

## Appeal Decision

Site visit made on 8 November 2017

by **J Gilbert MA (Hons) MTP MRTPI**

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

Decision date: 7<sup>th</sup> December 2017

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**Appeal Ref: APP/J1915/W/17/3179990**

**Dingley Dell, The Street, Furneux Pelham SG9 0LJ.**

- 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 Michael Sortwell against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0632/FUL, dated 13 March 2017, was refused by notice dated 11 May 2017.
  - The development proposed is demolition of existing buildings, erection of a replacement dwelling and outbuilding, new entrance driveway.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings, erection of a replacement dwelling and outbuilding, new entrance driveway at Dingley Dell, The Street, Furneux Pelham SG9 0LJ in accordance with the terms of the application, Ref 3/17/0632/FUL, dated 13 March 2017, subject to the attached schedule of 5 conditions.

### Procedural Matter

2. During the course of the appeal, the Council confirmed that the appeal site now lies within the designated Furneux Pelham Conservation Area and that the draft Furneux Pelham Conservation Area Appraisal has been adopted. I have considered the appeal accordingly.

### Main Issues

3. The main issues in this appeal are:
  - whether the proposed development would preserve or enhance the character or appearance of the Furneux Pelham Conservation Area, within which the site lies, and whether the setting of nearby listed buildings at Lodge Farm Cottage and Blacksmith's Cottage would be preserved; and
  - the effect of the proposed development on protected species.

### Reasons

#### *Character and Appearance*

4. The Furneux Pelham Conservation Area extends across the historic core of the village, which is scattered along The Causeway, The Street and Violets Lane. Though The Street is the main road through the village, it is narrow and

meandering, with most houses set back slightly from the road. The Street is bounded by tall hedges in a number of places, with trees within front gardens and along the road verges. Domestic properties on The Street are generally two-storey in height, with red tiled roofs, some front gables, and a mixture of weatherboarding, tile hanging, pargetting, brickwork and render. There are some long views along The Street looking towards the appeal site, the field beyond the appeal site, and the listed buildings at Lodge Farm Cottage and Blacksmith's Cottage<sup>1</sup>. These attributes contribute to the character and appearance and the significance of the Conservation Area.

5. Grade II listed Lodge Farm Cottage and Blacksmith's Cottage form a pair of 19<sup>th</sup> century two-storey red brick cottages with decorative tile hanging to the upper storey and roof. Situated behind short front gardens on the northern side of The Street close to a bend in the road, the cottages have small dormers and a large first floor projecting gable. The listing description describes them as outstanding examples of Victorian country cottages of the period. This architectural interest contributes the significance of these listed buildings.
6. The existing single-storey residential dwelling at Dingley Dell is situated on the north-eastern side of The Street. The appeal site lies outside the boundary of the village itself and is situated adjacent to the listed Lodge Farm Cottage and Blacksmith's Cottage, beyond which there is a large modern detached house on The Street and further new build properties to the rear of the listed buildings.
7. The existing house at Dingley Dell is a simple detached timber-clad structure, with later porch and conservatory extensions, and a timber-clad garage situated to the side of the house. The Council describes the existing building as a neutral building within the Conservation Area. I concur with this view. The existing house sits within a garden laid mostly to lawn surrounded by coniferous hedging. A large grass verge with some trees separates the appeal site from the road. Beyond the garden, the appeal site is bounded by a large field, with buildings on Violets Lane visible across the field.
8. The proposed development would comprise a two-storey detached house with two front gables and two rear gables. There would be a mixture of building materials, including pargetting, weatherboarding, and a clay plain tiled roof. Adjacent to the main house, a single-storey cart barn and store would be sited in a similar position to the existing garage. The proposed development would include a new access driveway across the existing grass verge and the stopping-up of the current vehicular access shared with neighbouring Blacksmith's Cottage.
9. The Council is critical of the siting, design and proportions of the proposed development, claiming it would be significantly more distinctive and visible in long views along The Street from both directions along the road, resulting in harm to the Conservation Area. As the existing house at Dingley Dell is relatively small and unobtrusive and partially screened by a hedge from the road, I do not disagree that the proposed development would be more distinctive and visible than the house it would replace.
10. However, although the proposed development would be two-storey, it would be only 0.85m higher to the main ridge of the roof than the existing single-storey

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<sup>1</sup> Blacksmith's Cottage also appears to have been known as The Gables. The listing description refers to The Gables only. I have used the current name in this decision.

house. The proposed development would also be of a lower height to its main ridgeline than the neighbouring listed buildings at Lodge Farm Cottage and Blacksmith's Cottage. It would be located in a similar position to the existing house set back from the road and would not infill the green gap provided by the existing garden. Given the limited additional site coverage, siting, and the height of the proposed development, long views towards the field and Violets Lane beyond would be retained when travelling towards the appeal site from the west, while views towards the listed buildings at Lodge Farm Cottage and Blacksmith's Cottage and the field beyond would be maintained when travelling from the south along The Street. Furthermore, while the domestic properties within this part of Furneux Pelham vary in their design, the proposed development reflects features present on nearby buildings, including the proposed gables and dormer window, and range of building materials. As such, the proposed development would display the core characteristics of the local domestic architecture.

11. The Council also contends that the grass verge outside the appeal site would be an urbanising feature which would harm the character of the Conservation Area. While the existing verge makes a pleasant contribution to the leafy and green character of this part of the Conservation Area, the appellant proposes to maintain the existing hedging, grass and trees on the verge and bounding the garden and to insert a driveway in granite setts to reflect the materials of the more extensive driveway serving Blacksmith's Cottage, the adjacent field, and the existing house on the appeal site. While it would divide the grass verge, I do not consider that it would fundamentally alter the appearance of the area to such an extent as to urbanise the rural context or to cause harm to the Conservation Area.
12. The grade II listed buildings at Lodge Farm Cottage and Blacksmith's Cottage lie close to the appeal site. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As discussed above, it appears to me that the views of these listed buildings when observing them from the south and west would be unaffected by the proposed development. While the proposed development and the listed buildings would be viewed together from public vantage points, the siting, scale, form and materials of the proposed development would be sufficiently compatible with the listed buildings such that their setting would not be harmed.
13. Policy GBC3 of the East Herts Local Plan Second Review (2007) (the Local Plan) sets out restrictions on development in the rural area beyond the Green Belt. This policy requires replacement dwellings to adhere to the requirements of policy HSG8 of the Local Plan. Policy HSG8 allows replacement dwellings where the original dwelling is of a poor appearance or construction not capable of retention, and is not contributing to the character of appearance of its surroundings in the rural area beyond the Green Belt subject to meeting 3 criteria. Although the Council has referred to policy GBR2 of the pre-submission East Herts District Plan, this plan has been submitted for examination and has not yet been adopted. I consequently give policy GBR2 very limited weight in this instance.

14. Taking the issues of poor appearance and construction first, I observed on my site visit that both the house and garage appeared to be well-maintained and there was no external evidence that they were of poor construction. While I note the appellant's submissions regarding the house's pre-fabricated construction, the previous attempts made to insulate it, and the poor and restricted layout of the building which would lead to difficulties in extending it sympathetically, it is not possible to conclude definitively that the house is not capable of retention. While no structural or building survey of the existing house has been provided, policy HSG8 does not explicitly require such a survey.
15. The Council has confirmed that criterion (a) of policy HSG8 is met. I concur with this view. Criterion (b) of the policy requires the volume of the proposed dwelling to not be materially larger than the existing dwelling, plus any unexpended permitted development rights. Barring the addition of a porch and a small conservatory, the existing house has not been subject to considerable extensions. From the plan provided within the appellant's statement, it appears that the existing dwelling could be considerably enlarged to at least double its current size with extensions to the side and rear using permitted development rights. The proposed development would be larger than the existing house in both its footprint and height and would be greater than twice the current volume according to the Council's figures. It would appear to me that the footprint and volume of the existing house could be significantly increased under permitted development, and that the proposed development would not be so much larger than the existing house plus unexpended permitted development rights so as to contravene criterion (b) of policy HSG8.
16. Criterion (c) of policy HSG8 requires any new dwelling to be no more visually intrusive than the dwelling to be replaced. I have already discussed the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of listed Lodge Farm Cottage and Blacksmith's Cottage. While I consider the proposed development to be more visible from the road than the building it would replace, I do not consider that it would be visually intrusive for the reasons set out above.
17. As such, while I consider that the proposed development would not conflict with criteria a – c of policy HSG8 of the Local Plan, there remains some limited conflict with the first paragraph of policy HSG8 insofar as the existing dwelling is potentially capable of retention. However, the site-specific circumstances indicate that the proposed development would preserve the character and appearance of the Conservation Area and the setting of the aforementioned listed buildings.
18. I note that the appellant has provided 2 appeal decisions<sup>2</sup> in Furneux Pelham and Thundridge, which make reference to policies HSG8 and GBC3 respectively. While I have had regard to these appeal decisions, the site-specific circumstances of both appeal sites appear to differ as they are both considerably more secluded and screened by vegetation than the appeal site in this case. They do not alter my findings in respect of this appeal.
19. Concluding on this main issue, I conclude that the proposed development would preserve the character and appearance of the Furneux Pelham

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<sup>2</sup> APP/J1915/W/16/3151833, decision issued 28 September 2016, and APP/J1915/D/16/3150936, decision issued 28 July 2016.

Conservation Area and the setting of listed Lodge Farm Cottage and Blacksmith's Cottage, and find no conflict with policies ENV1 and BH6 of the Local Plan. Policy ENV1 seeks, amongst other things, development that is well-sited and compatible with its surroundings with a high standard of design to reflect local distinctiveness. Policy BH6 deals with new development in conservation areas, and requires, amongst other things, the maintenance of key views, open spaces and sympathetic development which observes the general character and appearance of the area. There is, however, some limited conflict with part of policy HSG8 and therefore policy GBC3. The proposed development would also comply with the aims of the National Planning Policy Framework (the Framework) to sustain the significance of designated heritage assets.

### *Protected Species*

20. A report submitted with the planning application confirmed that the existing house contained evidence of the presence of brown long-eared bats. Paragraph 118 of the Framework states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Policy ENV16 of the Local Plan only allows development which may have an adverse effect on protected species where harm to those species can be avoided. This policy confirms that conditions may be used to facilitate the survival of existing populations of protected species as well as encouraging the provision of new habitats; reducing disturbance to a minimum; and providing adequate alternative habitats to sustain at least the current levels of populations.
21. Developments that would result in a breach of the protection afforded to European Protected Species require a derogation licence, to avoid an offence under the Conservation of Species and Habitats Regulations 2010 (the Regulations). There is no requirement for a derogation licence to be provided prior to grant of planning permission, but the decision maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England (NE), having regard to the requirements of the Habitats Directive<sup>3</sup>. NE was consulted by the Council in respect of the planning application for the proposed development. NE did not respond. Given that the proposed development would involve the demolition of the existing buildings on the site, it is necessary for me to assess whether there is a reasonable prospect of a licence being granted, having regard to the three tests.
22. The first derogation test states that a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."
23. The existing house offers limited opportunities for further improvements to its energy efficiency due to its pre-fabricated mode of construction. Furthermore, as the existing house has a neutral effect on the Conservation Area within which it lies, the provision of the proposed development offers the potential to preserve the character and appearance of the Conservation Area. The proposed development would also make a small contribution to an improvement in the

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<sup>3</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

- quality of the housing stock in the village. It seems entirely plausible that this first test is capable of being met.
24. The second derogation text states that the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative." The main alternative to the appeal scheme which appears to have been considered is to do nothing or renovate the existing house further. It is unclear whether any other options have been considered. If the existing house were to remain, with its existing issues with energy efficiency, it is possible that further refurbishment and extension could take place over time, and this could adversely affect any existing roosts in the process.
25. Despite the lack of information available regarding other alternatives, I am not persuaded that this would lead to the withholding of a licence and it may simply be the case that further information needs to be submitted. In coming to this view, I have had regard to the advice that NE applies the tests on a proportionate basis and also in considering the feasibility of alternative solutions<sup>4</sup>, namely that the justification required increases with the severity of the impact on the species or population concerned. In this particular case, the development proposed would displace a summer/transitional roost for a single species of bat and the Council's Ecology Adviser was satisfied with the mitigation measures proposed, including the installation of a replacement roost. As adequate mitigation is proposed, on the available evidence, I am not persuaded it is unlikely that NE would grant a licence.
26. Finally, the third derogation test requires the appropriate authority to be satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range." The Council's Ecology Adviser has confirmed that the appellant's report sets out suitable mitigation measures to deal with the potential presence of roosting bats, minimise any potential impacts on bats, and ensure that the local population would be maintained. Mitigation and compensatory measures are proposed, and thus subject to an appropriate condition, the evidence before me suggests that the favourable status of the species would be maintained. This condition is a pre-commencement condition to ensure that protected species are safeguarded. I have not included reference to the need for a licence as this matter is addressed under separate Regulations.
27. Taking all of the above into account, I conclude that there is a reasonable prospect of NE granting a licence. I therefore conclude that the proposal would not have an adverse effect on protected species, and would accord with Policy ENV16 of the Local Plan, the Framework, the Regulations and the Habitats Directive. The requirements of Policy ENV16 and paragraph 118 of the Framework, the Regulations and the Habitats Directive are set out above.

### **Conclusion**

28. Despite some limited conflict with Policy HSG8 of the Local Plan, the proposed development accords with the overall development plan. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

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<sup>4</sup> Paragraph 27, Natural England Guidance Note: European Protected Species and the Planning Process – Natural England's application of the 'Three Tests' to Licence Applications WML-G24(01/11)

## Conditions

29. I have found that the proposed development is acceptable, subject to certain conditions, having regard to the Framework. In addition to the ecology condition referred to above, it is necessary to specify conditions confirming the approved plans to ensure certainty; to control materials and landscaping for the proposed development in the interests of visual amenity; and to require information on the access arrangements in the interests of highway safety. I have not attached the Council's suggested wheel washing condition as the scale of development does not necessitate this condition. I have also merged the Council's proposed conditions 6, 7 and 9 as it is sensible to have one condition relating to the vehicular access to the site.

*J Gilbert*

INSPECTOR

### Schedule of 5 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 approved plans 365.01, 365.02, 365.03, 365.04, and Location Plan.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 365.02 and 365.04.
- 4) Prior to the commencement of development, including any demolition, 3 dusk emergence/dawn re-entry surveys should be undertaken during May-August (inclusive), to determine whether bats are roosting and will be affected by the proposals; and should this be the case, the outline mitigation measures should be modified as appropriate based on the results and then be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with these approved details.
- 5) Prior to the occupation of the development hereby permitted, details of landscaping, parking and access arrangements shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - i) the access arrangements, including visibility splays;
  - ii) hard surfacing materials for driveways and car parking areas; and
  - iii) closure of the existing vehicular access; and
  - iv) boundary treatments.

The landscaping, parking and access arrangements shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be maintained thereafter.



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## Appeal Decision

Site visit made on 4 December 2017

by **Graham Chamberlain BA (Hons) MSc MRTPI**

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

Decision date: 11<sup>th</sup> December 2017

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**Appeal Ref: APP/J1915/W/17/3183216**

**Bishop's Stortford Lawn Tennis Club, Cricketfield Lane, Bishop's Stortford, Hertfordshire CM23 2TD**

- 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 Christopher Dunham against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0634/FUL, dated 13 March 2017, was refused by notice dated 8 May 2017.
  - The development proposed is a seasonal inflatable dome over 3 existing tennis courts.
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### Decision

1. The appeal is allowed and planning permission is granted for a seasonal inflatable dome over 3 existing tennis courts at Bishop's Stortford Lawn Tennis Club, Cricketfield Lane, Bishop's Stortford, Hertfordshire CM23 2TD, in accordance with the terms of the application, Ref: 3/17/0634/FUL, dated 13 March 2017, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt;
  - The effect on the character and appearance of the area; and
  - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. The appeal scheme is for the erection of an inflatable dome over three existing tennis courts. It would be erected during the autumn/winter months to enable tennis to be played in inclement weather. The appeal scheme is development associated with indoor sport.
4. Policy GBC1 of the East Herts Local Plan Second Review 2007 (LP) states that a new building in the Green Belt will be inappropriate development unless it would be an exception specified in the policy. Facilities for indoor sports are

not a specified exception. This is consistent with Paragraph 89 of the National Planning Policy Framework (the 'Framework'). In this context, Policy GBC1, in so far as it relates to indoor sports facilities, can be afforded significant weight.

5. As such, the appeal scheme would involve the erection of a new building in the Green Belt that would not meet the exceptions listed in either Policy GBC1 or the Framework. I therefore conclude that the development would be inappropriate development which is, by definition, harmful to the Green Belt.

*The effect of the proposal on the openness of the Green Belt*

6. The appeal site is currently located on the periphery of the town within a cluster of playing fields that include built sports facilities. The proposed dome would be erected over existing tennis courts, which are low lying structures surrounded by fencing and walls. The proposed dome would be taller and larger than these existing structures and this would result in it having a notably greater volume and physical presence. As a result, the openness of the Green Belt would be diminished by the appeal scheme.
7. The appeal scheme would not introduce development where there is none currently and the proposed dome would only be present in the autumn/winter months. As a consequence, it would have no impact on the openness of the Green Belt for much of the year. As such, the appeal scheme would have a moderately harmful impact on the openness of the Green Belt. Openness is an essential characteristic of the Green Belt.

*The effect on the character and appearance of the area*

8. The three existing tennis courts are located in a parallel alignment with Cricketfield Lane. Between this road and the courts is a dense tree screen. I was able to observe that even when the trees are not in leaf, the tree screen is quite effective in filtering and blocking views of the tennis courts. The dome would be much taller and high than the courts but the existing tree screen would still provide adequate mitigation that would insure the dome was not unduly prominent from this vantage point.
9. Having walked along Dane O'Coys Road, and the footpaths on higher ground to the north of the appeal site, I am satisfied that the proposed dome would not be clearly evident or break the sky line in these medium to longer distance views due to the extensive planting around the sports fields and rising topography. Moreover, some of the existing landscaping is reasonably immature and therefore as it grows it will provide additional screening. The dome would be in place when the landscaping would not be in leaf but due to its density and height the landscaping around the appeal site would still be an effective screen.
10. The dome would be highly prominent in short distance views as people walk through the sloping grassed area directly to the north of the appeal site. From this position the dome would appear as an incongruous addition due to its form and the translucent finish. However, an artificial hockey training pitch has been approved in this location and the dome would be viewed in the context of this built structure. There is nothing before me to suggest the hockey pitch will not be constructed. This would diminish the harmful effect of the proposed dome in short distance views as the existing undeveloped character of the land to the immediate north of the appeal site would be notably altered.

11. Views of the proposed structure would also be apparent from the east, where it would also appear somewhat discordant. However, it would not break the sky line in views from this direction due to the slope of the land and the wooded backdrop. In addition it would be seen in longer distance views as being part of the existing sports complex, which includes a car park, other tennis courts (with external lighting and fencing), two pavilions and a club house. This built paraphernalia is already prominent and has a utilitarian character. As a consequence, the dome would not be seen as an isolated built feature.
12. Moreover, it would only be erected for a temporary period (6 months of the year). This diminishes the overall impact. Moreover, the translucent finish, as opposed to a white finish, is likely to soften the impact of the dome in longer distance views. The courts are already flood lit and therefore the dome would not increase light pollution.
13. Taking the above points together, the dome would have an adverse impact on the character and appearance of the area due to its shape, size and material finish. It would be visible in a number of public vantage points. However, the impact would be reasonably localised and would be for only half the year. As such, the harm would not be significant. Instead, the proposal would result in some moderate harm to the character and appearance for the area.

#### *Other Considerations*

14. The Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Ward made 2015 (NP), states that there is an identified need for all-weather tennis courts and that this may be addressed by converting existing courts. As such, Policy SP3 of the NP states that the conversion of existing open air sports facilities, to covered facilities, to increase their availability throughout the year, will be encouraged. This is a matter of considerable weight in favour of the appeal scheme. Especially so as the provision of indoor tennis courts at the appeal site would support the Framework's aims of promoting healthy communities (See Paragraph 73 of the Framework).
15. Tennis can be played all year round on hard surfaced courts but the volume of local support for the application suggests the provision of indoor courts would provide a notable benefit and increase in participation. The surveys undertaken by the appellant confirm this further and also suggest there is a notable unmet demand for local indoor courts. The demand for the courts, and tennis in general, is likely to increase due to the scale of future developments planned for the town and the appeal site is well placed to cater for this.
16. The unmet but high demand that currently existing for local indoor tennis facilities is unsurprising as the nearest indoor tennis facilities are in Harlow. As such, the appeal scheme would improve the quantity and accessibility of indoor tennis courts in Bishops's Stortford and its hinterland. The Council have not demonstrated how this unmet need could be addressed by other means other than referring to its Sport Investment Strategy, which relies on indoor courts in Harlow to serve the needs of the residents of Bishop's Stortford. However, the indoor courts in Harlow are outside the indicative drive time to a tennis court of twenty minutes suggested by the Lawn Tennis Association.
17. The appeal scheme would enable the tennis club to fully engage in an outreach programme in an attempt to involve local schools and those with disabilities to partake in tennis. This would benefit the local community and promote

healthier lifestyles. It could also help facilitate some of the benefits from exercising as outlined in *Sporting Future: A New strategy for an Active nation* (Dec 2015 (HM Government)).

18. I have seen nothing of substance to suggest the dome would result in harmful light pollution, a harmful increase in traffic or adverse living conditions for nearby residents. The Council have not raised any concerns in respect of these matters and I concur with its findings of the reasons given in the committee report. The absence of harm is a neutral matter in the planning balance.

*Whether there are Very Special Circumstances*

19. Policy GBC1 of the LP, and Paragraph 87 of the Framework, set out the general presumption against inappropriate development within the Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found moderate harm to the openness of the Green Belt and the character and appearance of the area.
21. On the other hand, the other considerations I have already discussed are considerable factors in favour of the development. As such, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Consequently, I find no conflict with Policy GBC1 of the LP or the Framework.

**Conditions and Conclusion**

22. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of safeguarding the character and appearance of the area to ensure the development is implemented in accordance with the submitted drawings and that the material finish is appropriate. As the acceptability of the dome is partially dependent on it being removed for part of the year a condition is necessary to ensure this happens.
23. The appeal scheme would adhere to the development plan taken as a whole. Accordingly, the proposal is sustainable development. For this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

### **Schedule of Conditions**

1. The development to which this permission relates shall commence within a period of three years commencing on the date of this notice.
2. The development hereby approved shall be carried out in accordance with the following approved plans; Drawing (10)001, (11)001, (11)002 and BS002
3. Prior to the commencement of any construction above ground level details, to include a sample, of the external material to be used in the construction of the inflatable dome hereby approved 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 details.
4. The hereby approved inflatable dome shall only be erected for a period of six months in any calendar year.

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## Appeal Decision

Site visit made on 14 December 2017

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 28 December 2017

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**Appeal Ref: APP/J1915/D/17/3183771**

**2 Bradbury Farm Barns, Moorfield, Hare Street SG9 0DX**

- 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 P Buzzing against the decision of East Herts Council.
  - The application Ref 3/17/0870/HH was refused by notice dated 21 June 2017.
  - The development proposed is an annex building.
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### Decision

1. The appeal is dismissed.

### Main issue

2. At issue is the effect of the proposal on the rural character and appearance of the area, having regard to local policies dealing with new residential development (including annexes and outbuildings) in the countryside.

### Reasons

3. The appeal site is part of a complex of former farm buildings located in mainly open countryside to the north of the village of Hare Street. The appellant's house is part of a converted barn and additional outbuildings have been constructed to the north of it. The proposal is to erect a detached annexe for the appellant's elderly parents, containing bedroom, living room, kitchen, bathroom/wet room, and garage, as well as additional rooms described as therapy room and store rooms.
4. Relevant local planning policies are contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted in 2007. Policy GPC3 deals with appropriate development in the rural area beyond the Green Belt; among the categories of development for which planning permission may be granted are limited extensions to existing dwellings. Policy ENV5 deals more specifically with these and notes that, outside settlements, extensions or outbuildings should be of a size or scale that, in itself or in combination with other extensions, should not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area. Policy ENV8 deals specifically with residential annexes which, among other matters, should form an extension to the main dwelling and be capable of being used as an integral part of the dwelling.
5. A draft Local Plan, which will eventually supersede the existing Local Plan, was published in 2016. It contains updated policies for the rural area beyond the

Green Belt (GBR2) residential annexes (HOU13), and extensions and alterations to dwellings and outbuildings (HOU11). The thrust of these policies remains broadly similar to those in the plan it will eventually replace, and the document has limited weight commensurate with the stage it has reached in its progress towards adoption.

6. To safeguard the rural character of the area, LP Policies GPC3 and ENV5 seek to restrict the size of extensions and outbuildings to what is not disproportionate to the size of the original building. In this case, the amount of built development associated with 2 Bradbury Farm Barns has already been greatly increased by the erection of sizeable outbuildings to the north of the original barn. The new annexe would result in a further significant increase in built development on the site. Moreover, it would bring development into what presently appears as an open field<sup>1</sup> which would be particularly prominent when viewed from the adjoining road. Overall the scheme would result in a disproportionate increase in the amount of building on the site over and above the size of the original dwelling, intruding into the openness of the surrounding area and detracting from its rural character and appearance, contrary to LP Policies GPC3 and ENV5. While it may well be that the amount of built development on the site now is less than when it was a farm, the proposal needs to be assessed in the light of current conditions.
7. The annex is said to be required to house elderly parents in need of care, although no specific details are provided of their requirements. While I am sympathetic towards these needs, LP Policy ENV8 provides that such annexes should be extensions to existing buildings, whereas in this case the proposal is for a free-standing new structure visually separate from existing buildings on the site. As such the proposal is contrary to Policy ENV8 and is tantamount to the erection of a new dwelling in the open countryside, which is not one of the categories of development permitted under Policy GPC3.
8. Overall, the proposal would harm the rural character and appearance of the area, and be contrary to LP Policies GPC3, ENV5 and ENV8.

*Peter Horridge*

INSPECTOR

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<sup>1</sup> Albeit described as 'garden' on the application plan

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## Appeal Decision

Site visit made on 4 December 2017

by **Graham Chamberlain BA (Hons) MSc MRTPI**

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

Decision date: 11<sup>th</sup> December 2017

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**Appeal Ref: APP/J1915/W/17/3182027**

**Land at 49 Ware Road, Tonwell, Hertfordshire SG12 0HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Ball against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1161/FUL, dated 16 May 2017, was refused by notice dated 10 July 2017.
  - The development proposed is the erection of a detached three bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is whether the proposed dwelling would be in a suitable location having particular regard to local policies concerned with housing in rural areas and the effect of the development on the character and appearance of the area.

### Reasons

3. The appeal site encompasses part of the side and rear garden of 49 Ware Road, which is the final property at the southern end of Tonwell. Beyond the southern boundary of the appeal site is open countryside and to the front is a small green. The appeal site is largely undeveloped and is appreciated in the verdant context of the countryside to the immediate south as well as the development in Barleycroft, especially when looking out of the village. The settlement is small and generally linear in its arrangement save for a few cul-de-sacs. Nearby properties tend to be detailed with chimneys and porches and orientated to front onto Ware Road and Temple Lane.
4. Tonwell, including the appeal site, is currently designated in the East Herts Local Plan Second Review April 2007 (LP) as a Category 3 Village in the Rural Area Beyond the Green Belt (RABGB). Policy GBC3 of the LP establishes the type of development that may be permitted in the RABGB. There is nothing before me to suggest the appeal scheme, which is for the erection of a detached house, would be any of the types of development listed at (a) – (i) within Policy GBC3. As such, the appeal scheme would be at odds with the planned strategy for rural housing set out in Policy GBC3 of the LP.
5. Policy OSV3 of the LP seeks, amongst other things, to prevent ribbon development at Category 3 Villages. The appeal scheme would be an extension of built

development that would lengthen the linear pattern of Tonwell. This would result in some harm to the sense of openness currently evident at the appeal site. Thus, the appeal scheme could reasonably be described as ribbon development that would be contrary to the aims of Policy OSV3 of the LP.

6. The side gables of the proposed dwelling could reflect the proportions of the semis to the north. However, the scheme as presented lacks articulation along its side elevations and this would harmfully accentuate its overall depth and massing. When this impact is taken with its narrower form, then I consider the dwelling would appear out of place. Moreover, the proposed dwelling would be a bland addition to the street scene due to a lack of detailing. Thus, the development would harm the street scene.
7. The proposal is not entirely without merit as it would be sited to respect the existing building line and it would positively respond to the local pallet of materials and the height of the adjacent dwelling. The extensive landscaping to the south would soften views of the development when looking north towards the village and this would reduce the perception of it being harmful ribbon development extending out of the village. Nevertheless, on balance I consider there would still be some moderate harm to the character and appearance of the area. As such, the proposal would be at odds with Policy ENV1 of the LP.
8. My findings are consistent with those in appeal decision APP/J1915/A/12/2170947. The Inspector found that the undeveloped nature of the appeal site makes a contribution to the openness of the locality, particularly when viewed from Ware Road. He went on to conclude that the erection of a detached dwelling would be an intrusion that would harmfully extend the built form of the village and disrupt the sense of openness currently evident at the appeal site. There is nothing before me to suggest the physical characteristics of the site have changed in any way since this decision was made. Like application should be determined in a like manner unless there are reasons not to.
9. With the above in mind I understand that Policies GBC3, OSV3 and ENV1 are set to be replaced by new policies in the East Herts District Plan Pre-submission Consultation 2016 (EHLP). My attention has been drawn to draft Policy VILL2 in particular. This draft policy is set to define Tonwell as a Group 2 Village within which limited infill development would be supported. The appeal site will apparently be within the village boundary if the EHLP is adopted in the form currently drafted. This would be a significant change. However, the formal examination of the EHDP is not complete and therefore it is unknown whether the plan is sound and if the existing emerging policies will be retained in their current form. Moreover, the extent of any unresolved objections is unclear.
10. Policy VILL2, if ultimately adopted in its current form, would permit infill development but not an extension of ribbon development. I have not been directed to a definition of either 'infilling' or 'ribbon development' in the EHDP. The Council suggests that infilling within the context of Policy VILL2 must be between two buildings but the appellant considers the proposal to be infilling as it would fill a gap between a dwelling and what would be the defined edge of the settlement. Both definitions are plausible and therefore it seems to me that this is something that may arise as a discussion point through the examination of the EHDP and this could result in amendments to Policy VILL2.
11. For the reasons given in the preceding paragraphs draft Policy VILL 2, as a material consideration, carries only limited weight and does not justify me

departing from the extant policies of the development plan. Thus, I conclude that the proposed development would be at odds with existing rural housing policies and that it would result in some moderate harm to the character and appearance of the area contrary to development plan policies summarised above.

### **Other Matters and Conclusion**

12. The Council provided pre application advice that suggested an end of terrace dwelling may be acceptable at the appeal site. However, I have confined my assessment to the proposal before me and have found it to be unacceptable for the reasons already given.
13. The Council cannot currently demonstrate a five year housing land supply. In these circumstances paragraph 49 of the National Planning Policy Framework (the 'Framework') establishes that relevant policies for the supply of housing should not be considered up-to-date. It follows in this instance that the fourth bullet point of Paragraph 14 of the Framework is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. There would be a conflict with relevant development plan policies. They pre date the Framework but this does not mean they should be disregarded. Paragraph 2.15 of the Framework states that the weight afforded to existing policies in such circumstances will depend on their degree of consistency with the Framework. Policies GBC3, OSV1 and ENV1 are broadly consistent with Paragraphs 17 and 58 of the Framework, which seek to recognise the intrinsic character and beauty of the countryside and respect, and respond to, the local character of an area. However the rigorous application of the Council's settlement policies, GBC3 and OSV1 in this instance, would hamper the ability of the Council to address the shortfall in its five year housing land supply. As such, I afford any conflict with them moderate weight.
15. The harm to the character and appearance of the area would be localised and offset to an extent by aspects of the appeal scheme's design, such as the matching height and materials. I afford this harm moderate weight as well. Overall, the adverse impacts of the proposal are of moderate weight.
16. It has not been demonstrated that the social and economic benefits of the appeal scheme, including any contribution towards the provision or retention of local services, would be more than limited given its small scale. Nor have I seen anything to suggest an additional unit would make a notable difference to the overall supply of housing in the district. As such, the benefits of the proposal are limited. Thus, the moderate adverse impacts of the proposal would significantly and demonstrably outweigh its limited benefits. Therefore, the proposal is not sustainable development for which the Framework carries a presumption in favour.
17. To conclude, the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Hence, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Graham Chamberlain*  
INSPECTOR



## Appeal Decision

Site visit made on 14 December 2017

**by P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

**Decision date: 22 December 2017**

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**Appeal Ref: APP/J1915/D/17/3182984**

**3 Hollydell, Morgans Road, Hertford SG13 8BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Louis Merhemitch against the decision of East Herts Council.
  - The application Ref 3/17/1337/HH was refused by notice dated 1 August 2017.
  - The development proposed is the provision of a garage and boundary wall.
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### Preliminary Matters

1. The description of development above is taken from the application form. The council amended this to read 'provision of a detached garage and boundary wall'. I will adopt this description.

### Decision

2. The appeal is allowed and planning permission is granted for the provision of a detached garage and boundary wall at 3 Hollydell, Morgans Road, Hertford in accordance with the terms of the application, Ref 3/17/1337/HH, dated 7 June 2017, and the plans submitted with it, 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: 170401.1D and 170401.2.
  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 bungalow on the site.

### Main issue

3. At issue is the effect of the proposed garage and wall on the character and appearance of the locality, having particular regard to the location of the site within the Hertford Conservation Area.

### Reasons

4. The appeal property is a bungalow located within a small infill development within the built-up area of Hertford. At the time of the site inspection, building works were in progress, presumably to enlarge the property to a chalet bungalow in accordance with a planning permission granted by the council prior to the application now under appeal. Elsewhere along Hollydell is a mixture of

single- and two-storey properties of a variety of styles. The site lies within the Hertford Conservation Area, which is characterised by the architectural interest of the buildings and their grouping, particularly within the town centre about ½ mile to the north of the site.

5. Relevant development plan policies are contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted 2007. Policy ENV1 deals with design and environmental quality, requiring development proposals to be of a high design quality and reflect local distinctiveness. Policies ENV5 and ENV6 deal more specifically with extensions to dwellings, with ENV6 setting out a number of criteria albeit what is proposed in this appeal is not an extension but a separate garage building and boundary wall. Policy BH5 permits extensions and alterations to unlisted buildings in conservation areas where they are sympathetic to the building and to the wider area.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the National Planning Policy Framework (NPPF) notes that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. If harm would be caused, the approach depends on the extent of the harm; less than substantial harm should be weighed against the public benefits of the proposal.
7. The main significance of the Hertford Conservation Area lies particularly in the central core of the town. The area within which the appeal site lies is a residential area to the south of this central core. It has its own pleasant character derived from the mixture of buildings and styles.
8. The council argues that the addition of the garage, which is almost of triple garage width, would make the existing bungalow bulkier and cramped. While the garage would take up a fair proportion of the side garden, given the spacing and ratio of building to plot elsewhere in Hollydell, it would not appear cramped or out-of-place. The design of the garage, with walls of painted weatherboarding above a brick plinth, and a low-pitched hipped roof of either tiles or slate, would reflect the character of the existing dwelling (as altered by the approved building works currently taking place).
9. The proposal also involves the construction of a front boundary wall consisting of brick piers of about 1.8m height between which would be sections of dwarf brick wall surmounted by metal railings up to the height of the piers. There is a mixture of boundary treatments in Hollydell, with examples of other wall and railing combinations of overall similar height to that proposed in this appeal. While several of these are further along Hollydell, there are walls and fences forming the front boundaries of properties in the immediate vicinity of the site. As a result the wall would not appear incongruous or out-of-place.
10. Overall the scheme would not have a detrimental effect on the significance of the Hertford Conservation Area. As harm would not be caused, it is not necessary to weigh this against any public benefits of the scheme. It would be consistent with the mixed character and appearance of Hollydell and as such would preserve and enhance the character and appearance of the wider conservation area. This would accord with relevant development plan policies, notably LP Policies ENV1, ENV5, ENV6 and BH5. Permission is therefore

granted, subject to conditions specifying the approved plans, for the avoidance of doubt and to simplify the procedures involved in making any amendments to the scheme, and requiring matching materials, in order to achieve a satisfactory appearance to the completed development.

*Peter Horridge*

INSPECTOR

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## Appeal Decision

Site visit made on 28 November 2017

**by David Spencer BA(Hons) DipTP MRTPI**

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

Decision date: 6<sup>th</sup> December 2017

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**Appeal Ref: APP/J1915/D/17/3185093**

**39 Walton Road, Ware SG12 9PQ**

- 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 Hawkes against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1384/HH, dated 13 June 2017, was refused by notice dated 8 August 2017.
  - The development proposed is a rear dormer window.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the rear dormer on, firstly, the character and appearance of No.39 Walton Road and its surroundings and, secondly, the living conditions of the occupiers of No.41 Walton Road with particular reference to outlook and privacy.

### Reasons

#### *Character and Appearance*

3. No.39 Walton Road is a modern detached dwelling positioned where Walton Road bends on appreciably rising land. Despite the description of the proposal as a "rear dormer", the orientation of the property is a moot point. From the submitted plans the dormer is positioned on what is shown as a side elevation with front elevation facing west. In assessing the pattern of adjoining development on this part of Walton Road, I consider the front or principal elevation is that which faces west to Walton Road including its junction with Warner Road. The relationship of No.39 to the curvature of the highway means the proposed dormer would extend beyond the plane of the existing roof slope on the principal elevation.
4. I noted the intervening vegetation including the mature deciduous tree on highway land. I accept in summer months views of No.39 would be more filtered but for large parts of the year, as per my site visit, the elevation of the roof on which the dormer would be positioned is visible from within Walton Road and Warner Road. It is not a characteristically concealed rear elevation away from the public realm. As such the appellant's submission of a potential fall-back position of permitted development rights by virtue of being a rear dormer or being comparable in scale and position to what could be sanctioned under such rights would not apply.

5. The appeal property has a steeply pitched main roof, which, notwithstanding existing rooflights and panels retains a simple profile. Despite being set down from the ridge line, slightly in from the eastern gable end and slightly up from the eaves the scale of the scale of the proposed dormer would, nonetheless, occupy a significant proportion of the south facing main roof. It would not be a particularly shallow or discreet dormer. The proposal would result in a particularly bulky and incongruous alteration that would harmfully dominate the simple pitch roof profile.
6. The appellant has directed me to a handful of other dormers in the vicinity of the appeal site but these are generally large additions which unfavourably dominate the existing roof form. They are conspicuous given the limited number of roof alterations in the vicinity of the appeal site. They also generally appear to be of some age and I have few details on the planning history of these dormers such that I cannot be certain they were approved in the context of current development plan policies. Overall, I am not persuaded that they should set the pattern of development in this part of Ware. Consequently, I find the appeal proposal would result in an ungainly scale of alteration at roof level, visible within the street scene to the west, which would not be characteristic of the surrounding area.
7. I therefore conclude that the proposed dormer would have a significantly harmful effect on the character and appearance of No.39 Walton Road and its surroundings. It would be contrary to Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 (EHLPSR) which, amongst other things, seeks to enhance design quality, including requiring extensions and alterations to complement the original building and its setting. Specifically, it would also fail to comply with Policy ENV6 which seeks roof dormers to be of a limited extent and modest proportions so as not to dominate the existing roof form. The proposal would also fail to accord with the objective of the National Planning Policy Framework (NPPF) to secure high quality design.

#### *Living Conditions*

8. Having taken into account the changes in land levels, with No.41 Walton Road generally positioned higher than the appeal site, the intervening tall vegetation and the distance and angles between the two properties, including the rear amenity space to No.41, I am satisfied that the appeal proposal would not harmfully effect the outlook from No.41.
9. There are two existing roof-light windows serving bedrooms in the steep roof pitch of No.39 towards No.41 and its rear amenity space. The height and angle of these windows means they already afford the occupiers views towards No.41. Whilst the appeal proposal would increase the number of openings, two of these would serve bathroom accommodation where obscure and limited opening glazing would be appropriate and could be secured by condition. The proposed opening to the additional bedroom whilst closer to the boundary of No.41 would be recessed so as to limit the angle of view towards the tall intervening boundary hedge. Overall, I find the appeal proposal would not harm existing levels of privacy at No.41.
10. I therefore conclude that the proposed dormer would not significantly harm the living conditions of the occupiers of No.41 Walton Road with particular reference to outlook and privacy. The proposal would therefore comply with the amenity considerations of Policies ENV1, ENV5 and ENV6 of the EHLPSR. It

would also accord with the objective of the NPPF to secure a good standard of amenity for all existing occupiers of land and buildings.

**Conclusion**

11. I have found that the proposal would not have an adverse effect on the living conditions of occupiers at No.41. I also note the appellant's requirement for more suitable family bathroom accommodation. These factors do not, however, outweigh the harm I have identified to the character and appearance of the host building and surrounding area which would be contrary to local development plan policy and national objectives to secure good design. Accordingly, the appeal should not succeed.

*David Spencer*

Inspector.

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## Appeal Decision

Site visit made on 14 December 2017

**by P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 28 December 2017

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**Appeal Ref: APP/J1915/D/17/3185110**

**2 Long Meadow, Thorley, Bishop's Stortford CM23 4HH**

- 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 Anastasia Rubidge against the decision of East Herts Council.
  - The application Ref 3/17/1587/HH was refused by notice dated 30 August 2017.
  - The development proposed is a two storey front extension.
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### Decision

1. The appeal is dismissed.

### Main issues

2. At issue is the effect of the proposed extension on the appearance of the streetscene and on the living conditions of residents of 1 Long Meadow by reason of loss of outlook.

### Reasons

3. The appeal property is a detached two storey house in a modern development on the outskirts of Bishop's Stortford. Properties in Long Meadow are of a number of different designs, but the predominant characteristic is two-storey houses with gable roofs.
4. Relevant development plan policy is contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted in 2007. Policy ENV1 deals with design and environmental quality, requiring development proposals to be of a high design quality and reflect local distinctiveness. Criteria (c) and (d) of the policy respectively require new development to relate well to the massing of adjacent buildings, and respect the amenity of occupiers of neighbouring buildings. Policies ENV5 and ENV6 deal more specifically with extensions to dwellings, with ENV6 setting out a number of criteria against which to judge proposals, including (a) that extensions should be to a design complementary to the existing building and its setting.
5. Paragraph 56 of the National Planning Policy Framework (NPPF) observes that the Government attaches great importance to the design of the built environment. Paragraph 60 notes that it is proper to seek to promote or reinforce local distinctiveness.
6. The proposal is to enlarge the property with a front two-storey extension with a pitched roof and matching materials to the main house. This would provide an

additional bedroom and enlarged kitchen to house the appellant's growing family. The extension would not occupy the whole width of the property, being set back slightly from the north-west side elevation so that the apex of the roof is slightly lower than that of the original main house. It would also have a hipped roof designed to reduce the impact of the extension on the neighbouring property at 1 Long Meadow. The combination of these two elements – the setting back of one wall and, more especially, the choice of a hipped roof in a locality characterised by gable roofs – would give the extension an incongruous appearance which would be at odds with the local distinctiveness of Long Meadow, appearing out of place and detrimental to the locality.

7. There are two windows in the side elevation of 1 Long Meadow which would look towards the extension at a distance of about 2m. One window lights a staircase and the other, which is obscure-glazed, lights a bathroom. The extension would reduce the outlook from these windows. However, given that neither lights a habitable room, that there would remain some outlook from them beyond the new extension, and that the extension would reduce the overlooking of the appellant's front garden from the neighbouring staircase window, this reduction in outlook may not on its own be enough to justify withholding planning permission. Nevertheless, the overall effect of the extension on both the appearance of the locality and the outlook from the neighbouring property is such that the proposal would be contrary to LP Policies ENV1, particularly criteria (c) and (d), and ENV6, particularly criterion (a).

*Peter Horridge*

INSPECTOR