side wall the house at first-floor level. I accept that there would be added bulk when viewed from the side and that this would be visible in the streetscene. However, much of this view would be screened or softened by existing planting.
8. In my opinion, the proposal would not be unacceptably harmful to the character and appearance of either the dwelling or the streetscene. Accordingly, there would be no conflict with the relevant policies of the DP and the NP, as referred to above.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period for the commencement of the development and specifying the approved plans, I have also imposed a condition that requires the use of external materials to match the existing dwelling. This is necessary to ensure a satisfactory external appearance.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR

Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3298531

41 Star Street, Ware, SG12 7AA

- 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 Anthony Woodward against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0130/HH, dated 21 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is described as '*Construction of two-storey side extension and single-storey rear extension*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description that I have used in the banner heading above, the Council's decision notice also includes reference to a loft conversion and rear dormer window. This is clearly shown on the planning application drawings as part of the proposed works. Furthermore, the appeal form includes reference to a loft conversion with rear dormer window as part of the details for the proposed development. I have therefore considered the appeal on this basis.
3. The application form gives the date of the application as '21/0/22'. This is clearly an error and I note the certificate of ownership which accompanied the application was dated '21/01/22' and that the decision notice states that the application was received on 21 January. I am satisfied that the application was made on that date and have recorded it as so.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the existing building and the wider street scene.

Reasons

5. The appeal property is a modest sized, two-storey semi-detached dwelling located within a predominantly residential area on the fringes of Ware town
-

centre. Although there are mixed residences in the area, including contemporary flatted developments and terraced houses both opposite and adjacent at Star Holme Court, the appeal property and its attached neighbour at No 39 is one of three similar, adjoining semi-detached pairs that occupy an arced arrangement which turns around the corner where Clements Street joins Star Street. Nos 39 and 41 squarely face Star Street. No 43 and No 1 Clements Street are orientated obliquely facing the road junction, and Nos 2 and 3 squarely face Clements Street. Therefore, whilst Nos 39 and 41 appear to be an isolated example of a unique house style when approaching along Star Street from the west, they are clearly seen to be associated with the others when seen from other viewpoints and part of a reasonably harmonious group, despite some notable changes over time to some of these properties.

6. As a pair, in common with the other similar properties, Nos 39 and 41 share a two-storey forward facing gable with the boundary between both at the apex, and with narrow recessed wings to each side under a hipped roof. To the rear, the original form of the building had a shared and centrally positioned shallow, two-storey projection under a flat roof. No 39 has been extended to the front side and rear, such that there is an imbalance between the pair at ground floor level. Nevertheless, there remains a symmetry to the building at first floor and roof levels that ensures it maintains its proportions and harmony in its setting, and its associations with its contemporaries.
7. The proposal would include extending No 41 sideways with a two-storey extension that would follow the front and rear building lines of the existing side wing. The roof form would be changed from a hip end to a gable, and a 'box-like' dormer would be added to the rear roof slope and spanning almost its entire width. I do not share the appellant's view that the recessed position of the existing side wing would enable the new side extension to appear subservient. The balanced proportions, appearance, and simple form of the existing building would be lost, with the modest size of the side wing engulfed as part of a much wider side element and with an entirely different roof profile. The failure of the two-storey side extension to appear as a subservient addition and of a size, form and design that would be appropriate to the character, appearance and setting of the existing dwelling would directly conflict with part (a) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018.
8. The dormer extension would dominate the existing rear roof slope. Not only would it significantly alter the roof profile of the building when seen from the rear and in open views from Clements Street, but it would be heavily dependent upon the new side extension to accommodate a large part of its size. By failing to be of just modest proportions and respectful of the design and character of the original dwelling and its surroundings, this part of the proposal would also conflict with part (d) of Policy HOU11.
9. Overall, I find that the proposed side extension, loft conversion and rear dormer window would fail to display the standard of design necessary to respect the character of the existing dwelling and the wider street scene. As such there would be conflict with the overall requirements of Policy HOU11 and with EHDP Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout to reflect and promote local

distinctiveness. I have noted the need to make provision for a larger family living space but this need does not outweigh the harm that I have identified. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John D Allan

INSPECTOR