



Appeal Decision

Site visit made on 23 November 2022

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/J1915/W/22/3293115

Land to the Rear of Hermitage Cottage, Scholars Hill, Wareside SG12 7RQ

- 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 Tillbrook against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1744/FUL, dated 30 June 2021, was refused by notice dated 24 December 2021.
 - The development proposed is demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Bill Tillbrook against East Hertfordshire District Council. That application is the subject of a separate decision.

Background and Main Issue

3. The current proposal follows an earlier scheme of a different design, which was dismissed at appeal (APP/J1915/W/20/3254717).
4. The main issues are the effect of the proposed development on: (i) the setting of the Grade II listed building Hermitage Cottage; and (ii) the character and appearance of the area, with particular regard to the Wareside Conservation Area (WCA).

Reasons

The setting of the Listed Building

5. The appeal site is the rear portion of the garden of the Grade II listed building Hermitage Cottage.
6. I am required, by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of the listed building. Paragraph 189 of the National Planning Policy Framework (the Framework) also sets out how heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. Paragraph 200 requires clear and convincing justification for harm to the significance of a heritage asset.

7. Hermitage Cottage is a one and a half storey building with gabled dormers, dating from the 17th Century or earlier, with a plastered timber frame and old red tiled roof. It was originally built as three cottages, each with their own rear gardens, and its conversion into a single dwelling resulted in the amalgamation of the smaller individual gardens into the garden existing today. For the purposes of this appeal, I consider the significance of Hermitage Cottage lies in its vernacular architectural form and features, together with its connection to the local area, position within the village, historic use, and connections to the Gosslin estate.
8. Access to Hermitage Cottage is through a pedestrian side gate into its rear garden, or via the appeal site at the end of the garden. The garden is therefore an important part of the setting of the listed building. The appeal site is screened from the rest of the garden by a mixed deciduous/coniferous hedge. Therefore, although it has a clear historical association with Hermitage Cottage, it is visually separated from it. Planning permission has also been granted for a new vehicular access in the vicinity of the existing side gate to allow access and parking within the garden¹. That access will introduce built development into the garden between the listed building and the appeal site.
9. The proposal before me relates to a smaller appeal site than that considered by the previous Inspector, and the southern site boundary is the existing hedge between the garage/hardstanding and the central part of the garden. The existing hedge would be retained at its current height, and this could be secured by planning condition. On that basis, the proposed single storey dwelling, with its shallow pitched roof, would stand only marginally higher than the hedge and the existing garage, and would be barely perceptible from Hermitage Cottage and its garden.
10. Given its low ridge height and the boundary hedgerows, Hermitage Cottage is not readily visible from the north on Scholars Hill. With the separation distance between Hermitage Cottage and the proposed building, and the hedgerow between the appeal site and the remainder of the garden, neither would the proposed building be seen in the same vista as Hermitage Cottage.
11. Therefore, although there would be some limited harm to the setting of Hermitage Cottage arising from the loss of the rear part of its curtilage, it would be a low degree of less than substantial harm.
12. In conclusion, the proposed building would give rise to less than substantial harm to the setting of Hermitage Cottage, and would therefore conflict with East Herts District Plan (2018) (EHDP) Policy HA7, which only permits development in the setting of a listed building where that setting is preserved.
13. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Character and appearance

14. The appeal site, and much of the village, is within the WCA, and I am required, by Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the WCA.

¹ 3/19/0712/HH

15. The Wareside Conservation Area Appraisal and Management Plan (2014) (WCAAMP) states that, "The principal range of historic properties is grouped in a tightly knit concentration in the valley bottom either side of the main road. There are a number of locally important steeply sloping access lanes and footpaths, often characterised by high banks, trees and or hedgerows on both sides of the respective lane or footpath. These are important to the character of the Conservation Area and are interpreted as being of historical interest. Trees and hedgerows are an important visual component of the character of the village as is the varied topography." I note that assessment, and for the purposes of this appeal, I consider the significance of the WCA to be its development as an historic rural settlement and its associated natural and built character.
16. The appeal site is located at a junction of Scholars Hill, accessed from the northernmost point of Hermitage Cottage's garden. It currently contains a garage building and hardstanding with access for parking. Its boundary hedgerow, which follows the curve of the road, plays a significant role in the rural character of the area.
17. Within its immediate vicinity, Laburnham Cottages and The Red Lion are prominent features located beyond the Nimney Bourne watercourse. These red multi brick and rendered buildings with tiled roofs are identified in the WCAAMP as unlisted buildings to be protected from demolition. Opposite is a detached garden and blocks of garages and, along the hill, houses set back from the road edge behind tall hedgerows give way to a single-track rural lane with banks and hedgerows. The approach from the south has a similarly rural character, in large part due to the hedgerows on both sides.
18. The proposed development is significantly different to that considered by the previous Inspector. The proposed dwelling would sit behind the hedgerows, which are proposed to be maintained at a height of 3m. The eaves height of the western elevation would be similar to the height of the boundary hedge, rising slightly above it to the rear. From this aspect, the predominant view would therefore be of the shallow green² roof.
19. Although the building would be a similar height to the existing garage, it would be larger and more prominent from its access, and from the bridge over Nimney Bourne. From there, the dark-stained double garage building set in a leafy setting would be replaced by a significantly broader structure, closer to the road, with distinctly contemporary features in white and grey facing brick. The white and grey brick and large format contemporary fenestration would contrast with the traditional materials found in the surrounding area. Its shallow roof would also conflict with the pitched roofs and gables of the prevailing character. The eastern elevation, facing the active frontage of Laburnham Cottages, would be less visible from public spaces, and would not be closer than the existing garage building. Nevertheless, it would conflict with the traditional character of the area, where the shallow green roof and large rooflights above white and grey brick will be visible from Laburnham Cottages entrances, gardens, and ground and first floors.
20. In terms of its size, scale, mass and siting the proposed building therefore seeks to take a subservient position in relation to Hermitage Cottage and in the street scene, and is a contemporary bespoke design. However, for the reasons

² i.e. planted roof

above, I consider the proposed building would not preserve the historic rural character of the WCA.

21. I have also considered the appearance and condition of the existing garage building, and that of the hardstanding on the appeal site. Although some greening of the boarding has occurred, and there are cracks in the concrete hardstanding, the garage is set well back into the site with significant boundary vegetation, and the cracked surfacing is only a small part of the site in its context. The garage is a dark stained timber building with a traditional tiled pitched roof, which is not out of character with its environs. The timber cladding is in good repair, and the decayed timber fascia on its eastern side and the guttering attached to it is not particularly notable from beyond the site boundaries. I therefore consider the appeal site in its current form is not a significant detractor in the WCA, and is not sufficient justification for the proposed development.
22. In conclusion, the proposed building would give rise to less than substantial harm to the WCA. It would conflict with EHDP Policies VILL2, DES4, HOU2, HA1, HA4 and HA11, which, amongst other things, seek to ensure that all development achieves a high standard of design and layout promoting local distinctiveness, preserving or enhancing the special interest of conservation areas, relating well to the village, and using materials traditional to the area.
23. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Other Matters

24. The appeal site lies within the wider setting of other listed buildings in the historic core of the village, along the unnamed B1004 road, including Bourne Cottage, Overhill House, Old Forge Cottage, White Horse Cottage, White Horse Public House, Post Office & Chequers Public House. However, the settings of these Listed Buildings would be preserved as a result of the separation distance between them and the appeal site, along with intervening vegetation, other buildings between them and the appeal site, and the low profile of the proposed building.
25. The proposal would contribute one additional dwelling in a Group 2 village³, and the appellant advises there is an additional need for 2 bedroom dwellings in the village.
26. I note that the Council did not determine the planning application within 8 weeks of submission, and that no extension of time was agreed with the appellant. I also note the appellants' concern that the Council did not enter into discussion to seek to resolve the Council's planning objections. In addition, I note that the Council did not consult their conservation officers in relation to this proposal before determining the application. Nevertheless, I am required to consider the appeal proposal on its planning merits.
27. There is support from interested parties in relation to the provision of parking for two cars for the proposed development. The existing parking area also provides ample parking for the existing dwelling, and the development would therefore not address an existing parking concern.

³ As defined by Policy VILL2

Planning Balance and Conclusion

28. Considering the Act's statutory duties, and paragraph 199 of the Framework, which requires great weight to be given to the conservation of heritage assets, I attach significant weight to the less than substantial harm to the WCA, and limited weight to the limited harm to the setting of the Grade II listed building.
29. In considering the public benefits of the proposal, I attribute limited weight in favour of the development to the additional 2 bed dwelling in the village. The absence of harm in relation to parking weighs neutrally in the planning balance. The identified harm to designated heritage assets is therefore not outweighed by the public benefits of the proposal.
30. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR



Costs Decision

Site visit made on 23 November 2022

by **Peter White BA(Hons) MA DipTP MRTPI**

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

Decision date: 16 December 2022

Costs application in relation to Appeal Ref: APP/J1915/W/22/3293115 Land to the Rear of Hermitage Cottage, Scholars Hill, Wareside SG12 7RQ

- 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 Bill Tillbrook for a partial award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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.

The appellant's case

3. In summary, the appellants case is the following: That the Council failed to determine the application within 8 weeks, and did not request or offer an extension to this statutory period. That the Council's reasons for refusal are unreasonable, and the development complies with all relevant planning policy. That as a result, the appellant has therefore been put to unnecessary expense in the professional fees of their architect in preparing the appellant's full statement of case and associated documents.

Consideration of the issues:

4. The planning application was submitted on 30th June 2021 and determined by the Council on 24th December 2021. The PPG expects local planning authorities to make a decision as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. However, where it takes longer, and no extended period has been agreed, the decision should be made with 26 weeks¹. That was the case in this event.
5. The Council's Officer Report considered the previous scheme and appeal decision, and correctly went on to consider the current proposal, even if briefly. The Council is not obliged to consult its conservation officers, although I agree

¹ Paragraph: 001 Reference ID: 21b-001-20140306

it would have been preferable to have done so before making its decision, but the Conservation and Urban Design response submitted with the Council's appeal statement supported the Council's decision. I did not agree with every aspect of the Council's reason for refusal, but found in favour of its overall conclusions, and in dismissing the appeal I found that the development conflicted with the development plan.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.



Appeal Decision

Site visit made on 18 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 Appeal Decision

Appeal Ref: APP/J1915/D/21/3288882

Riverview, Unadopted Track East from Ware Park Road to Mill House, Ware Park, Ware SG12 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 Lenny Greenham against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2129/HH, dated 12 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described as an entrance porch to side and wall with gate to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant differs from the name given on the application form, however it has been clarified that they are the same person. I am therefore proceeding with the appeal on this basis.
3. The proposed development is described on the application form as 'Proposed new porch'. This was subsequently amended by the Council to include a proposed wall with gate that is indicated on the submitted plans, and is also referred to within the appellant's evidence. Consequently, I have used the Council's description of the development as it more accurately reflects the proposal.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt, and;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy GBR1 of the East Herts Local Plan (LP) advises that the planning applications in the Green Belt will be considered in line with the provisions of the Framework, but does not provide any further guidance on how to assess whether an extension would constitute a disproportionate addition.
7. The appeal dwelling was granted planning permission as a separate dwelling in 2014¹ and that forms the 'original dwelling' for the purposes of assessing whether the proposal would be a disproportionate addition or not. The appeal dwelling currently hosts a single storey rear extension. There are also a number of detached structures within the appeal site, including a detached double garage.
8. It is the Council's position, which is not disputed by the appellant, that the detached garage, together with the single storey rear extension should both be considered as additions to the original building for the purposes of determining whether or not the appeal proposal would be a disproportionate addition. Whilst each circumstance will differ, the proximity of, and functional association of the existing detached garage with the appeal dwelling leads me to conclude that the Council's approach is a reasonable one.
9. The Council state that the original building had a footprint of around 62 square metres (sq.m) and an overall floorspace of around 119sq.m. The Council also state that the subsequent single storey rear extension, together with the detached garage extended the overall footprint to around 127sq.m and floorspace to 183.9sq.m. These figures have not been disputed by the appellant, and I have therefore used them to inform my reasoning.
10. The level of additions that have already taken place amount to substantial additions to the property, effectively doubling the footprint and substantially increasing the overall floorspace, as well as introducing additional volume and built form. Taken together, the previous and proposed increases in footprint and volume would amount to a substantial addition to the property, and one which I find would be disproportionate over and above the size of the original building.
11. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy GBR1, and the provisions of the Framework.

¹ 3/14/0980/CL

Openness

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although located at the edge of a secluded cluster of properties, the appeal property is clearly visible from the adjacent highway and Public Right of Way. Notwithstanding other nearby dwellings or the existence of other detached outbuildings and structures within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area.
13. At present, the existing separation between the appeal dwelling and the detached garage means that they appear as separate structures with a gap between them, and this contributes to the openness of the Green Belt. The proposed porch, and to a greater extent, the proposed wall of solid construction would result in the loss of this gap and would consolidate development on the site. In doing so, it would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. Nevertheless, the harm to Green Belt openness weighs against the proposal.

Other considerations

14. There are a number of other properties in the vicinity, and some appear to have been extended, and also host a variety of garden and other detached structures. I have not been presented with precise details of these examples, whether they are lawful or where applicable, the circumstances in which permission was granted. The appeal site, being located at the end of this cluster of properties has a generally more open aspect than some nearby properties, so the circumstances of the site and the harm that would result from the appeal proposal would not be directly comparable with the circumstances of nearby dwellings. As such, they have not been determinate in my assessment of the appeal.
15. The proposed development would allow the provision of a downstairs toilet for the appellant and his wife as they approach retirement age. However, I have not been made aware of any particular current circumstances that require further consideration, or what the consequences would be if the appeal is dismissed. For these reasons, and although it would be advantageous generally to improve the accessibility of the house, I can only attach limited weight to the need for and benefits of the proposed development for the appellant and his wife, and any future occupiers with mobility impairments.
16. The appellant has advised that the wall could be omitted from the development if necessary. However, the proposed wall runs flush with the front wall of the porch on the plans before me, and the two elements are not severable. As such, a split decision would not be possible in this case.

Conclusion

17. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
18. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been

demonstrated. The proposed development would be contrary to LP Policy GBR1, and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Consequently, the appeal is dismissed.

C Harding

INSPECTOR



Appeal Decision

Site visit made on 28 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/J1915/W/22/3291620

Land Adjacent to 24, Ashdale, Bishops Stortford CM23 4EA

- 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 a decision on an application for planning permission
 - The appeal is made by Mr David Milne (Rivertree Developments Ltd) against East Hertfordshire District Council.
 - The application Ref 3/21/2196/FUL, is dated 20 August 2021.
 - The development proposed is construction of 2 bed 3 person dwelling.
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Decision

1. The appeal is dismissed and planning permission for construction of 2 bed 3 person dwelling is refused.

Procedural Matters

2. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case outlines the reasons it considers the proposal would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the application transferred from it upon valid receipt of the appeal. However, the Council has set out that it would have refused the application had it been empowered to do so. I have taken these reasons into account in determining the main issues.
3. I have been referred to Policy HOU11 of the East Herts District Plan 2018 (EHDP), which relates to *Extensions and Alterations to Dwellings*, but the proposal is not for the extension of an existing dwelling, it relates to a new dwelling. It is therefore not relevant to my consideration of the appeal.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of the occupiers of 48 The Ridings, with regard to outlook; and the character and appearance of the site and its surroundings.

Reasons

Living Conditions

5. The proposal concerns the garden of an end of terrace dwelling, situated at the bottom of a short cul-de-sac the residential street 'Ashdale'. Where dwellings are arranged perpendicular to one another they are generally separated by generous gardens. However, the side garden of 24 Ashdale contributes to the separation and relief from the flank wall of No 24 when viewed from 48 The Ridings and its relatively shallow garden.

6. Some space would be retained between the new dwelling and the boundary of No 48, but the proposal would, nevertheless, extend built form to within relatively close proximity of the boundary. Moreover, the flank wall of the proposal would be a substantial area of brickwork that would appear oppressive, overbearing and create an enclosing effect when viewed from No 48 and its rear garden.
7. While I note the occupiers of No 48 have not objected to the proposal, the absence of such concerns is not a consideration that outweighs the harm I have identified, as I am also mindful of the effect on future occupiers.
8. Accordingly, the proposed development would result in a significantly harmful effect on the living conditions of the occupiers of 48 The Ridings, with regard to outlook. Hence, the proposal would not accord with the aims of EHDP Policy DES4, regarding such matters.

Character and Appearance

9. The dwellings in Ashdale are predominantly arranged in terraces of varied length and appearance. As shown on the site location plan, they are also set close to one another, so side gardens are not commonplace and generally amount to narrow spaces. The appeal site remains one of the only exceptions, as the plot opposite, at No 23a, is now occupied by a dwelling.
10. The side garden of No 24 provides space between it and the properties to the east but, due to its screening, private use, and the layout of other dwellings nearby, it does not constitute green space capable of performing any local amenity function. Similarly, although the grassed area to its frontage is visible from the path leading east, through to The Ridings, it is not prominent within views from elsewhere in Ashdale. In this particular context, the garden of No 24 is therefore not critical to the urban grain of this part of Ashdale or the appearance created by the relationship between dwellings and garden spaces.
11. The loss of the side and front garden of No 24 to provide the new dwelling and its parking would alter the appearance of this particular part of Ashdale. However, as reflected by the application drawings, the proposal would continue the appearance and layout of the terrace of properties and their parking. Moreover, it may well have been the original intention of the developer for the gardens of Nos 23 and 24 to remain undeveloped but, as referred to above, a dwelling has been built at 23a and parking arranged to its frontage, as in the remainder of this part of Ashdale. The proposal would be similar in appearance and its parking would be set against the backdrop of a boundary fence.
12. For the above reasons, the proposed development would not have a harmful effect on the character and appearance of the site or its surroundings. Hence, it would meet the expectations of EHDP Policy DES4 to be of a high standard of design and layout to reflect and promote local distinctiveness.

Planning Balance and Conclusion

13. While the Local Plan predates the current National Planning Policy Framework (the Framework), I am satisfied Policy DES4 of the EHDP is consistent with its aims regarding design and the expectations for living conditions for existing and future occupiers of developments. The identified conflict of the proposal with this policy is therefore a significant concern.

14. I have not been referred to a lack of deliverable housing sites in the district, but the Government is seeking to significantly boost the supply of housing. The proposal would contribute to supply in the district and greater choice. It would also be a small site that the Framework recognises as more likely to be built relatively quickly. Nevertheless, the magnitude of the contribution to housing supply in the district would be modest, so would attract limited weight.
15. While the proposal may result in a more efficient use of the site, for the reasons outlined in the first main issue, it would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land. It would also not meet the Framework's definition of previously developed land, as it constitutes a garden within a built-up area.
16. The facilities and services in Bishop's Stortford can be reached by various means of transport, including the railway station for onward journeys to London and other major centres nearby. However, I ascribe negligible additional benefit in respect of this, as it equates to an absence of harm.
17. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the stated benefits.
18. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission is therefore refused for the appeal scheme.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 16 August 2022 by G Sibley MPLAN MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/J1915/D/21/3287520

42 Lower Green, Tewin AL6 0LA

- 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 Gordon MacLaren against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2260/HH, dated 27 August 2021, was refused by notice dated 11 November 2021.
 - The development proposed is described as 'clear polycarbonate roof and glazed wall panels and sliding doors to 2021 oak pergola.'
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'clear polycarbonate roof and glazed wall panels and sliding doors to 2021 oak pergola' at 42 Lower Green, Tewin AL6 0LA in accordance with the terms of the application, Ref 3/21/2260/HH, dated 27 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Existing and Proposed Floor Plans @ 1:100 @ A3 and Existing and Proposed Elevations @ 1:100.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the development on the character and appearance of the host dwelling and whether or not it preserves or enhances the character or appearance of the Tewin Conservation Area (CA).

Reasons for the Recommendation

4. The Tewin Conservation Area Appraisal and Management Plan (AMP) (adopted 2015) identifies that the significance of the CA is derived from the 16th to 20th century dwellings that extend around and out from a central triangular open space known as Lower Green. The dwellings are a mix of yellow brick estate dwellings and red brick farmhouses. No 42 is located off a private drive, relatively close to Lower Green. There are several groups of yellow brick estate

dwellings that have steep pitched roofs and whilst the appeal property is a modern building, it has been built with yellow bricks and a steep pitched roof. Accordingly, whilst the dwelling itself is not a listed or non-designated heritage asset, it does make a positive contribution to the significance of the CA, as a whole. Moreover, these terrace properties have a group value, and their consistent appearance is contributes positively contribution to the significance of the CA.

5. The dwelling is an end terrace property, and a shared parking area with garages is located next to the house. Between the garages and the house is a yellow brick wall which bounds No 42's garden and the pergola is visible above it. Given the siting of the dwelling at the end of a run of terrace dwelling set back away from the roadside, the pergola is well screened from Lower Green and the wider CA. To the north of the site is a Public Right of Way (PRoW) and whilst the dwelling is located a significant distance therefrom, the pergola is visible from it.
6. Fencing and minor outbuildings across the CA are often built from timber and as such, the use of timber does not appear out of character within the CA. Furthermore, there is timber panelling on the house itself and as a result, the limited use of timber is sympathetic with the existing material palette of the house. The pergola is a lightweight structure located on the flank wall of the house, and its limited form and the materials used do not draw focus away from the host dwelling. Additionally, given the limited height of the pergola, alongside the smaller side extension, there is a clear stepped reduction between each element of the house. This shows a clear cascade of subordination between the host dwelling, the extension, and the pergola. The enclosure of this structure would create a more substantial addition to the dwelling, however given the siting of the pergola behind a solid brick wall and because it would be subordinate in scale, the greater impact of the enclosed structure would not detract from the primacy of the house.
7. Whilst the pergola can be seen from the PRoW to the rear, the view into the CA in this location is the rear of the modern houses and some of these have themselves been extended. The top of the pergola can be seen above the boundary wall and the view from the front of the dwelling is the modern terrace houses and the associated garages. Given its limited scale, the infilled pergola would not significantly hinder or block either view across the CA. Moreover, the glimpsed view of an extension or addition to a dwelling would not necessarily appear out of character within this predominantly residential environment. Given that it is a single storey addition it does not detract from the prominence of the steep pitched roof. Furthermore, the limited scale and the proposed use of glazing would ensure that the yellow bricks remain the predominantly appreciated material associated with the dwelling as well as this group of terrace properties. As a result, the proposal would not detract from the features of the house or the group of terrace properties.
8. Therefore, the proposed development would not harm the character or appearance of the host dwelling and would preserve the character and appearance of the CA. The proposal would subsequently, accord with Policies Vill2, HOU11, DES4 and HA4 of the East Herts District Plan (2018). Overall, these policies expect extensions to be of a high standard of design and for the size, scale, mass, form, siting, design and materials of construction to be appropriate to the character, appearance and setting of the dwelling as well as

preserve or enhance the special character and appearance of CA's. Moreover, the proposal would accord with the general design and heritage policies of the National Planning Policy Framework (Revised 2021).

Conditions

9. Further to the timing condition it would be necessary in the interest of certainty that the proposal is carried out in accordance with the approved plans which set out sufficient detail of the proposals.

Conclusion and Recommendation

10. The proposed development would not conflict with the development plan and as such, for the reasons given above, I recommend that the appeal should be allowed subject to the conditions specified.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, subject to the conditions listed above.

John Morrison

INSPECTOR



Appeal Decision

Site visit made on 28 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/J1915/W/22/3292603

Colvins, Parsonage Lane, Sawbridgeworth CM21 0ND

- 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 a decision on an application for planning permission
 - The appeal is made by Martin Weller against East Hertfordshire District Council.
 - The application Ref 3/21/2342/FUL, is dated 9 September 2021.
 - The development proposed is demolition of existing outbuildings and erection of a single storey Passivhaus dwelling with associated access, landscaping and associated works.
-

Decision

1. The appeal is dismissed and planning permission for demolition of existing outbuildings and erection of a single storey Passivhaus dwelling with associated access, landscaping and associated works, is refused.

Background and Main Issues

2. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case includes an officer report which outlines the reasons it considers the proposal would be unacceptable. These are not formal determinations of the Council as the jurisdiction to determine the application transferred from it upon valid receipt of the appeal. The Council has set out that it would have refused the application had it been empowered to do so. The Council subsequently liaised with the appellant in relation to its third putative reason for refusal, regarding potential effects on bats, and confirmed it no longer wished to pursue it. I have therefore taken its remaining reasons into account in determining the main issues.
3. With the above in mind, the main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the site would represent a suitable location for housing, having regard to the Council's spatial strategy and its accessibility to services and facilities; and
 - if the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GBR1 of the East Herts District Plan¹ (EHDP) requires planning applications within the Green Belt to be considered in line with the provisions of the Framework.
5. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. This includes 'limited infilling or the partial or complete redevelopment of previously developed land'.
6. The main parties agree the appeal site would qualify as previously developed land; and the proposal would involve its partial redevelopment. The conclusion on whether the proposal would accord with this exception, and not amount to inappropriate development, therefore hinges on if the proposal would not have a greater impact on the openness of the Green Belt than existing development. I address this point in the next main issue.

Openness

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The physical presence of built or other forms may affect openness, which can also have a visual element.
8. There are numerous separate structures and areas of hardstanding scattered across site. These are of varied footprint, scale, and height, but not all are visible beyond the site so have different visual effects on openness. They would be removed and replaced by the proposed house, which the main parties agree is smaller in footprint but greater in volume by 13.6 percent.
9. I accept that were the house to be built conventionally rather than using Passivhaus principles, it could constitute a smaller volume and the presence of separate buildings sited relatively close to one another already has a spatial effect on openness. Hence, the concentration of the mass of the property would leave other parts of the site open.
10. Nevertheless, the building would be of greater proportions than the majority of the buildings to be replaced, particularly in terms of its height. The proposal would also be clearly discernible along the access drive and, to a lesser extent, from Parsonage Lane. For these reasons, it would have a greater and more adverse impact on the openness of the Green Belt in visual and spatial terms. Hence, it would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.
11. In arriving at this conclusion, I have had regard to the appeal and planning decisions referred to in the appellant's Planning Statement, particularly in respect of their consideration of the effect of openness from existing and

¹ Adopted October 2018.

proposed buildings. However, the specific circumstances of the cases, including the plans, merits, any material or other considerations, and policies relevant to those schemes are not before me to enable a reasonable comparison to be made with the proposal before me. In any event, having regard to the site and its own specific set of circumstances, the decisions do not alter my conclusions.

Location and Accessibility

12. The appeal site is situated within an area of open countryside outside the urban area of Sawbridgeworth, but lies within the garden of the appellant's house. There are other residential, commercial and leisure uses to the southeast.
13. Given the agreement that the site is previously developed land, it would satisfy part of the first criteria within the strategy of the EHDP Policy DSP2 to deliver sustainable development but sites must also be sustainable. In that regard, it is also common ground between the main parties that the site would not be 'isolated' in the language of the Framework and a Court of Appeal judgement². Nevertheless, the proposal would add to existing development encircled by open countryside beyond Sawbridgeworth.
14. I have been referred to Framework paragraph 85 but the proposal does not relate to a local business or community need, so it does not apply. However, Paragraph 79 seeks to restrict housing in rural areas to locations where it will enhance or maintain the vitality of rural communities; and Paragraph 105 suggests opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
15. There are various local services and facilities and public transport options for onward travel to other locations at the A1184 and Sawbridgeworth, but the walking and cycling route, along Parsonage Lane, does not include street lighting or footways and operates to the national speed limit. Public footpaths available through fields are also unlit and generally on unmade paths. While I accept that the curving nature of the lane means vehicle speeds are, in part, likely to be less than its upper limit, this is no guarantee it would be palatable to future occupiers. Equally, the appellant and his family may have used these routes, but this does not obviate the need for opportunities to walk or cycle to nearby services and facilities to be convenient or realistic, particularly after dark or in bad weather.
16. Future residents would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, healthcare, and employment needs. The proposal would not, of itself, generate large traffic movements and a greater dependency on car use is inevitable in more rural locations. The inclusion of space in the proposed house for homeworking could also reduce the need to travel to some places of work, but this would replace the office located in an existing building on the site, so would maintain the contribution in this respect. The occupiers of existing residential properties in the immediate vicinity, including the appellants' existing home, are also already likely to make such journeys. Nonetheless, the cumulative effect of allowing developments in such locations would be likely to increase the amount of unsustainable journeys made. I also share the view of the Inspector for the appeal at Parsonage Lane from earlier this year³ that the location of bus stops

² *Braintree DC v SSCLG* [2018].

³ Appeal Reference: APP/J1915/W/21/3273613.

may not necessarily be convenient having regard to these routes, so would be unlikely to discourage use of vehicles.

17. I appreciate that Sawbridgeworth is to expand north and west, closer to the appeal site, but the proposal would still be some distance north of it. Moreover, as referred to in the appellant's Planning Statement, the site north would include enhanced walking and cycling opportunities to encourage travel into the town, which differs from the appeal scheme.
18. For the reasons outlined above, I conclude that the site would not represent a suitable location for housing, having regard to the Council's spatial strategy and its accessibility to services and facilities. Hence, the proposal would conflict with the aims of EHDP Policies DSP2 and TRA1 and paragraphs 79 and 105 of the Framework.

Other Considerations

19. I am referred to the exception for houses in isolated locations in Framework paragraph 80(e), but the site is agreed to not be isolated. While this aspect of the Framework is therefore not relevant to the proposal, I recognise that there could be benefits of the scheme resulting from its design and construction. Moreover, the design of the proposed house is clearly well-considered, such that it would assimilate with the verdant setting of the appeal site, amongst retained trees in its surroundings. However, the EHDP expects design to be of a high standard, so would only be a negligible additional benefit through an absence of harm.
20. The proposed dwelling would also be designed to exceed Building Regulations and target Passivhaus standards, following the American principles of the Living Building Challenge. Its sustainability performance could therefore set it apart from most housing expected to be built in Sawbridgeworth, which could set a precedent for future development. It would be constructed of sustainable materials, including some reclaimed. Some of the energy required to heat and cool the house would also be generated by air source heat pumps and photovoltaic panels, which are renewable sources. This would help to meet carbon reductions set as a legislative target by the Government and contribute to addressing the UK and Hertfordshire climate emergencies. Nonetheless, these benefits would be limited in scale and kind, so only of moderate weight.
21. The proposed landscaping scheme and enhancement for protected species would be beneficial to the immediate setting and ecological value of the site, which would amount to environmental gains of moderate weight, including in respect of how surface water would be managed.
22. The use of water would be in accordance with development plan policy. Access into and around the building for future users and electric charging for vehicles would be provided, as required by the Building Regulations. I therefore afford these negligible weight as social and environmental benefits. Exceedance of the Nationally Described Space Standards would also be a limited social benefit to occupants of the building. The house would also be situated on previously developed land but, for the reasons outlined in the main issues, it would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land.

23. I have not been referred to a lack of deliverable housing sites in the district, but the Government is seeking to significantly boost the supply of housing. The proposal would contribute to supply in the district and greater choice, and be a small site the Framework recognises as more likely to be built relatively quickly. Nevertheless, the magnitude of the contribution to housing supply in the district would be modest, so would attract limited weight.
24. The appellant claims to have a fallback position through potential expansion of his wife's dog walking and training business, which could employ several people from the site. In order to support this approach, I am referred to an unnamed appeal decision reported in the Journal of Planning Law to quash an enforcement notice relating to the use of a person's home for business purposes, employing third parties. However, there is no substantive evidence before me as to how the existing business operates from the site, or would operate in the future under the circumstances promoted, including the likely number of journeys to and from the site and the likelihood of the expansion being a realistic proposition. I have therefore afforded limited weight to this argument, as there is not a greater than theoretical possibility of the expansion taking place, so it would not be considered a 'fallback' position.

Planning Balance and Conclusion

25. The appeal proposal is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of the EHDP and the Framework.
26. The harm by virtue of the location and accessibility of the proposal would also be contrary to relevant development plan policies.
27. The Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to it by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed by other considerations.' Against this, the other considerations that have been advanced are not sufficient to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. In addition, while the Local Plan predates the current Framework, I am satisfied that the policies relevant to the determination of the appeal are in accordance with the aims of the Framework regarding the Green Belt and location of housing where it can best be served by facilities and services. The conflict of the proposal with EHDP policies is therefore a significant concern.
29. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission is therefore refused for the appeal scheme.

Paul Thompson

INSPECTOR



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: 5 December 2022

Appeal Ref: APP/J1915/W/22/3293506

Home Farm, Wyddial Road, Wyddial, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Diack against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2352/FUL, dated 10 September 2021, was refused by notice dated 30 November 2021.
 - The development proposed is demolition of existing outbuildings and stable block, construction of 2No. 3 bed semidetached, self-build residential buildings (ClassC3), new access, associated parking, private amenity space, refuse collection and associated hard and soft landscape.
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Decision

1. The appeal is dismissed.

Main Issue

2. The location of development having regard to national and local policies.

Reasons

3. The appeal site forms part of the garden area of Home Farm; a point confirmed in Section 2 of the Design and Access Statement. For this reason, alone it does not fall within the definition of previously developed land as defined by the National Planning Policy Framework, the Framework¹.
4. The scheme involves the demolition of stables and outbuildings with the erection of a pair of 2 storey semi detached dwellings with 4no. parking spaces and the creation of a new vehicular access; the existing access to Home Farm would be stopped up.
5. Wyddial is identified by Policy VILL3 as a Category 3 village and by Policy GBR2 as lying in the rural area outside the Green Belt. Both these policies reinforce the Councils settlement strategy included in Policy DPS2 which requires that new development is concentrated in a hierarchy of centres. This is designed to reduce reliance on private transport as required by Policy TRA1.
6. Although the appellant's statement references that home working is increasing after the pandemic the future occupiers of the proposed dwellings would still require transport to access services given the limited services in the vicinity of the site. Given the site's location, around 2km from the nearest settlement,

¹ Annex 2

Buntingford, the location of the appeal scheme would not allow transport by a genuine range of transport modes as suggested in the Framework. Wyddial is not on a bus route and the site can only be accessed by unpaved and unlit roads. These would not be conducive to cycling and walking resulting in reliance on private transport.

7. The appellant states that the scheme represents infilling, an exception included in Policy VILL3 and HD1 from the general presumption against such development. However, the site is located at the western edge of the curtilage of Home Farm which itself lies on the edge of Wyddial. For these reasons, it does not represent infilling to comply with Policies VILL3 and HD1.
8. Policy GBR2 includes exceptions to the general presumption against development in the rural areas. The appellant has referred to the fact that the scheme could support local housing needs and there is reference to the accommodation of members of the owner's family. A reference is included in his statement that the scheme would be a self-build project but insufficient details have been included with the appeal on this point to establish whether the intention is for the scheme to fall within the requirements of the Self Build and Custom Housebuilding Act 2015.
9. The scheme has been designed to appear as an agricultural building. It would have a smaller volume and footprint than the 2 existing buildings which it is designed to replace. The surrounding trees around the paddock and to the front of the site would ensure that its landscape impacts would be limited.
10. Whilst I am satisfied that the scheme would comply with Policy CFLR6 in respect of the retention of equine development and that its landscape impacts would be limited, the determining issue in this appeal is the site's location in respect of the Council's settlement strategy.
11. Development of the site for 2 dwellings would result in a form of development which is not on an infill site and is in a location away from shops and services. The lack of alternative modes of transport would result in future occupiers being dependant on private transport.
12. I am unaware of the details of the recent permission for a single house to which the appellant refers². I have considered the comments of the interested parties in favour of the scheme but these do not outweigh the considerations against it.
13. For the above reasons, I conclude that the proposed scheme conflicts with policies DPS2, GBR2, VILL3 and TRA1 of the East Herts Local Plan. Furthermore, the scheme is not infill development and is therefore not an exception included these policies and Policy HD1 of the Buntingford Community Area Neighbourhood Plan 2014-2031.
14. The appeal is dismissed.

Stephen Wilkinson

INSPECTOR

² 3/17/2229/FUL

Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/J1915/D/22/3307838

High Trees, Great Hormead, Hertfordshire, SG9 0NR

- 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 Kathryn Stacey against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0389/HH, dated 22 February 2022, was refused by notice dated 15 July 2022.
 - The development proposed is erection of a single storey side extension with balcony above, single storey front extension and two storey side/rear/front extension incorporating front Juliet balcony. Enlargement of front and side windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed extensions on the character and appearance of the host dwelling, the street scene and the surrounding area, including the Great Hormead Conservation Area (CA).

Reasons

3. The appeal dwelling comprises a large two storey 1970s house set on a substantial plot on the south side of the street within the rural settlement of Great Hormead which is a designated conservation area. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.
 4. The area is characterised by trees and hedgerows, especially on the southern side of the street where a stream separates dwellings from the public highway. This vegetation screens and softens the built environment which is characterised in the vicinity of the appeal dwelling by dwellings in larger plots on the southern side of the street. The northern side is characterised by generally smaller dwellings, farm buildings and a village hall, with some buildings set closer to the highway and more prominent in the street scene.
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5. There are a number of large trees in the front garden of the appeal dwelling. Nevertheless, the house is clearly visible from the highway although set back by some 48m. It is a wide building, sited centrally within the wide plot. It is of simple and discreet design and partly clad in dark timber which helps it to blend with its wooded surroundings. Although an anomaly in the street scene it is neutral in terms of its effect on the character and appearance of the conservation area.
6. The proposed two storey side and rear extension would increase the width of the property by some 6.3m. In addition, the proposed single storey extension on the opposite end elevation would extend the full depth of the dwelling and add a further 3m to the width. The overall width of the building would thus increase from some 14m to some 23m. This would be a substantial increase of more than half the width of the existing building and would result in an already wide dwelling appearing disproportionately wide, notwithstanding that it would remain well separated from the side boundaries of the plot.
7. The proposed front gable, which would wrap around part of the existing front elevation and slope down to ground floor eaves level over a proposed porch, would provide some relief and not be out of place on a 1970s dwelling. However, the extended ridge would be visible behind it, increasing the length of the existing ridge across the full extent of the property. Moreover, the arrangement of fenestration in the front gable, especially at ground floor, would be poor with little attempt to relate openings to each other or to the gable feature. Overall, it would be a prominent feature on the front elevation and clearly visible from the street that would be detrimental to the appearance of the dwelling and street scene and detract from its current neutral effect on the CA.
8. The eastern elevation would have an asymmetric gable which would not be out of keeping with the dwelling. Nevertheless, the arrangement of fenestration at ground floor would give it a disjointed appearance. Although this would not be visible from the street or other public places it would further demonstrate the lack of good design. I accept that the existing east elevation is of little merit but good design is a key aspect of sustainable development and the NPPF expects new development to add to the overall quality of the area and be visually attractive as a result of good architecture and layout.
9. The side/rear extension would project behind the dwelling with a gable end. In itself it would echo the simple and discreet design of the existing dwelling. However, in combination with the existing house, it would lead to an excessively wide appearance, especially combined with the single storey addition on the opposite end elevation.
10. Overall, I find that the proposed extensions, taken together, would fail to achieve a high standard of design and would be excessively wide. In consequence they would be unsympathetic to and out of scale with the host dwelling and would fail to respond positively to the context of the site or local distinctiveness.
11. The appellants point out that the dwelling is set in the middle of a 40m wide plot and that the proposed extensions would not be disproportionate to the plot or impinge on neighbours. Whilst this is correct it does not alter or outweigh the

harmful effect of the extensions on the character or appearance of the host dwelling and the surrounding area resulting from their unsympathetic scale, proportions and design. The proposed extensions would not therefore enhance or respect the existing building and would result in less than substantial harm to the CA.

12. Although harm to the CA would be less than substantial the NPPF requires any harm to be balanced against the public benefits of the development. Since I have found that the extensions would not respect or enhance the host dwelling and there are no other public benefits identified, and applying great weight to the conservation of the CA, the proposed development would therefore be unacceptable.
13. It is concluded on the main issue that the proposed extensions would have a materially harmful effect on the character and appearance of the host dwelling and the street scene. Moreover, they would fail to preserve or enhance the character or appearance of the Great Hornead CA. In consequence, the proposed extensions would conflict with Policies HOU11, DES4 and HA4 of the East Herts District Plan, 2018, and the NPPF. Taken together and amongst other things these expect extensions to dwellings to exhibit a high standard of design and layout such that their size, scale, form, siting and design is appropriate to the character, appearance and setting of the dwelling and surrounding area so that they promote local distinctiveness and preserve or enhance the special interest, character and appearance of conservation areas.
14. The appellants states that permission was previously granted for three dwellings on the appeal site. However, I have no evidence regarding this permission with respect to siting or design and I do not know whether it remains extant. It therefore carries little weight.
15. For the reasons set out above and having regard to all other matters raised, including the support from the Parish Council, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/J1915/D/22/3306659

11 Thorley Hill, Bishops Stortford, Hertfordshire, CM23 3ND

- 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 Bill Rice against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1060/HH, dated 12 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is the erection of a two-storey rear extension, existing dormers to be extended, front facade to be insulated and clad with flint, roof lights and windows added to the side elevations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension, existing dormers to be extended, front facade to be insulated and clad with flint, roof lights and windows added to the side elevations at 11 Thorley Hill, Bishops Stortford, Hertfordshire, CM23 3ND in accordance with the terms of the application, Ref 3/22/1060/HH, dated 12 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Drg Nos 1049-22.PL.001 Rev A, 1049-22.PL.002, 1049-22.PL.003 Rev B, 1049-22.PL.004 Rev B, 1049-22.PL.005 Rev B and 1049-22.PL.006.
 - 3) The roofing 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 the host property and wider street scene.

Reasons

3. The appeal relates to a detached, gable fronted bungalow located on a wedge-shaped plot with a narrow frontage and appearing fairly tightly squeezed between a much more imposing and contemporary looking two-storey gabled dwelling at No 9, set lower down the slope of Thorley Hill, and a more

traditional looking two-storey semi-detached house on higher ground at No 13. The appeal property has accommodation at first floor level within the roof void that is facilitated by dormer windows to each side. These are slightly recessed behind the front elevation and set up from the eaves, and project with a shallow, catslide type roof from the ridgeline of the much steeper side slopes of the main roof. The dormer to the west elevation is shorter in length than the dormer to the opposing side but despite this they appear from Thorley Hill as a pair of symmetrical wings which create a balanced appearance to the building within the street scene.

4. The property has a single-storey, flat roof extension across the majority part of the rear elevation. The proposal would effectively square this off at ground floor level and project the existing form of the building over at first floor. Both dormers to each side would be extended rearwards to span almost the full length of the enlarged dwelling.
5. Policies DES4 and HOU11 of the East Herts District Plan October 2018 (EHDP) require extensions to dwellings 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/or the surrounding area, and extensions to generally appear as a subservient addition. Part (d) of Policy HOU11 further advises that roof dormers may be acceptable if appropriate to the design and character of the dwelling and its surroundings and that they should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.
6. The rearward projection of the main part of the dwelling would follow a logical extension in a manner that would appropriately respect the building's original form.
7. The enlargement of the side dormers would alter little, if anything, of the dwelling's appearance. The front elevation would not change, other than through a proposed alternative use of flint cladding at ground floor level, which would be acceptable within the mixed palette of materials in the wider area.
8. The dormers would be undeniably large and dominant within their respective roof slopes. However, they would merely reflect the established design and character of the dwelling and its existing roof form. Whilst I agree with the Council that each enlarged dormer would be glimpsed from Thorley Hill, my own observations confirmed that, due to the tight relationship between No 11 and both neighbouring properties, the ability to have full sight of each dormer would be severely limited and restricted for each to be seen from just a very short stretch either side of the property, beyond which the extended parts of the dormers to the rear would be screened by the neighbouring buildings and undetectable from the public domain.
9. My overall view is that the proposed extension and dormer enlargements would simply mimic the appearance of the existing building without having any significant impact upon the character or appearance of the street scene. There would therefore be no conflict with EHDP Policies DES4 or HOU11. For the same reasons there would be no conflict with Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley 2016-2032 which relates to the setting and character of buildings, streets and spaces.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty.
11. The Council has suggested a condition that would require the exterior of the development to be constructed in the materials specified on the submitted application form and plans, or else in materials that would need to be approved in writing. However, the application drawing 1049-22.PL.003 Rev B explicitly details the proposed use of mixed materials for the external walls of the building, which would alter the existing. These are deemed to be acceptable by the Council and I concur. Therefore, a condition along the lines proposed is unnecessary. However, as the existing roof would be extended, I have imposed an alternatively worded condition requiring the roofing materials to match the existing, which is necessary in the interests of maintaining the character and appearance of the area.

Conclusion

12. For the reasons given, I find that there would be no harm to the character or appearance of the host property, or to the wider street scene. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/J1915/D/22/3307506

Danesbury, The Street, Aspenden, Buntingford, SG9 9PF

- 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 Lee Wood against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1108/HH, dated 25 May 2022, was refused by notice dated 22 August 2022.
 - The development proposed is erection of a new double garage with studio on the first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new double garage with studio on the first floor at Danesbury, The Street, Aspenden, Buntingford, SG9 9PF in accordance with the terms of the application, Ref 3/22/1108/HH, dated 25 May 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: NH/973/01, NH/973/02, NH/973/03, NH/973/04, NH/973/05 and NH/973/06.
 - 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 outbuilding.

Main Issue

2. There is one main issue which is the effect of the proposed building on the character and appearance of the host dwelling, the appeal site and the surrounding area, including the Aspenden Conservation Area.

Reasons

3. The appeal site lies in the rural village of Aspenden and within the Aspenden Conservation Area (CA), a designated heritage asset. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing
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justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.

4. The Street is a narrow lane, characterised by trees and shrubs. These occur both within and between plots and adjacent to the highway and a stream which, in the vicinity of the appeal site, runs between the highway and dwellings on the south side of the road, including the appeal dwelling. The pattern of development on the southern side at this point is of large dwellings set in substantial plots with no regular building line. On the northern side of the road there are smaller dwellings, generally sited closer together in groups and set back from the highway. These are interspersed by larger detached dwellings on large plots. Dwellings vary considerably in age and design with the character of The Street derived mostly from the rural character and spacious, wooded setting. Dwellings, especially on the southern side, are well screened by trees and shrubs and by their set back from the lane.
5. Danesbury is accessed via a private drive and bridge over the stream. It is visible most clearly through the gap in the trees at the point of access. From here the large, modern, dwelling is clearly seen but set back from the frontage. Also visible to the side and set behind the building line of the dwelling is a small, detached outbuilding, clad in dark weatherboarding. This is understood to be used as a gym and store.
6. The proposed building would abut this outbuilding, extending some 6.3m in front of it and having a width of some 6.5m which would bring it closer to the host dwelling although a noticeable gap would remain. It would also extend about 1.2m in front of the projecting front gable elevation of the dwelling. It would have a simple pitched roof sloping to low eaves on the front elevation and a ridge height some 2.5m lower than the ridge of the dwelling and slightly above eaves height. It would be clad in weatherboarding to match the existing.
7. Although considerably larger than the existing outbuilding the scale of the proposed garage building would be subservient to the large dwelling and although projecting in front of it would not dominate or detract from its importance as the host building. The simple, plain pitched roof, low eaves and dark weatherboarding would contribute to its subservient and ancillary appearance. Although clearly visible through the site access, sufficient distance and screening would separate the garage from the site frontage and the lane, such that it would have a limited effect on the street scene which would ensure the rural, wooded character was preserved.
8. To the rear, the garage would have a small dormer and rooflight at first floor to provide illumination to the first floor studio. These would be acceptable given the similar dormers on the rear elevation of the host dwelling. The Council notes that the proposed garage/studio would be joined to the existing outbuilding resulting in a structure some 12.5m deep. However, whilst this would, in total, be deeper than the dwelling, the small scale of the existing outbuilding, which would be entirely hidden behind the new garage, and its separation from the host dwelling would ensure it remained subservient.
9. The Council also notes that there are other outbuildings in the vicinity but that they are not of a comparable scale or siting to the proposed building. In general I agree. However, the appellant refers to a large three bay outbuilding with

accommodation at first floor, similar to the appeal building, that was permitted recently at the adjacent property, Gorhamsbury under ref. 3/21/1659/HH. Although this building is well separated from the host dwelling it is sited in front and to the side of it, close to the front boundary. At the time of my site visit this building was nearing completion and was clearly visible from The Street through the boundary vegetation. In my view it is comparable with the appeal building and demonstrates, that where carefully sited and designed, larger outbuildings can assimilate successfully into the area.

10. Overall, I find that the proposed outbuilding, whilst large, would be in keeping with and subservient to the substantial host dwelling and, although visible from The Street, its setback, design, scale and materials would ensure it was not unduly prominent and did not harm the essential character of the street scene or the surrounding area and preserved the character and appearance of the Aspenden CA.
11. It is concluded on the main issue that the proposed building would have no materially detrimental effect on the character or appearance of the host dwelling, the appeal site or the surrounding area and the character and appearance of the Aspenden CA would be preserved. In consequence, it would comply with Policies GBR2, HOU11, DES4, HA1 and HA4 of the East Herts District Plan, 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031 and the NPPF. Taken together and amongst other things these expect outbuildings within a residential curtilage to make the best use of available land and be of a size, scale, form, siting, design and materials appropriate to the character, appearance and setting of the dwelling and area such that they preserve or enhance the special interest, character and appearance of conservation areas.
12. The Council also refers to Policy HOU13. However, this relates specifically to annexes to be used as self-contained accommodation. The size and limited facilities in the proposed studio and the evidence that it is to be used as a dance studio satisfies me that this policy is not relevant in this case.
13. Turning to conditions, I agree with the Council that in addition to the statutory commencement condition, conditions requiring the development to be carried out in accordance with the approved plans and in matching materials are necessary to provide certainty and to protect the character and appearance of the host dwelling and the surrounding area, including the CA.
14. For the reasons set out above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/J1915/D/22/3306001

52 Mazoe Road, Bishops Stortford, Hertfordshire, CM23 3JT

- 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 Tanner Brooks against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1127/HH, dated 20 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is the erection of a gable end roof extension with 2 No. dormers & velux skylights, a porch, a rear extension to facilitate open plan living space with bi-fold doors and lantern light, and replacement windows.
-

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 area, and
 - The living conditions at 50 Mazoe Road, with particular regard to privacy, and at No 54 with particular regard to privacy and outlook.

Reasons

3. The appeal relates to a modest sized, detached bungalow with a hipped roof including a small, box-like dormer to one side, subservient forward and rear projecting gables that span roughly half the width of the dwelling, and with a flat roof, single-storey extension to the rear. The plot occupies a corner location with a side return to Mazoe Close, a short residential cul-de-sac, and is located within a wider residential neighbourhood comprising a mix of property types, sizes and ages.
4. The property is currently in a very poor state of repair. The proposal involves a number of elements that would see it substantially remodelled. These would include hip to gable changes with an increase to the roof's ridge height, a full width gabled projection to the rear in lieu of the existing extension with 'box-like' dormers to each side, and a further single-storey, flat roof extension beyond.

Character and Appearance

5. The modifications to the main roof of the dwelling, together with its remodelled front elevation, would appear well-proportioned and comfortable in the street scene, reflective of similar building styles along Mazoe Road, including the immediately adjacent property at No 54.
6. In isolation, the gabled extension to the rear would similarly mimic the form of No 54 and would be seen as an appropriately integrated part of the dwelling's modified appearance. The single-storey element beyond would appear as a conventional rear extension, modest in scale and comfortable within the rear garden setting of the plot. However, the overall bulk and visual impact of the extensions to the rear of the building would be heavily influenced by the side dormers. These would both occupy almost the full extent of the side roof slopes where they would extend beyond the main rear wall of the original dwelling. The dormers would be only marginally set down from the ridge of the roof, marginally up from the eaves, and marginally set back from the rear facing gabled elevation. They would be dominant features within this portion of the building and would serve to create an alternative impression of the gabled extension as being an incongruous flat roofed addition that would be out of scale with, and unsympathetic to, the overall form of the dwelling.
7. Both dormer windows would be openly seen from the public domain, either in the gap between the appeal property and No 54, or from Mazoe Close. Due to their excessive size and bulk, they would result in a development that would be intrusive within the street scene and visually harmful to the character and appearance of the area. As such, there would be conflict with Policies DES4 and HOU11 of the East Herts District Plan October 2018 (EHDP) as far as they require extensions to dwellings to be, amongst other things, of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area. For the same reasons there would be conflict with Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley 2016-2032 which relates to the setting and character of buildings, streets and spaces.
8. The appellant has drawn my attention to a variety of side roof additions along Mazoe Road and the wider area, many of which I saw for myself during my visit. However, I have no knowledge of the planning history to any of these. In addition, many serve to demonstrate the harm that can be caused by insensitive roof alterations. Furthermore, I saw none that could be directly compared to the context or setting of the appeal site. None of these other examples alter my conclusions regarding this first main issue.

Living Conditions at 50 and 54 Mazoe Road

9. No 50 Mazoe Road occupies the corner plot on the opposing side of Mazoe Close. The proposed dormer to the northeast elevation of the appeal property would overlook Mazoe Close and would face towards the rear garden of No 50 with a separation distance to this neighbour's side boundary of around 8m.
10. The Council is concerned that the window would provide sight into the intimate parts of the rear garden to No 50. However, the first-floor plan on the application drawings shows that the window opening within the side dormer would serve an en-suite bathroom. Whilst the drawings do not show the glazing to be obscure, it is reasonable to expect that this would be the case. Had I been minded to allow the appeal, I am satisfied that a condition could

- reasonably have been imposed to require the glazing to be obscure and fixed up to a specified height. This would safeguard the privacy at 50 Mazoe Road.
11. The window to the opposite side dormer would face towards No 54. The Council are satisfied that any outlook over the neighbour's rear garden would be obscured by the existing garage at No 54 and which is positioned along the common boundary between both properties. I have no reason to disagree.
 12. A first-floor window within the apex of the new side gable to the appeal property would serve a hallway. As a non-habitable space, it would be reasonable to secure obscure and appropriately fixed glazing to this window opening by condition. This would safeguard the neighbour's privacy at No 54.
 13. No 54 has a first-floor, side facing bedroom window. The enlarged scale of the appeal property would unquestionably be seen in the outlook from this window and at closer quarters. However, a reasonable separation distance would still be retained between both dwellings. Moreover, despite the incongruous form of the dormers that I have identified above, the overall scale and height of the modified dwelling as a whole would not, in my assessment, be excessive or overbearing. I am satisfied therefore that the proposal would have no impact upon the living conditions at 54 Mazoe Road that would be significant or harmful.
 14. Overall, I find no conflict with EHDP Policy DES4 as far as it requires development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Conclusions

15. Notwithstanding my findings as they relate to the impact of the proposal upon the living conditions of adjoining occupiers, for the reasons given I find that the proposal would be harmful to the character and appearance of the area. I appreciate that the works are required to bring the dwelling up to an acceptable habitable standard, and that they would provide a young couple with a family home. However, these benefits do not outweigh the harm that I have identified and the conflict with the development plan.
16. I note the appellant's frustration that he was not offered any opportunity to amend the proposals before the decision to refuse planning permission was taken. However, the appeal that is before me falls to be considered based upon the drawings that were determined by the Council. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR