



Appeal Decision

Site visit made on 19 March 2009

by **Shaun J Greaves BA(HONS) DipURP**
MRTPI

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

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Decision date:
29 April 2009

Appeal Ref: APP/J1915/A/08/2089091

**'Hylands', Sacombs Ash Lane, Allen's Green, Sawbridgeworth,
Hertfordshire, CM21 0LU**

- 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 Michael Burrams-Sykes against the decision of East Hertfordshire District Council.
- The application Ref 3/08/0513/FP, dated 13 March 2008, was refused by notice dated 29 May 2008.
- The development proposed is the building of one new dwelling house and a separate secure garage and garden store.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the development on the character and appearance of the surrounding countryside.

Reasons

3. The appeal site is located on Sacombs Ash Lane, a narrow country lane and no-through road in the small and dispersed settlement of Allen's Green. This is a small rural settlement, where Policy OSV3 of the East Herts Local Plan Second Review (LP) applies a policy of rural restraint, which is set out in LP Policy GBC3. This policy indicates that within the Rural Areas Beyond the Green Belt, permission will not be granted for the construction of new dwellings except in specified circumstances.
4. Government guidance contained in Planning Policy Statement 7: 'Sustainable Development in Rural Areas' (PPS7) advises, as reflected in the development plan, that new house building in the countryside should be strictly controlled.
5. The appeal site is part of the large garden to 'Hylands' within a small cluster of houses on the south-west side of Sacombs Ash Lane. The highway has no footway which, along with adjacent fields, gives the area a rural character. Although the countryside enjoys no special designation, it is attractive in its own right and its character and appearance is worthy of protection. In my assessment the introduction of a dwelling in this side garden to 'Hylands' would consolidate this small cluster of development that would be harmful to the rural character and appearance of the area.

6. The appellant contends that as the site is within the same parish as the larger (category 2) settlement of High Wych it should be treated as being within that settlement, where limited infill development is allowed. However, this site is about 4km to the north-west of High Wych within the smaller settlement of Allen's Green, where under the provisions of LP Policy OSV3 limited infill development is not allowed.
7. I do not agree with the appellant that the proposal would constitute a small scale facility that assists in rural diversification as provided for by LP Policy GBC3 (h). Also, I do not consider that the proposal falls within any other category of appropriate development for such a rural location as set out in LP Policy GBC3.

Other matters

8. I acknowledge the appellant's desire to remain in this location and to be close to family and I note the proposed use of a 'lifetime design'; which is one means of meeting the needs of older people. However, I do not consider that these matters constitute exceptional circumstances that justify setting aside the policy of rural restraint that applies in this location.
9. The appellant has referred to the requirement of the East of England Plan to provide additional housing to meet housing supply needs for the region and to maximise suitable housing capacity on previously developed land. However, I note that the appellant has not identified a shortfall in supply within the District. Even if a shortfall does exist I do not consider that a single dwelling would make a meaningful contribution to the housing land supply and therefore I have given this matter very little weight. Moreover, Planning Policy Statement 3: 'Housing' and PPS7 seek sustainable locations for the development of new housing within towns and larger villages. In my view, given the very limited range of services and the isolated location of the settlement, the occupiers of the proposed dwelling would rely on the private car to satisfy everyday needs. Therefore I do not consider that the site is in a sustainable location. Consequently it is an inappropriate location for meeting the housing land supply needs of the District.
10. As garden land I agree with the appellant that the appeal site can be classed as previously developed land. However, I consider that this factor offers little weight in favour of the proposal. It is an argument that could be applied too often to land within rural areas which have been identified as inappropriate locations for new housing in the LP. Permitting such development merely on the basis that a site constitutes previously developed land would harm the wider objective of achieving sustainable patterns of development in rural areas.
11. The appellant has drawn attention to the presence of the church, village hall and public house and the need to support these facilities and the vitality of Allen's Green. However, I consider that the proposed dwelling would be unlikely on its own to have a material impact on the viability of those facilities.
12. I have taken into account all of the matters raised by the appellant but these do not outweigh the harm that would be caused to the character and appearance of the rural area or justify granting planning permission for a development that would be contrary to LP Policies GBC3 and OSV3 and harmful to the countryside.

Conclusion

13. For the reasons set out above, and having considered all other matters raised, including the proposed use of a sustainable drainage system and letters of support from local residents, I conclude that the appeal should be dismissed.

S J Greaves

INSPECTOR



Appeal Decision

Site visit made on 24 April 2009

by **J A B Gresty MA MRICS**

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

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Decision date:
19 May 2009

Appeal Ref: APP/J1915/A/09/2096140

4 Amwell End, Ware, Hertfordshire SG12 9HW

- 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 Agostino Vega against the decision of East Hertfordshire District Council.
- The application (Ref 3/08/0604/FP), dated 22 November 2007, was refused by notice dated 30 June 2008.
- The development proposed is to replace shopfront and fit roller shutters.

Decision

1. I allow the appeal and grant planning permission to replace shopfront and fit roller shutters in accordance with the terms of the application (Ref 3/08/0604/FP), dated 22 November 2007, and the plans submitted therewith, subject to the following condition:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

Main issue

2. I consider that the main issue in this case is whether the development preserves or enhances the character or appearance of the Ware Conservation Area.

Reasons

3. The appeal property is a ground floor shop situated at the end of a small parade of shops. The parade is part of a relatively modern, three storey flat-roofed building. The building is clad with a mixture of materials, including brick, large white coloured panels and concrete. The shops have contemporary style fronts with large glazed windows and bold coloured surrounds and advertising.
 4. The parade is situated in the Ware Conservation Area. The Conservation Area is characterised by its variety of age and style of buildings, including buildings of historic and architectural interest and 20th Century developments, such as the parade of shops in question. Amwell End has a mixture of commercial and retail properties on it, including offices, shops, night clubs and public houses. There is a snooker hall above the appeal property.
 5. The appeal concerns the replacement of the shop front and installation of roller shutter security blinds to the front of the bakers shop. The development has
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been completed and the shop front consists of a relatively plain black and white display with black window frames and panels. The shop front is unobtrusive and in my view it complements the white rectangular decorative panels of the building at first floor level. Accordingly, I consider that the shop front is in keeping with the appeal property and the parade of shops as a whole.

6. In addition to the new shop front, the appellant has installed external roller shutter security blinds. The blinds are black in colour and are perforated to provide obscured views of the windows and shop behind. During my inspection I noted that other shops in the parade had external roller shutters and it is my view that the newly installed blinds of the appeal property are both in keeping with the shop that is the subject of the appeal and with the parade as a whole. Like the shop front, I consider the plain black appearance of the blinds to be in keeping with the white and plain concrete coloured rectangular decorative panels of the main building.
7. The Council has produced a guidance leaflet that discourages the use of roller shutters on shop fronts, suggesting other methods of protection that it considers would be more suitable in most situations, including the use of open grills behind the glass window. The appeal property has been subject to repeated damage. It is a bakers and I think it unlikely that this damage would have been in connection with theft of the shop contents and I consider that grills behind the glass would leave the property vulnerable to further vandalism. The shop is set back from the main frontage of the parade and has dense landscape planting to its side, resulting in it being less open to public view than other properties on the parade and elsewhere on Amwell End, adding to the risk of criminal damage whilst reducing the prominence of the shop front and the roller shutters in the street scene.
8. Policy BH6 of the East Herts Local Plan Second Review, April 2007, indicates that new development in conservation areas will be permitted where it is sympathetic to the conservation area in terms of its scale, height, proportion, form, materials and siting in relation to the general character and appearance of the conservation area. Whilst the roller shutters would no doubt appear out of place in other locations or on other buildings within the Ware Conservation Area, I consider that the development is in keeping with the appeal property and the parade of shops as a whole, thereby meeting the requirements of Policy BH6, and I conclude that the development preserves the character and appearance of the Ware Conservation Area.

Other Matters

9. The Council refers to an appeal decision to refuse permission for the security shutters at Storm Bar, Amwell End. However, whilst near to the parade of shops of which the appeal property forms part, Storm Bar is a very different style of building and is situated forward of the main line of development on this side of the road. The building is a prominent feature of that part of the street and it is my view that the proposed development at Storm Bar is not directly comparable to the appeal proposal.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted. The Council has not proposed any conditions and I do not consider any to be necessary.

J A B Gresty

INSPECTOR



Appeal Decision

Site visit made on 25 March 2009

by **Shaun J Greaves** BA(HONS) DipURP
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Decision date:
21 May 2009

Appeal Ref: APP/J1915/A/08/2088933

Powder House, Barwick, High Cross, Nr Ware, Herts, SG11 1DA

- 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 Strange against the decision of East Hertfordshire District Council.
- The application Ref 3/08/0648/FP, dated 3 April 2008, was refused by notice dated 21 May 2008.
- The development proposed is a two-storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. I consider that the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a part single-storey, part two-storey, detached dwelling on a relatively large plot on the east side of Barwick Lane, which is a narrow country lane to the north of the small settlement of Barwick.
 4. The proposed two-storey side extension would be about 4.9m wide and span the whole depth of the dwelling. The Council has previously granted planning permission for a twin-gabled two-storey rear extension to the rear of the dwelling and I noted at my site visit that this has been constructed.
 5. As the site is within a small settlement it is designated as being within the Rural Area Beyond the Green Belt under the provisions of Policy GBC3 of the East Herts Local Plan Second Review (LP). LP Policy GBC3 allows for limited extensions or alterations to existing dwellings in accordance with LP Policy ENV5. Under the provisions of LP Policy ENV5 extensions to dwellings in such locations should be of a scale and size that would either alone or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.
 6. The proposal together with the existing extension would more than double the original floor space, which would constitute a disproportionate increase in the size of the original dwelling house. Originally the dwelling house was a modest single-storey building. I consider that the proposal combined with the rear
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extension would overwhelm the character and appearance of the original dwelling house.

7. Whilst the appellant has indicated that there are larger properties and a caravan park in the vicinity, and that the property is well screened with consequent minimal harm, this does not justify disproportionate additions to existing dwellings in such rural locations where a policy of restraint applies, thereby diluting the aim of protecting the rural area from new development.
8. Although the design of the extension may be in keeping with the extended dwelling as required by LP Policy ENV6, I take the view that conflict with other policies of the Local Plan is the overriding factor.
9. The proposal, combined with the existing extension, would significantly increase the size and massing of this dwelling and would have an urbanising effect that would be detrimental to the openness and rural qualities of the surrounding area, contrary to the policy of restraint. For this reason I consider that the proposed extension would conflict with LP Policies GBC3 and ENV5.
10. I acknowledge that the dwelling is within a generous plot, and that there is sufficient space around it to ensure that the proposal would not result in a cramped form of development. However, for the reasons given above I am of the view that the proposal would be harmful to the rural character of the area.
11. I have taken into account all other matters raised, including that the Parish Council has raised no objections to the proposal. However, I find that none of these considerations outweigh the harm that would be caused to the character and appearance of the area. I therefore conclude that the appeal should be dismissed.

S J Greaves

INSPECTOR



Appeal Decision

Site visit made on 6 April 2009

by **Peter Eggleton MRTPI**

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for Communities and Local Government

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Decision date:
29 April 2009

Appeal Ref: APP/J1915/A/09/2093693

21 Raffin Green Lane, Datchworth, Hertfordshire SG3 6RJ.

- 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 David Brown against the decision of East Herts Council.
- The application Ref 3/08/0757/FP, dated 1 April 2008, was refused by notice dated 25 June 2008.
- The development proposed is the alteration and extension of the existing roofspace to provide three bedrooms and replacement bathroom; and an extension to the sitting room on the ground floor.

Decision

1. I dismiss the appeal

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the dwelling and the wider area.

Reasons

3. The proposal would result in increased accommodation, mainly in the extended roof. To achieve this, half hips and areas of flat roof have been incorporated into the design. I share the concern with regard to these particular elements. The depth of the side elevation in particular, would add substantial bulk to this part of the property, as would to a lesser extent, the rear truncated form of the roof. I accept that the flat areas of roof would not generally be appreciable and that the increased bulk of the side elevation would have only a limited wider visual impact given its position within the plot and its relationship with the adjacent dwelling. However, I consider that it would be a prominent feature from the neighbouring property. I agree with the Council that the two smaller front dormer windows would result in an improvement compared to the existing larger dormer. Overall, there would be a positive change as a result of the improvements to the front elevation but there would also be a negative impact as a result of the contrived details and bulk of the side and rear elevations. Whilst I acknowledge that these would have a more limited wider impact, I do not consider this a good reason for accepting poor design.
4. With regard to the impact on neighbouring residents, the front dormer nearest to number 19, would allow views towards its front garden and drive which are already open to views from the road. The rear windows would allow views of part of the back garden. This increased overlooking would result in reduced privacy to part of the rear garden but I do not consider, given the angle of view

and the scale of the area of garden not overlooked, that this would unacceptably harm the living conditions of the residents. The rear windows would also allow views towards the properties at the rear, particularly 21b. Given the distances involved, I am not satisfied that this would be sufficient to materially harm the living conditions of the residents either within this property or its garden. I also do not consider that the increased scale of development would unacceptably harm the outlook from this property.

5. The increased bulk of the new development at first floor level would be close to the boundary with number 19. This would reduce the outlook from the side facing windows although they would retain an open outlook towards the front of the property. It would also reduce the outlook from the nearest parts of the garden and alter the shading of the adjacent property for short periods of the day. I note the comments of the neighbouring residents as to their current use of their garden, but I am not satisfied that these changes would, on their own, be unacceptably harmful to their living conditions. However, the prominence and scale of the design deficiencies from that garden does add to my concerns with regard to the design.
6. The wider impact of the areas of flat roof would be limited and they would not in my view represent the type of 'visually undesirable' design feature that Policy ENV6(b) of the Local Plan seeks to avoid. However, they result in the truncated bulky design of the side and rear elevations and this does represent poor design. I find this to be contrary to the aspirations for high standards of design included in Policy ENV1 and ENV6(a). I consider it likely that a far superior design solution could be achieved, although this may also result in a reduction in the scale of accommodation achieved. I am mindful that *Planning Policy Statement 1: Delivering Sustainable Development* (PPS1) is clear that good design should contribute positively to making places better for people and that developments should add to the overall character and quality of the area. It also seeks to resist designs that fail to take the opportunities available for improving the character and quality of the area. Although I accept that the wider impact of this proposal would be limited, I consider that it detracts from the overall character of the dwelling and fails to meet the design aspirations of the development plan and Government policy.
7. I have considered the developments referred to by the appellant. These do not persuade me that the unacceptable design mechanisms included in this proposal would be acceptable. I do not consider there to be any objection to the principle of extending this dwelling, subject to it achieving a high standard of design. It is clear that the scale of accommodation being sought cannot be achieved in the manner proposed without compromising the design and appearance of the property. Whilst I appreciate the benefits that would be achieved by the increased accommodation and I acknowledge the limited wider impact on the environment, I have not been persuaded that these matters are sufficient to outweigh my design concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 24 April 2009

by **J A B Gresty MA MRICS**

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Decision date:
19 May 2009

Appeal Ref: APP/J1915/A/09/2095141

**Site adjacent to Highfield Farm, Mangrove Lane, Brickendon, Hertfordshire
SG13 8QJ**

- 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 Ram Homes Limited against the decision of East Hertfordshire District Council.
- The application (Ref 3/08/0787/FP), dated 23 April 2008, was refused by notice dated 22 July 2008.
- The development proposed is the refurbishment of existing paddocks, including new internal partitions, new rooflights, new external cladding, provision of new parking spaces and change of use to B (1, 2, 8).

Decision

1. I dismiss the appeal.

Procedural Matters

2. The initial planning application included change of use of the property to use classes B1, B2 and B8 but, before the Council issued its decision on 22 July 2008, it was agreed with the appellant that the proposal would be amended by omitting use classes B2 and B8 from the application. Subsequently the Council's decision notice referred to all three proposed use classes. This was done by mistake and it is apparent from the appellant's grounds of appeal that the appeal is made with regard to the proposed change of use to use class B1 only. Accordingly, I consider this appeal on the basis of the amended application to change of use to B1 only.
 3. The appeal site is situated in the Metropolitan Green Belt. The Council has not suggested that the proposed development would conflict with the development plan policies for the protection of the Green Belt or that it would represent inappropriate development in terms of Planning Policy Guidance Note 2. The proposals do not involve extension of the buildings and the plans indicate that the openness of the Green Belt, the most important attribute of Green Belts, would not be adversely affected. Having considered the proposed development in the light of the provisions of PPG2 for the re-use of buildings in the Green Belt, and having taken note of previous inspectors' comments regarding the buildings in two earlier appeals, I find no reason to disagree with the Council's position and I consider the matter of inappropriate development in the Green Belt not to be an issue at this appeal.
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Main issue

4. I consider the main issue in this case to be the effect of the proposed development on the safety of users of the highway.

Reasons

5. The proposed development would include the reuse of three buildings to form several business units. The buildings were used as part of an animal testing centre which has ceased to operate and they have been unused for several years.
6. The appeal site is in a rural location and is some distance from the nearest town or village. No evidence has been provided to indicate that the site is readily accessible by public transport. Use class B1 includes offices, research and development and light industry and it is my view that the development would generate a considerable amount of traffic, both the private vehicles of people working at the site and commercial vehicles.
7. The road serving the site is a narrow lane. Much of it is single track only with passing places and visibility for road users is restricted in many places by bends in the lane and high roadside hedging. I consider that the amount of road traffic that the development would generate would not be compatible with the size and construction of the road. In particular, the entrance to the appeal site is on a sharp bend and vehicles waiting to turn across the road into the appeal site would not be readily visible to vehicles approaching from behind.
8. The appellant holds that B1 use of the buildings would be unlikely to lead to significant use of the highway by large commercial vehicles and that other potential uses of the buildings would result in greater use of the highway by large vehicles less suited to the nearby road network. Whilst some other commercial and industrial uses would be likely to be served by large commercial vehicles, such as heavy goods vehicles, no evidence has been provided to convince me that the proposed business units would not generate significant commercial traffic, such as delivery vans, in addition to the private vehicles of people working in the units.
9. Further, the appellant holds that the buildings have an established use that could generate considerable traffic, including heavy goods vehicles. The Council is of a view that the buildings have no established planning use following previous planning permissions that affect the site. However, I consider this appeal on its own merits and I conclude that the proposed development would be detrimental to the safety of users of the highway, contrary to the provisions of Policy TR20 of the East Herts Local Plan Second Review, April 2007.

Other Matters

10. Concern has been expressed that B1 use of the buildings would be incompatible with the residential use of the former farm buildings at the entrance of the driveway to the appeal site. Vehicles gaining access to the appeal site would pass along the driveway close to the dwellings. Use of the driveway would be shared by occupiers of the dwellings and in part the driveway is not wide enough to allow two vehicles to pass. Whilst it is probable that activity at the business units would be at its greatest during normal

daytime working hours, it is my view that the traffic generated by the proposed development would lead to noise and disturbance that would be detrimental to the living conditions of the occupiers of the dwellings and that the driveway would not be suitable for combined domestic and proposed business use.

11. The route of public footpath No 12 passes through part of the appeal site. The application plans indicate that the path would be required to cross a bin storage and loading area, as well as a driveway to a car park. I consider that the proposed development in its current form would be detrimental to the enjoyment of users of the footpath. Whilst a condition could be imposed, requiring development not to start until the footpath has been diverted to a more suitable location, the potential adverse effect on amenity of the footpath adds to my concerns regarding the proposed development.
12. Whilst the development may provide employment opportunities and it would make use of existing buildings, these potential benefits do not outweigh my concerns regarding the scheme.
13. I note that in the appeal decision dated 22 March 2004, reference APP/J1915/A/03/1134591, the Inspector said that the buildings were soundly constructed and compatible with the area, representing a considerable capital asset. However, in my view this does not indicate what uses the buildings could reasonably be put to or that Mangrove Lane is suitable for use by a significant increase in traffic, including commercial vehicles.

Conclusion

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

J A B Gresty

INSPECTOR



Appeal Decision

Site visit made on 19 March 2009

by **Shaun J Greaves BA(HONS) DipURP**
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Decision date:
28 April 2009

Appeal Ref: APP/J1915/A/08/2088768

Pennyfields, New Barns Lane, Much Hadham, Hertfordshire, SG10 6HH

- 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 I Da Costa against the decision of East Hertfordshire District Council.
- The application Ref 3/08/0876/FP, dated 30 April 2008, was refused by notice dated 7 July 2008.
- The development proposed is described on the application form as demolition of existing garage/outbuilding, to be replaced with double garage, pool/garden room with games room on the first floor.

Decision

1. I allow the appeal, and grant planning permission for the demolition of the existing garage/outbuilding and replacement with an outbuilding accommodating a double garage, pool/garden room with games room on first floor at Pennyfields, New Barns Lane, Much Hadham, Hertfordshire, SG10 6HH in accordance with the terms of the application, Ref 3/08/0876/FP, dated 30 April 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until detailed plans showing the proposed ground levels of the site relative to adjoining land, together with the slab level of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point. The development shall be constructed in accordance with the approved plans.

Main issue

2. The main issue is the effect of the development on the character and appearance of the surrounding countryside.

Reasons

3. The appeal site is located on New Barns Lane, a narrow country lane, within the countryside to the north-west of the settlement of Much Hadham.
4. The appeal site accommodates a two-storey dwelling house and a detached single-storey outbuilding to the side, which is proposed to be demolished and replaced by the proposed two-storey outbuilding. The existing house is a recently constructed replacement dwelling of a traditional design and appearance. The existing outbuilding is of a modern functional appearance with a mix of flat and pitched roof designs.
5. Policy GBC3 of the East Herts Local Plan Second Review (LP) allows for limited extensions to existing dwellings in such locations within the Rural Area Beyond the Green Belt.
6. The proposal would be similar in width and depth to the existing outbuilding on the site, but at a height of around 6.5m it would be about 1m higher to the apex of the roof when, as proposed, the ground level is reduced by some 0.4m.
7. I consider that the design of the proposed garage, along with the external materials proposed to be used, would give it the appearance similar to that of a traditional Dutch barn. I agree with the appellant that the proposal would be an improvement upon the character and appearance of the existing outbuilding, particularly given the traditional character and appearance of the existing dwelling.
8. Although the proposal would be higher than the existing outbuilding, I consider that this is a modest increase above what currently exists on the site, particularly taking into account the proposed reduction in ground levels. The proposal would appear subordinate in scale to the existing dwelling, which along with the improved design compared to the existing outbuilding, leads me to the view that the character and appearance of the rural area would not be harmed by the proposal.
9. Accordingly I take the view that the proposal would constitute a limited extension in accordance with LP Policy GB3 and that it would not harm the character and appearance of the countryside.

Conditions

10. A list of suggested conditions has been supplied by the Council, which I have considered against the guidance in Circular 11/95 – *The Use of Conditions in Planning Permissions*. To protect the character and appearance of the area I shall impose conditions to address the materials to be used on the external surfaces of the building and proposed ground and floor levels.
11. A condition has been suggested that restricts the building to purposes incidental to the enjoyment of the dwelling house. As any material change of use for this ancillary building would require planning permission I do not consider that such a condition is necessary.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude the appeal should be allowed.

S J Greaves

INSPECTOR



Appeal Decision

Site visit made on 6 April 2009

by **Peter Eggleton MRTPI**

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Decision date:
7 May 2009

Appeal Ref: APP/J1915/A/09/2093850

79 St Margarets Road, Stanstead Abbots, Hertfordshire SG12 8EN.

- 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 John Sales against the decision of East Herts Council.
 - The application Ref 3/08/1037/FP, dated 25 May 2008, was refused by notice dated 31 July 2008.
 - The development proposed is a first floor flank extension and new porch.
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Decision

1. I dismiss the appeal.

Main Issue

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

Reasons

3. The proposal includes development at first floor level close to the shared boundary. This would result in a terracing effect that would not be in keeping with the style of property or the wider character of the original layout of this street. The space around and between dwellings is an important element of the character and design of this area. Policy ENV6(b) of the Local Plan specifically refers to the need to retain space to the side of dwellings to safeguard the character of the area and prevent a visually damaging 'terracing' effect. This proposal would result in the form of development that this part of the policy specifically seeks to avoid. It would also be contrary to Policies ENV1 and ENV5 as these require high standards of design that respects the character and appearance of the area.
 4. It was clear from my site visit that many properties in this road have been extended so that the space between them and their neighbour has been entirely eroded at first floor level. There are a number of areas of properties that have little or no gaps at first floor level. Despite this, the individual properties retain their original semi-detached character, albeit that they appear cramped within their plot and in relation to their neighbour. The terracing that has resulted is inappropriate for the design of the properties and it detracts from the character of the street. I can fully appreciate the view of the appellant that given the number and similarity of additions that have been
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allowed and built, that it now seems iniquitous to prevent similar additions to properties that have not benefited from such additional accommodation. However, the policy framework of the adopted Local Plan and indeed the current Government policy document on design matters, *Planning Policy Statement 1: Delivering Sustainable Development* (PPS1) have created a new chapter in terms of the approach to be taken in considering development proposals such as this. Even if the appearance of the area had been entirely changed to a point whereby the important characteristics of the original form of development had been lost, which I do not consider is the case, the guidance would still require that new developments add to the overall character and quality of the area. This would not be achieved by this proposal as it would add to the elements of the street that actually detract from its character.

5. Although reference has been made to more recent developments, I do not have any details of proposals that have been allowed whilst the current policies have been in place. I am advised by the Council that the decisions relating to extensions similar to that now proposed were taken in the 1980's and 1990's. I do not have evidence that the Council has been inconsistent in its approach since the publication of PPS1 or the adoption of the current Local Plan.
6. I have considered all the matters put forward in support of the proposal by the appellant, including his personal family circumstances. However, I do not find that these are sufficient to outweigh the clear policy objection or the further harm to the original character and appearance of the road that would result. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 25 March 2009

by **Shaun J Greaves BA(HONS) DipURP**
MRTPI

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

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Decision date:
26 May 2009

Appeal Ref: APP/J1915/A/08/2091929 29 Moors Ley, Walkern, Herts, SG2 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tony Sewell against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1241/OP, dated 17 April 2008, was refused by notice dated 28 August 2008.
- The development proposed is the erection of a 3 bedroom detached dwelling house with pedestrian and vehicular access.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application to the Council was in outline, with details of access, layout and scale provided at this stage but details relating to appearance and landscaping reserved for later consideration. I have dealt with the proposal on this basis.
3. The description of the proposal by both the appellant and the Council includes the type of application and location of the site on Moors Ley. As this is unnecessary in describing the proposed development I have amended the description of the development accordingly.

Main issue

4. I consider that the main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site forms part of an open corner formed by the side gardens to 27 and 29 Moors Ley at a junction on that road. On the opposite corner of the road, to the east, there is a similar open arrangement.
 6. Although there is a tall boundary hedge both to the front of the appeal site and along the boundary with No. 27, as well as a shed and summer house within the site, the site retains an open appearance that makes a positive contribution to the character of the area.
 7. It is proposed to erect a two-storey dwelling to the side of No. 29 Moors Ley. Part of the front boundary hedge would be removed to provide the double-width vehicular access to the front. Although the appellant has indicated that it
-

is intended to retain the remaining boundary hedge, I note that landscaping is a matter that has been reserved for later approval.

8. Whilst Policy OSV1 of the East Herts Local Plan Second Review 2007 (LP) allows for limited small-scale and infill development within the settlement confines of Category 1 Villages such as Walkern, this is subject to criteria that seek, amongst other things, to protect the character and appearance of the village. LP Policy ENV1 requires all new developments to be of a high standard of design and layout and to complement the existing grain of development.
9. Although the proposed dwelling house would not extend forward of the building lines to both the north and east of the site, and would not be higher than the neighbouring dwellings, it would nevertheless significantly erode the open nature of the site.
10. This open area is mirrored by gardens on the opposite side of the road, to the east. The introduction of a dwelling in this location would unbalance the important effect provided by the side gardens at both corners of this junction on Moors Ley, which give an open character to this part of the street. For this reason I consider that the proposed two-storey dwelling would appear incongruous to the detriment of the character and appearance of the area and would fail to comply with LP Policies OSV1 and ENV1.
11. I note that the appellant considers that the openness around the junction would be preserved because the proposed dwelling would not extend forward of both building lines. Whilst I accept that the part of the side garden closest to the junction would remain, I do not consider that this leads me to the conclusion that the proposal would be acceptable.
12. The appellant referred to recent developments at Moors Ley, Stevens Road and High Street at my site visit. However, I consider that none of these cases are similar in terms of relationship to their surroundings and that they do not set a precedent for the proposed development, which I have considered on its own merits.
13. Although the Council has raised concerns regarding the "bland" eastern elevation of the proposed dwelling, I note that appearance has been reserved for later consideration and therefore this is not a matter before me. The Council has also indicated that the proposal would constitute a cramped form of development. Whilst I do not agree that the site would appear cramped compared to surrounding development, I have found that a dwelling in this location would not be acceptable for the reasons given above.
14. I conclude that the proposed development dwelling house would harm the character and appearance of the surrounding area and would be contrary to LP Policies OSV1 and ENV1. In reaching my decision I have had regard to all other matters raised but none outweigh my conclusion that the appeal should be dismissed.

S J Greaves

INSPECTOR



Appeal Decision

Inquiry held on 18 March 2009

Site visit made on 19 March 2009

by **Nigel Burrows** BA MRTPI

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

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Decision date:
11/05/09

Appeal Ref: APP/J1915/A/08/2086625

Land to the rear of The Wellands, London Road, Spellbrook, Hertfordshire, CM23 4AU

- 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 Cambrils Ltd against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1310/FP, dated 17 July 2008, was refused by notice dated 12 September 2008.
- The development proposed is offices with associated car parking and landscaping.

Decision

1. For the reasons given below, I dismiss the appeal.

Main Issue

2. The appeal site is located on the east side of the A1184 London Road to the north of Spellbrook. There is no dispute that it lies within the Green Belt as defined in the East Herts Local Plan Second Review (2007) and outside any defined settlement.
3. The main issue in this case is whether the proposal constitutes inappropriate development in the Green Belt and, if so, 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 the scheme.

Background

4. The appeal site extends to about 0.204 ha and it is situated to the rear of a recently constructed two storey house, The Wellands. This property is also owned by the appellant, as confirmed in the Design and Access Statement accompanying the application. The site shares vehicular access onto the A1184 with The Wellands. The accessway into the main body of the site curves around the north side of this property.
5. The Wellands forms part of a ribbon of residential properties on this side of the road, which vary in scale and architectural style. The site is bounded to the south by the garden of Rushmead, a two storey house. To the north it is bounded by Greenways, a bungalow, and by a commercial-style building to the rear which is used as a gym and fitness centre. This building forms part of a small group of businesses situated behind Greenways and the two dwellings further to the north. The other businesses include a car repair workshop, a garden machinery sales and service centre, and a surveyor's office. To the east of the site is the mainline railway that runs between Bishops Stortford and London, and beyond is the River Stort and extensive water meadows.
6. The site has the benefit of a Certificate of Lawful Use or Development (CLUD) issued by the Council in 2006 (ref: 3/05/1805/CL) for " mixed storage of pallets, metal containers, portacabins, up to 2 commercial vehicles; plant; machinery; building

materials and for ancillary repairs and sales of these items." The CLUD included part of the land now occupied by the new house on the frontage, which was approved in 2007. This house apparently replaced a ruined bungalow and another structure on the site.

7. The submissions for the appellant indicate that following the acquisition of the site during 2004 it has been tidied up, its surface has been re-laid, boundary fences have been replaced, drainage installed, various items of scrap left by the previous owner have been removed and the activities on the site have been reduced. It is confirmed The Wellands is occupied by the son of the Managing Director of the appellant company, which has led to further tidying up and a lower scale of use on the site.
8. At the time of my visit the site appeared to be used in a relatively low key manner. There were approximately 15 containers of varying sizes in the rear portion of the site. These containers were generally stored near the site boundaries and a number were stacked 2 high, although they appeared to have been arranged so as to minimise their impact on the adjoining properties. There were some bags of what appeared to be ballast stored adjacent to the boundary with Greenways; a few of these projected above the boundary fence. There were also small quantities of builder's materials, pallets and temporary metal fencing stored elsewhere on the site. There was a small amount of plant and equipment including a JCB, a mini-digger, a trailer and 2 cement mixers. There were some vehicles, including 2 lorries, and also a camper van near the boundary with The Wellands. A portacabin type structure had also been placed here, directly alongside the garage serving this property. The central area of the site was generally open and the majority of the stored items were placed around its perimeter.

Reasons

Green Belt Considerations

9. The appellant proposes the erection of an office building of about 620m² together with associated car parking and landscaping on the site. It is common ground between the parties that the proposal constitutes inappropriate development in the Green Belt. I see no reason to disagree. Planning Policy Guidance Note 2 (PPG 2) sets out the presumption against inappropriate development within Green Belts. Paragraph 3.4 indicates the construction of new buildings inside a Green Belt is inappropriate unless it is required for certain specified purposes, none of which apply to the proposal. A new office building would also conflict with the provisions of Local Plan (LP) policy GBC1, which places restraint on development in the Green Belt in similar terms to PPG 2.
10. The appellant's stance is there are considerations that outweigh any harm to the Green Belt arising from the development. The main thrust of the appellant's case is that it is necessary to compare the effect of the lawful use of the site and the proposed office development upon the Green Belt, the character of the area and the amenity of nearby properties. A further consideration advanced by the appellant is that the scheme would meet the Council's objectives of providing employment on previously developed land and would help to avoid the release of more sensitive greenfield sites in the Green Belt.
11. It is common ground between the main parties that the lawful use of the appeal site also constitutes inappropriate development in the Green Belt. At the Inquiry it was suggested the proposed office development is no more inappropriate than the lawful use of the site. Be that as it may, in planning policy terms, the replacement of one inappropriate development by another is not a positive factor in favour of the scheme. Inappropriate development is, by definition, harmful to the Green Belt.

Implications for Openness

12. The proposal involves the erection of a large two storey building extending across the majority of the width of the rear part of the site. According to the Design and Access Statement it would have a ridge height of about 8.7m and it would be comparable in

height to The Wellands, notwithstanding the general fall in levels from the forward part of the site to the rear boundary; it would also be about 0.8m higher than the gym and fitness centre to the north, which is currently the largest scale building in the locality. The aim of Green Belt policy is to maintain openness in perpetuity, whether publicly visible or not. In comparison to the existing comparatively low key use of the site, and bearing in mind the height and arrangement of the items currently stored on the site, I consider this large office building would have a significantly greater impact upon the openness of the Green Belt. The scheme also includes 20 parking spaces between the building and The Wellands. I appreciate these would be laid out within a landscaped area, nevertheless, the parking activities in this area would further diminish openness.

13. The appellant argues that the commercial activities could intensify considerably without contravening the lawful use, as the CLUD simply lists in broad terms the items that can be stored on the site and the activities that can take place without specifying the limit of these activities. Reference is made, amongst other things, to paragraph 8.16 of Annex 8 to Circular 10/97 'Enforcing Planning Control', which indicates it is important that a certificate states the limits of the use at a particular date; they will be a point of reference against which any subsequent change may be assessed. I agree the CLUD issued by the Council lacks precision. For example, it fails to specify how many pallets, containers and portacabins may be stored, or the type and quantity of plant, machinery and building materials, or the physical extent of such storage. Whilst it refers to 'up to 2 commercial vehicles', this gives little idea of the overall traffic movements involved.
14. The submissions for the appellant indicate that if the appeal fails, The Wellands would be vacated and the site would be sold or leased to a firm or firms who could use it on a much more intensive basis within the terms of the CLUD. I accept the general contention that a use realising the full potential of the site could be more harmful to the openness of the Green Belt than the current low key use, especially if a stacking system is introduced for storing items such as containers. However, I am not persuaded that containers could be stacked up to 8 or 12 high on the site as suggested at the Inquiry. I doubt this would be feasible or likely on this site, although I recognise such stacking heights might be common on sites with specialist handling equipment.
15. The evidence of the appellant's planning witness includes photographs of storage activities on the site in the 1980's and 1995. Some of these appear to show containers stored 2 or 3 high near the boundaries. The photographs that were submitted with the application for the CLUD in 2005 are also provided. This application sought to demonstrate the lawful use of the site was as 'a breakers yard, storage depot for containers and general dealers yard', albeit the Council issued the CLUD in the terms set out above in paragraph 6. These photographs show a variety of vehicles parked or stored on the site, a few structures, some containers (none of which are stacked), a forklift, and what appear to be discarded items around the site perimeter.
16. The Planning Statement in support of the application included an image illustrating the potential effect of containers stored on the site. According to the appellant's planning witness these were shown stacked up to 4 containers high. It is reasonable to assume this is intended to illustrate a realistic potential storage height. In any event, it is by no means clear that containers would be stacked to a greater height given the constraints of the site, including its proximity to neighbouring properties and the railway, safety considerations, and the need to maintain parking, circulation and manoeuvring space. Moreover, I am not convinced it would be practicable to have 100% site coverage of stored items without seriously compromising the operational integrity of the site.
17. The height of the proposed office building would be roughly comparable to the height of 3½ containers. There is a possibility that the potential storage on the site, particularly containers, could exceed the height of the building and this storage may well occur around the perimeter of the site for operational reasons. The Council contends that such storage would fall outside the terms of the lawful use. Nevertheless, given the

lack of precision in the CLUD, it might be difficult for the Council to exercise planning control over this activity if it formed part of the overall mixed storage on the site.

18. Any assessment of openness is subjective to some degree, especially in this case where one is not comparing like with like. The appellant indicates the building would occupy about 16% of the site. However, it would be the bulkiest building within the locality and the parking activities associated with it would further erode openness. With respect to the lawful use of the site, the prospect of 100% site coverage of stored items is highly unlikely. Whilst the potential height of some storage might be comparable to, or even exceed the height of the building, I share the Council's view that the effect on openness would be different. The building would have a permanent impact whereas the items stored on the site are likely to be temporary and may fluctuate with greater or lesser implications for openness. This seems to be an inherent feature of such a use. I am not satisfied the proposed development would clearly maintain or enhance openness, even if considered in the context of a more intensive use of the site. Compared to the current low key use it would have a greater impact.

Character of the Area

19. The appellant contends the development would be a visual improvement compared to the lawful use of the site and it would provide positive opportunities for landscaping enhancement. However, it is difficult to escape the impression that the landscape evidence is based, in part, on unrealistic assumptions including 100% site coverage of stored items. Public views into the site are limited. The most significant visual effect of the existing use is mainly confined to views towards the site from London Road between The Wellands and Greenways, from the railway embankment to the north where it is crossed by a public footpath, and from passing trains. Some stored items can be seen over the gates at the site entrance but clear views are only available when the gates are open. The new house and landscaping shield much of the site from public view and have evidently improved the appearance of the road frontage. From the northern viewpoint the gym and fitness centre and the existing trees tend to shield the majority of the site. It would be possible for train passengers to view the rear of the site through the trees on the railway embankment but such views would be fleeting.
20. Taking into account the secluded location of the site adjacent to built development, the site levels, the enclosed boundaries and the adjacent trees and vegetation, I consider that any visual improvement to the overall landscape character of the area arising from the scheme would be limited, even allowing for a potential fluctuation of storage on the site. I accept the scheme would bring about an appreciable improvement in the intrinsic appearance of the site and its biodiversity. However, this would be an expected consequence of redeveloping the site and would not be out of the ordinary compared to any similar redevelopments carried out elsewhere. I consider the visual benefits advanced in favour of the proposal are not so exceptional that they clearly outweigh the significant harm that arises because of its inappropriateness in the Green Belt and its impact on openness. I also note the adjoining residents do not support the scheme and some have expressed concern about the visual impact of the building.

Amenity of Nearby Properties

21. A technical report has been prepared by the appellant's Acoustic Consultant in order to measure and assess the existing and potential noise from the site liable to affect Greenways and Rushmead and compare the predicted noise output from the office development. The traffic along London Road and the railway to the rear are identified in the report as the dominant noise sources affecting the neighbouring properties. Aircraft movements are another significant noise source. The evidence of the Acoustic Consultant is that the current activities on the appeal site also contribute significantly to the noise climate of these properties, mainly due to the impulsive noises associated with the storage and plant maintenance processes carried out including sandblasting.

The Council points out that when the CLUD application was being considered in 2005 an Environmental Health Officer confirmed there had been no complaints of any nuisance concerning the use of the site for as long as records went back. Two complaints were received in 2006 regarding alleged sandblasting, but diary sheets were not completed and no formal action was taken. It is reasonable to assume that either the alleged nuisance ceased or else the complainants were not sufficiently troubled by it to pursue the matter. In any event, notwithstanding the findings of the Acoustic Consultant, there does not appear to be convincing evidence to show the use of the site has, in practice, caused unacceptable noise or disturbance. This may be partly due to the way in which the appellant and previous occupiers of the site have operated the use. It may also reflect the lower scale of use since The Wellands was built. Indeed, some of the nearby residents fear the proposal will significantly increase noise levels.

22. The Acoustic Consultant concludes that if the use continues, the increased levels of activity allowable under the CLUD will lead to major noise disturbance and a likelihood of noise complaints. It is further concluded that the noise from the office development will be significantly less than the existing and potential activities on the site and will not raise the existing baseline noise levels. I appreciate there is no limitation on the hours and frequency of use of the site. Nevertheless, it does not necessarily follow that the site would be used at unsociable hours in the future, or on a 24/7 basis. Furthermore, just because there might be scope for a more intensive use under the terms of the CLUD does not imply that it will inevitably lead to unacceptable noise or disturbance.
23. I have noted the expressions of interest from two companies in particular concerning the yard and the house. I could not discount the possibility they could continue to be linked in terms of ownership, which might result in the commercial use being operated in a reasonably considerate manner. Moreover, the commercial use of the site does not appear to have been regarded as a constraint when planning permission was sought and granted for The Wellands. Planning Policy Guidance Note 24 'Planning and Noise' makes it clear that noise sensitive developments, including residential accommodation, should not be permitted in an area which is or may become subject to high noise levels. It is necessary to consider both the existing situation and also any changes that might reasonably be expected in the foreseeable future. Evidently, the replacement house on the frontage was not considered to be incompatible with the commercial use.
24. I recognise there is a degree of uncertainty about how the site might be used in the future should the appeal be dismissed. However, overall, I am not persuaded that a continuation of the lawful use of the site would inevitably lead to unacceptable noise or disturbance. Whilst there might be some potential benefit to the noise climate of the nearby properties as a result of the proposed office development, in my opinion, this would not be sufficient to outweigh the objections to the scheme that I have identified.

Need for Employment Land

25. The appellant contends that a further benefit of the office development is that it responds to the findings of the East Herts Employment Land and Policy Review undertaken by Halcrow on behalf of the Council. This involved an assessment of existing areas of employment land and future employment requirements for the District. The Council has agreed and published the document as a technical study forming part of the evidence base to inform the Local Development Framework (LDF), and as a basis for informing future decisions concerning employment land and policy.
26. The study examines a range of potential employment growth scenarios, all of which forecast a significant growth in B1 employment; the overall additional need for employment land between 2008 and 2021 is projected to be between 2 ha and 5 ha, as a bare minimum. The Study recommends that careful consideration is given to sites currently in the Green Belt as well as in the Areas of Special Restraint around Bishop's Stortford, in order to safeguard the District's economic growth and competitiveness.

27. The appellant indicates the study also recommends the LDF should include a policy on positive windfall opportunities, so that applications are permitted for employment use on non-allocated sites. However, whilst the appellant derives support from this study, I agree with the Council that it can be given little weight. The indications are the LDF process is at an early stage. The study will, amongst other things, inform the Council's preferred options for its Core Strategy and assist in the formulation of policies for new employment land. The Council has yet to determine how much land will be allocated for employment development or where, when and how this will be delivered. As matters currently stand, the perceived need for employment land does not outweigh the fundamental Green Belt policy objection to office development in this location.

Other Matters

28. The appellant draws support from the Council's decision to allow housing on the former Clam Brummer chemical works in London Road, Spellbrook. Reference is also made to the Council's resolution to grant outline permission for B1 development on the former park and ride car park at Woodside Industrial Estate, Bishop's Stortford. However, in each case, the Council decided there were material considerations that outweighed the harm to the Green Belt arising from the developments. In my view the detailed planning circumstances in those cases are not comparable to the proposal before me.

29. The appellant has cited appeal decisions where material considerations, including the planning history and lawful uses of the appeal sites, were found to justify inappropriate development in the Green Belt. These examples demonstrate that on occasions very special circumstances can exist which outweigh the harm to the Green Belt. The Council has also produced an appeal decision in support of its stance, albeit it relates to a site within the rural area beyond the Green Belt. All of these appeals are of some interest although once again the detailed planning circumstances vary in each case. In any event, a common theme throughout is that the proposals were considered on their individual planning merits. I have considered the proposal before me on this basis.

Summary

30. For the reasons given above, I find that none of the considerations put forward by the appellant, individually or collectively, clearly outweigh the harm caused by the inappropriateness of the development in the Green Belt and loss of openness. Consequently, there are no very special circumstances that would justify the grant of planning permission in this case. The proposal conflicts with the objectives of Local Plan policy GBC1 and with the national planning policy guidance in PPG 2.

31. I have taken into account all the other matters raised in the representations and at the Inquiry, but I find they do not outweigh the main considerations that have led to my decision.

Nigel Burrows

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr James Neill Of Counsel, instructed by East Hertfordshire District Council

He called

Ms Nicola Beyer East Hertfordshire District Council
BA(Hons) MA

FOR THE APPELLANT:

Mr Richard Phillips QC Instructed by Bidwells

He called

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Mrs Miriam Kemp Landscape Planning Ltd, 4 The Courtyards, Phoenix
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Mr Martin Loven H&H Acoustic Consultancy Division, Aldham House,
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DOCUMENTS SUBMITTED AT THE INQUIRY:

- 1 Attendance List
- 2 Draft decision notice ref. 3/08/2037/OP relating to the former park and ride car park, Woodside Industrial Estate, Bishop's Stortford, supplied by the Council
- 3 Planning Officers report concerning application ref. 3/08/2037/OP and minutes of the Planning Committee Meeting, supplied by the Council
- 4 Extract from T & C Planning Act 1990, S.191, supplied by Mr Phillips
- 5 Appeal decision APP/J1915/A/07/2059753, refusal notice ref. 3/07/0864/FP, application drawings and photographs, supplied by the Council
- 6 Site plan accompanying application ref. 3/07/0182, proposed dwelling at The Wellands, supplied by the Council
- 7 Site plan accompanying application ref. 3/05/1805 for a CLUD at The Wellands, supplied by the Council



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Mr Glyn Day
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Your Ref: 3/08/1392/CL
Our Ref: APP/J1915/X/08/2086648
Date: 6 May 2009

Dear Mr Day

Town and Country Planning Act 1990
Appeal by David Ginn
Site at Land Off B1038 , Hare Street Road, Buntingford

I enclose for your information a copy of a letter received on 6 May 2009, withdrawing the above appeal.

I confirm no further action will be taken.

The local inquiry to be held at Council Offices, Wallfields, Pegs Lane, Hertford on 12 May 2009, has been cancelled. Please try to bring this cancellation to the notice of anyone who may have taken note of the inquiry arrangements.

Yours sincerely

pp Kate Vicker

E208D(BPR)

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Appeal Decision

Site visit made on 14 April 2009

by **David Brooks** DipTP MRTPI

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

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Decision date:
14 May 2009

Appeal Ref: APP/J1915/A/09/2095044

27 Haymeads Lane, Bishops Stortford, Hertfordshire, CM23 5JJ

- 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 Harris against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1394/FP, dated 26 July 2008, was refused by notice dated 24 September 2008.
- The development proposed is the erection of a 2-storey rear extension, 2-storey front extension and single storey side extension.

Decision

1. I allow the appeal, and grant planning permission for the erection of a 2-storey rear extension, 2-storey front extension and single storey side extension at 27 Haymeads Lane, Bishops Stortford, Hertfordshire, CM23 5JJ in accordance with the terms of the application, Ref 3/08/1394/FP, dated 26 July 2008, 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings shall be constructed on the north-west elevation of the building.

Main issues

2. The main issue is the effect of the 2-storey rear extension on the living conditions of the occupiers of 25 Haymeads Lane particularly with regard to sunlight and daylight and outlook.

Reasons

3. Haymeads Lane is a residential area and comprises a mixture of dwellings of a variety of styles and ages with, on the north-east side containing the appeal site, mostly detached and semi detached dwellings. 25 Haymeads Lane adjoining the appeal site is the only bungalow in the immediate vicinity. Opposite the appeal site is a recent development of two and three-storey dwellings in terraced blocks.

4. The appeal dwelling is of detached, 2-storey construction and is set back a considerable distance from Haymeads Lane. I share the Council's view that the 2-storey front extension and single storey side extension to the dwelling at the appeal site would be in keeping with the character and appearance of the locality and would not cause any harm to the living conditions of adjoining occupiers not least as 29 Haymeads Lane has a similar front building line. 25 Haymeads Lane is sited closer to the road with its rear elevation in line with a point roughly halfway along the north-eastern elevation of the appeal dwelling. The rear elevation of No 25 features, from the boundary with the appeal site, a window to a room used for storage and as a playroom, patio windows to the main living room and a conservatory projecting out from the bungalow. There is a gap of approximately 2.5m between the side elevations of the dwellings.
5. The proposed 2-storey rear extension would project about 3.5m from the rear of the existing dwelling with a ridge approximately 500mm lower than that of the original dwelling. I recognise that this form of extension would have some impact on the living conditions of the occupiers of 25 Haymeads Lane and that the extension would reduce some direct early morning sunlight received by the rear elevation windows and the conservatory at the bungalow together with parts of the garden. However, in my view, the existing orientation of the bungalow and the dwelling at the appeal property is such that, even now, direct sunlight is only be experienced for a small part of the day. The development would not significantly change the situation.
6. The outlook from the patio windows and conservatory over the garden is to all intents open and unrestricted to the north and east. The north-eastern corner of the extension would be well away from the conservatory in No 25 and over 9m from the centre of the patio windows. It would be within a 45° line from that point as shown in the submitted plans. A line drawn from this point at 45° to the new wall, a measure often used in determining effects on outlook, would not encroach significantly on the rear windows of No 25. In this respect the development would not appear over-dominant in views from the bungalow or from within the garden.
7. For the reasons given above, and taking all other matters into account, I conclude that the proposals would not result in any harm to the living conditions of the occupiers of 25 Haymeads Lane contrary to Policy ENV (d) of the East Herts Local Plan Second Review 2007 and that the appeal should be allowed.

Conditions

8. The Council has suggested a number of conditions all of which I consider appropriate to maintain the character and appearance of the area and protect the living conditions of adjoining and future occupiers. I have however, made amendments to the suggested conditions to ensure compliance with Circular 11/95 : The Use of Conditions in Planning Permission.

David Brooks

INSPECTOR



Appeal Decision

Site visit made on 11 May 2009

by **Zoë Hill** BA(Hons), MRTPI,
DipBldgCons(RICS), IHBC

an Inspector appointed by the Secretary of State
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Decision date:
26 May 2009

Appeal Ref: APP/J1915/A/09/2096858

Plashes Farm, Gore Lane, Colliers End, Hertfordshire SG11 1ES

- 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 Francis Lyons against the decision of East Hertfordshire District Council.
- The application Ref: 3/08/1414/FP, dated 28 July 2008, was refused by notice dated 21 October 2008.
- The development proposed is change of use to provide for the parking of a number of goods vehicles.

Preliminary Matters

1. As set out on the application forms this development has already commenced. I shall therefore deal with the appeal on the basis that it is seeking planning permission retrospectively.
2. The application forms set out that the parking is sought for '12 LGV's and 6 trailers'. During the application process it seems this was altered to 10 large goods vehicles. Although the appellant suggests this could be reduced again to 6 vehicles I shall determine the appeal on the same basis as the Council as this reflects the application scheme upon which others have been consulted.

Decision

3. I dismiss the appeal.

Main Issues

4. The main issues in this case are:
 - (a) the effect of the change of use on the character and appearance of the surrounding rural area,
 - (b) whether the change of use preserves the setting of Plashes Farm, a grade II listed building, and the adjacent barn and stables which are grade II* listed buildings.
 - (c) the effect on highway safety and the free flow of traffic on the surrounding highway network.
-

Reasons

Character and Appearance

5. The appeal site is accessed via a long private drive (about 900m), which traverses agricultural land. That agricultural land is characterised by its undulating landform with areas of woodland, roadside hedges and with attractive villages and isolated farmsteads. The access includes passing bay areas. It is not enclosed by hedges and as a consequence is open to longer distance views, including from the A10. The hardstanding area is a tapering site, situated to the north-east of the farmhouse and associated barns/outbuildings, with woodland to the north. I saw the hardstanding area on a week day when it was not parked up.
6. Although vehicles parked on the site would be partly screened by the barn and woodland, they would be seen in public views from the bridleway network which passes near to the site. In those views parked large good vehicles (and I note it is not clarified as to what size of vehicle this is intended to refer to) would appear discordant in this rural setting. The appellant suggests fencing and hedging could provide screening. However, I do not agree that this screening would be satisfactory given the likely size of vehicles involved and that the access route would need to remain free from obstruction. Moreover any planting would take a significant time to establish and in the meantime the fence, in the position shown on the illustrative plan, would appear incongruous. Furthermore, activity associated with comings and goings of lorries to the site would also be evident to public view. I consider that the proposal would not reflect the rural character of the surrounding area, which PPS7 advises should be preserved for the sake of its intrinsic character and beauty.
7. In this respect I am mindful that the change of use sought would represent a permanent change even if vehicle parking and associated activity is limited to night-time and weekends as the appellant suggests. I consider this change of use to be harmful to the character and appearance of the surrounding area. I do not agree with the appellant that the scheme represents a use which meets a local need, is appropriate to a rural area and assists rural diversification; rather it seems to be a general haulage use which could and should be located elsewhere. With this in mind I concur with the Council that it would fail to accord with policy GBC3 of the East Herts Local Plan Second Review (2007) which sets out uses that are appropriate to a rural area.

Listed Buildings

8. The farm house is an early C17th dwelling, although it may include earlier elements and has later additions. The timber frame structure has been roughcast. The roof is covered in old red clay tiles. The front elevation has sash windows. Its overall appearance and character is derived from its organic growth which creates much of its special architectural and historic interest when its exterior is viewed. The grade II* barn dates from C16th. It is timber framed on a brick sill and is weatherboarded. The steep pitched roof is half hipped at each end and covered in old red flat clay tiles. The lean-to additions include diapered brick work. Taken as a whole, the special architectural and historic interest of these buildings derives from their historic form, from their

intrinsically important vernacular architecture and inter-relationship as a rural group.

9. The appeal site is a level area of land that forms part of the open hardstanding to the north-east of the grade II* barn. As such large goods vehicles parked on the land would be seen in the context of this historic farmstead group and particularly in relation to the barn.
10. Advice in PPG15¹ explains that the setting is often an essential part of the building's character, and that their contribution to the countryside can be lost if they become isolated from their surroundings and it gives the example of separation as a consequence of car parking. Whilst I appreciate that farm yards often include parking for agricultural machinery, it seems to me that parking for a separate haulage use would be considerably different in character, particularly with 10 lorries parked at any one time. Moreover their box like form, size and likely colourful exteriors, would, in my view appear visually intrusive and would severely detract from the pastoral scene which provides such a fine setting for these historic buildings.
11. In addition, gaining access to the parking area would necessitate trips along a visually open driveway, passing the farmstead. Even if the use is limited to parking overnight and weekends, it would, in my opinion, result in such an uncomfortable juxtaposition that it would severely diminish the setting of these historic buildings, the nearest of which is a grade II* listed building and, as so graded, is particularly important to the nations heritage. As such I conclude that the proposed use would neither preserve nor enhance the setting of these listed buildings, but would harm it. Thus I find that the use does not accord with advice in PPG15 or Local Plan policy BH12 which only supports applications that preserve or enhance the setting of listed buildings.

Highway Safety

12. The supporting text to Local Plan policy TR20 explains that even where the amount of additional traffic generated is small, the nature of local rural roads will generally mean that any development will be considered to be detrimental to highway conditions on such roads, especially where new or existing traffic includes heavy goods vehicles.
13. The proposed development would be likely to result in 10 lorries, of unspecified size, leaving and returning to the site each day – Monday to Friday. Although this might seem a modest number, I saw that the public road east from the access to the site is narrow and winding, enclosed in many sections to the sides by hedges, with a highway surface that is deteriorating in parts due to land levels. I also saw that whilst passing places have been created by gradual incursions into the hedging/narrow verges, they allow for vehicles to pass only with care. Even the apparently modest number of vehicles for which permission is now sought, particularly having regard to the fact that they are larger vehicles, is such that I consider that their use of this section of public highway would be likely to have a detrimental effect on the free flow of traffic and thus highway safety in this area.

¹ Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).

14. I recognise that the public highway to the west on exit from the site is wider with better passing place provision and has a better alignment. Whilst the lorries could all travel to/from the site along that section of road (which I understand to be the current situation) this is not a matter that can be secured by condition. In the absence of any other means to restrict the routing of vehicles such that they enter and leave the site only from the west, I consider that the possibility of an increase in large goods vehicles, even of 10 trips each way per day, on the highway to the east of the access could have a significant detrimental effect on highway safety. The fact that other large lorries use the lane in an easterly direction beyond the site access does not, to my mind, justify this development, rather it adds to my concerns. As such I find that the proposal fails to accord with policy TR20 of the Local Plan which resists development that would give rise to a significant change in the amount or type of traffic if the road is poor in terms of width, alignment and construction.

Other Matters

15. The appellant suggests that there are few opportunities for this holding to diversify and that it needs to generate sufficient income to sustain the listed buildings and Plashes Wood, an area of some 72 hectares of broadleaf woodland that is an SSSI. Although there may be limited options available, there is nothing before me to identify the options considered or the economic position of the farm and as such I cannot afford significant weight to such general claims.

16. The Wildlife Trust seeks 2 conditions in the event that permission is granted. Only one of these has been put forward in suggested conditions by the Council (that in relation to protection of the wood and farm pond from pollutants and vehicular damage). The other condition related to restriction of vehicular movements to daylight hours during the amphibian breeding season (February 15 to May 10). This condition was sought to minimise traffic mortality of migrating amphibians. There is nothing before me to suggest that this condition is not necessary. With this in mind during the spring period vehicles would be more likely to be seen travelling to and from the site and parked up on site, thereby further reducing the appellant's claim that vehicles would not have a significant visual impact because of the hours of operation.

Conclusions

17. For the reasons given above I conclude that the appeal should be dismissed.

Zoë Hill

Inspector



Appeal Decisions

Site visit made on 7 April 2009

by **Paul Jackson** B Arch (Hons) RIBA

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Decision date:
05 May 2009

Appeal Refs: APP/J1915/E/08/2090511 & APP/J1915/A/08/2090510 White Hart House, 87 High Street, Buntingford, Herts SG9 9AE

- The appeals are made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent and under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by Mr & Mrs Hale against the decisions of East Hertfordshire District Council.
- The applications Refs 3/08/1421/LB and 3/08/1420/FP, dated 2 August 2008, were refused by notices dated 15 October 2008.
- The development proposed is a two storey rear extension and alterations.

Decision

1. For the reasons given below, the appeals are dismissed.

Reasons

2. The main issue is the effect of the proposed works on the special architectural character and historic interest of the building, which is listed Grade II.
 3. The building is a former inn, now split into 2 dwellings, of which No. 87 is one. The new extension would replace a small 'lean-to' single storey extension and add in its place a new 2 storey gable alongside the existing south wing. Whilst the existing extension is not of high quality, it is subservient and incidental to the simple appearance of the rear elevation. The new extension would be slightly set back from the south wing and a little lower than the existing ridge line, but would be of substantial bulk. In my view, it would appear very similar to the existing rear wing and compete visually with it, diminishing its important contribution to the overall appearance of the building. Although I recognise the reasons for the siting of the flank wall of the extension, the manner in which it would meet the existing jamb of the window of the upper floor en-suite bathroom would appear distinctly cramped and out of keeping and this adds to my concerns.
 4. Moreover, the effective removal of much of the older plain tile roof beneath the central chimney stack would be detrimental to the special interest of the building by removing historic fabric and obscuring its original simple form. In addition, the extent of the alterations to and potential loss of existing structure that would be required to accommodate the proposed roof is unclear, as no details have been provided. Planning Policy Guidance Note 15 *Planning and the Historic Environment* advises at paragraph 3.4 that it is for applicants to justify their proposals and provide full information.
-

5. There is much variety in the design of the rear elevations of neighbouring buildings in the High Street, but there is a limit to the amount of alteration that can be carried out to an individual listed building without loss of special interest. I have had regard to all the other matters raised including photographs of other extensions in the locality but find nothing that compares directly with the proposal or that outweighs my conclusion that the extension proposed would conflict with the design quality and heritage protection aims of policies ENV1, ENV5, ENV6 and BH10 of the East Herts Local Plan Second Review; and with the advice in national guidance contained in PPG15.

Paul Jackson

INSPECTOR



Appeal Decision

Site visit made on 2 April 2009

by **Jennifer Vyse** DipTP DipPBM MRTPI

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Decision date:
8 May 2009

Appeal Ref: APP/J1915/E/09/2093810

72 High Street, Buntingford, Hertfordshire SG9 9AJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Oliver Burke against the decision of East Hertfordshire Council.
- The application No 3/08/1570/LB, dated 28 August 2008, was refused by a notice dated 21 October 2008.
- The works proposed are described as the replacement of single glazing with slimline double glazed units to be fitted within the existing timber frames of the ground floor living room window.

Inspector's Decision

1. For the reasons that follow I dismiss the appeal.

Main Issue

2. The main issue in this case is whether the works proposed would preserve the special architectural and historic interest of this grade II listed building.

Reasons for the Decision

3. No 72 High Street is a Grade II listed, two-storey semi-detached building dating from around the 17th Century that was re-fronted during the 19th Century. It is listed as being of group value with the adjacent property to the north, No 74. The two properties, which lie on the eastern side of the High Street, were previously in use as a tea room/restaurant before conversion to two separate dwellings in 2000. Both have shopfront type windows above a low stallriser. I did not see the rear of the properties during my site visit, although I understand them to have been extended in the past. To my mind however, although the High Street frontages have been altered, they retain a general simplicity, with the shopfront windows acting as a reminder of the historical development of the buildings, contributing to their special interest and to the character and appearance of Buntingford Conservation Area within which the buildings are located.
4. The shopfront window to the appeal property, which is to a living room and is single glazed, is divided vertically into four panes, each separated by a timber mullion. It is proposed to install double glazed units between the existing timber mullions and frame. The Council expresses a preference for secondary glazing and I saw during my visit that a number of other windows facing onto the High Street employ such an arrangement. That is not to say however, that that is the most appropriate arrangement here. For instance, I saw that the reflections of the glazing bars to the frontage windows were clearly visible on

the secondary glazing behind and that the larger panes of secondary glazing had a different inflexion to the smaller panes within the frontages.

5. The appellant has sourced a company that, I am advised, can supply double glazed units comprising two panes of 4mm safety glass with a 10mm sealed gap, the smallest gap that can provide reasonable thermal efficiency. I am mindful in this respect that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, the shopfront windows at the appeal property and its neighbour comprising examples of just such an alteration.
6. I have not been made aware of any historic interest in the existing glass and, subject to appropriate detailing, am satisfied that the works proposed could retain the important historic features of the frontage which give the building its special interest, whilst at the same time improving the living conditions of those who currently occupy the property. In principle therefore, there would be no conflict with advice in Planning Policy Guidance Note 15 'Planning and the Historic Environment', which advice is reflected in policy BH10 of the Local Plan¹. It is critical however, to be sure that the glazing can be carried out in the manner proposed. Whilst the appellant advises that the existing rebates are of sufficient depth to allow for the replacement glazing proposed, no detailed information is before me to this effect, for instance large scale drawings. Since it is precisely those details in my view, on which the proposal stands or falls, I am not satisfied that this is a matter that can safely be left for subsequent approval.
7. For the reasons set out above, I conclude that the appeal should not succeed.

Jennifer A Vyse

INSPECTOR

¹ East Herts Local Plan Second Review – adopted April 2007



Appeal Decision

Site visit made on 19 March 2009

by **Shaun J Greaves BA(HONS) DipURP**
MRTPI

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Decision date:
27 April 2009

Appeal Ref: APP/J1915/A/08/2091135

6 Brookfields, Sawbridgeworth, Hertfordshire, CM21 0EJ

- 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 Trevor Goodchild against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1622/FP, dated 5 September 2008, was refused by notice dated 18 November 2008.
- The development proposed is erection of a new detached garage and conversion of an existing integral garage.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed new garage on the character and appearance of the area.

Reasons

3. The appeal property is a detached dwelling on the north side of Brookfields, which is a cul-de-sac within a residential area. The land rises in a northerly direction from Brookfields and falls away to the south. The site has a tall Beech hedge to the front boundary. The front garden is open and is laid out to lawn with a driveway and turning area.
4. It is proposed to erect a detached garage within the front garden of No. 6. The garage would be built at an angle from the road and about 1m at its closest point from the front boundary. The garage would be about 5m wide by 6m deep and approximately 4.5m high to the ridge of the roof.
5. Although the proposal would be partly screened by the existing boundary hedge, taking into account the absence of other garages in front gardens on this side of Brookfields, the height and bulk of the garage, and the rising nature of the site, I consider that it would appear prominent and incongruous when viewed from the highway.
6. I agree with the Council that the proposed garage in this location would be at odds with the existing grain of development. Consequently the proposal would not comply with the requirements of Policy ENV1 of the East Herts Local Plan Second Review 2007 which seeks to achieve a high standard of design and layout that reflects local distinctiveness.

7. I have had regard to all of the other detached garages that have been built in the vicinity that have been brought to my attention by the appellant. The nearest of these is to the south of the appeal site, within the rear garden of 14 Brook Lane. Unlike the appeal proposal, this garage is at a lower level than Brookfields. Also it is mostly screened by an existing boundary hedge. I consider that the circumstances are not the same as the appeal proposal. The other cases also referred to by the appellant are, in my view, different in respect of their relationship to their surroundings and prominence from the highway from the appeal proposal, which I have considered on its own merits.
8. The Appellant has also referred to an extant planning permission for a garage at 16 Brook Lane but I have not been provided with any details of this case and therefore cannot give this any weight.
9. The cases referred to by the appellant do not alter my view that the proposal would harm the character and appearance of the immediate area.
10. I have taken into account all other matters raised including the additional off-road parking that would be provided by the proposal and that the local Town Council raised no objections. However, I find that none of these considerations outweigh the harm that would be caused to the character and appearance of the area or alter my conclusion that the appeal should be dismissed.

S J Greaves

INSPECTOR



Appeal Decision

Hearing held on 16 April 2009

Site visit made on 16 April 2009

by **K D Barton** BA(Hons) Dip Arch DipArb
RIBA FCI Arb

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Decision date:
15 May 2009

Appeal Ref: APP/J1915/A/08/2091812

Coniston, Conduit Lane, Great Hormead, Hertfordshire SG9 0NU

- 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 Peter Button against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1626/FP, dated 15 September 2008, was refused by notice dated 5 November 2008.
- The development proposed is "retention of existing pre cast concrete kerb and construction of earth bund to cover existing brick wall".

Preliminary Matters

1. The kerb of the appeal scheme has been constructed. I have therefore considered this appeal on the basis that retrospective planning permission is sought for the kerb and that planning permission is sought for an earth bund to cover the existing brick wall.
2. Reference was made to the kerb being on land owned by the County Council. However, that is a legal matter and not for my consideration.

Decision

3. I dismiss the appeal.

Character and Appearance of the Great Hormead Conservation Area

4. The appeal site lies on the north side of Conduit Lane within the Great Hormead Conservation Area. Whilst no Conservation Area Assessment has been submitted, I consider that the village has a rural character with a mix of dwellings, some of which are set closer to the road than others. Fields adjoin the road either side of the village. Within the village, green verges adjoin the road at the eastern end but as it climbs the road begins to cut into the topography such that there are banks topped with hedgerows alongside it. I consider that the banks, hedges and verges make a significant contribution to the soft, green, rural, character and appearance of the Conservation Area. The use of the road by large vehicles also has an impact on the character and appearance with the banks and verges having been eroded in places.
 5. The high kerb that has been installed has a hard, industrial, appearance that is at odds with the soft, green, rural character and appearance of the surrounding area. I accept that the appearance would be softened to some extent if the proposed bund was constructed as it would hide the top of the kerb. Native planting would also be carried out on the bank with the intention of trailing plants hiding the kerb to some extent.
-

6. Some planting has already taken place where the kerb returns into the gateways but adjacent to the road these plants have died back due to the salt spray from vehicles. I conclude that whilst the bund and planting would provide some mitigation to the overall appearance of the boundary treatment adjacent to the road, the kerb would still be visible and would detract from the soft, green, rural, character of the Great Hornead Conservation Area. The overall scheme would, therefore, be contrary to the aims of Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as generally reflected in Policy BH6(a) of the *East Herts Local Plan Second Review (LP)* dated April 2007. In my view, the proposal could not be considered to be a high standard of design reflecting local distinctiveness and consideration for the character and appearance of the locality and so would also be contrary to the objectives of LP Policy ENV1.
7. Reference has been made to the use of large stones, concrete blocks, bollards, and banking constructed from railway sleepers, to protect the verges in the village. I note that these are unauthorised but in any event most are not continuous and they have a more rural appearance in keeping with the character and appearance of the Conservation Area. Although a wall and steps are discernable in photographs of the site frontage taken before the kerb was installed, the kerb could not, in my view, be considered as a restoration of what was there previously. I note that the appellant's planning and highways consultant considers that a high kerb is necessary to reconstruct the bank, notwithstanding the fact that high kerbs are not found elsewhere in the area. Whilst a high edge might be necessary to retain the bank, particularly until the planting become established, the use of railway sleepers elsewhere indicates that a high edging to the road need not be of a hard concrete industrial character.

Highway Safety in terms of Free Flow of Traffic

8. Conduit Lane is part of a 'B' class rural secondary distributor road which, in the vicinity of the appeal site, is subject to a 30mph speed limit. There are no footways, street lighting or road markings over the section adjacent to the site. The Hertfordshire web site indicates that in 2007 an average of 2,000 vehicles passed the site each week day and in 2002 there were around 11 medium and heavy vehicles per hour two way between 07:00 and 13:00. However, the Parish Council maintains that a recent survey at Hare Street, to the west of the village, shows the average speed of vehicles is around 41mph and that there are about 5 HGVs an hour. The width of the road adjacent to the site is such that whilst two cars could pass without encroachment onto the verge, only a small car could pass a heavy goods vehicle. Indeed, the entrance and exit to the appeal site, and the drive to the neighbouring property 'Gelders', are used as lay-bys for passing on a daily basis.
9. I accept that it could be dangerous for drivers of vehicles to attempt to 'bump up' a lower kerb onto the bank, and if meeting HGVs were to encroach onto the banks then they could tilt to a degree where the upper parts of the vehicles clashed. Even if the existing high kerb was perceived as narrowing the carriageway it would still only be possible for a small car to pass a HGV, and two HGVs would be unable to pass regardless of the kerb. Indeed, a perception that the road is slightly narrower might make some drivers take

greater care. I conclude that the installed kerb and proposed earth bund would have no material impact on highway safety and the free flow of traffic.

Other Matters

10. I do not consider that the proposal could be made acceptable by the imposition of conditions. Although the Council has suggested, and the Appellant has expressed his acceptance of, a condition requiring details of the materials of construction, and height, of the kerb to be submitted I consider that this would be a fundamental alteration of the proposal which is a retrospective application for the concrete kerb as installed. I consider that such a condition would therefore be inappropriate.
11. Whilst reference has been made to a previous appeal decision relating to the site (APP/J1915/C/07/2056457 & 2056458 & A/07/2047275 & 2047273) I consider that it is of little relevance as it did not consider the planning merits of the kerb subject of this appeal. However, the Inspector in that case did accept that some form of kerbing might be necessary to secure reinstatement of the bund. I agree with the assessment that a kerb may be necessary to successfully reinstate the bund but do not consider that this justifies the high concrete kerb installed.

Conclusion

12. Notwithstanding my conclusion on highway safety, I consider the detrimental effect the proposal would have on the character and appearance of the Great Hornead Conservation Area to be the determining issue in this appeal.

K D Barton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Peter Trevelyan

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Hertfordshire County Council, Peg's Lane,
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INTERESTED PERSONS:

Marty Kilby

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Mr & Mrs Hihn

Gelders, Conduit Lane, Great Hornead
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copies of Council's Letters of Notification of the Hearing
- 2 Map of Great Hornead Conservation Area



Appeal Decision

Site visit made on 14 April 2009

by **David Brooks** DipTP MRTPI

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

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Decision date:
14 May 2009

Appeal Ref: APP/J1915/A/09/2096131

The Barn, Great Munden, Ware, Hertfordshire, SG11 1HS

- 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 C Rawlin against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1671/FP, dated 22 September 2008, was refused by notice dated 13 November 2008.
- The development proposed is a proposed single storey extension.

Decision

1. I allow the appeal, and grant planning permission for a proposed single storey extension at The Barn, Great Munden, Ware, Hertfordshire, SG11 1HS in accordance with the terms of the application, Ref 3/08/1671/FP, dated 22 September 2008, 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) Prior to the commencement of the development hereby permitted samples of the materials to be used in the external construction of the single storey extension shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with that approval.

Main issue

2. The main issue is the effect of the development on the character and appearance of the buildings at the site and the locality.

Reasons

3. The appeal site lies within a small group of dwellings, located on one side of the road with open fields and countryside opposite and behind, giving a predominately rural character to the area. The site comprises a barn converted to residential use with a detached building to the rear used for storage and garaging on the ground floor and a studio on the first floor within the roof space.
 4. The proposed single storey extension would adjoin the northwest elevation of the converted barn but would be separated from the detached building by a gap of 2m. Further domestic accommodation would be provided in part of the ground floor of the detached building. Other alterations to the accommodation
-

at the site would be carried out internally to an existing single storey building attached to the frontage of the barn. The ground floor level of the extension would be the same as that of the barn but would be over 1.5m lower than floor level of the detached building which sits on higher ground. There is a close boarded fence with an average height of 2m on the south-western site boundary running between the detached building and the barn.

5. Most of the work to the detached building would be internal save for the re-arrangement of an external staircase and the replacement of a garage door with a pedestrian door. I share the Council's view that this work, in addition to that to the single storey building on the frontage, would have no effect on the character and appearance of the existing buildings or the locality.
6. I also consider the effect of the single storey extension on the character and appearance of the existing buildings and the locality would be minimal. The extension would be set down into the ground, screened by the barn, boundary fencing and the detached building sat on higher ground. It would only be visible, partly through a hedge, from a short stretch of the public footpath which follows the north-eastern boundary of the site. I consider the design of the extension and the materials to be used would sympathise with the barn and the detached building. In my view, this would ensure the extension would have a suitably subservient role in the structure and layout of buildings at the site, separate from the detached building, but seen as an extension to the barn. I consider it would cause no harm to the character and appearance of the existing building or the locality.
7. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not be contrary to policies GBC3, ENV1 and ENV5 of the East Herts Local Plan Second Review 2007. I therefore allow the appeal subject to conditions including a requirement to submit details of the design and materials to be used in the construction of the extension, in the interests of the character and appearance of the locality.

David Brooks

INSPECTOR



Appeal Decision

Site visit made on 6 April 2009

by **Peter Eggleton MRTPI**

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

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Decision date:
27 April 2009

Appeal Ref: APP/J1915/A/08/2090985

7 Sunny Hill, Buntingford, Hertfordshire SG9 9HP.

- 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 Sean Fells against the decision of East Herts Council.
- The application Ref 3/08/1675/FP, dated 19 September 2008, was refused by notice dated 19 November 2008.
- The development proposed is a two storey side and rear extension.

Decision

1. I dismiss the appeal.

Main Issue

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

Reasons

3. The properties on both legs of Sunny Hill have a uniform and very distinctive design and layout. These semi-detached houses are well spaced, have a narrow footprint and have steeply pitched roofs which form a dominant feature of their appearance. They also include common detailing which together with their uniform appearance gives this small area of housing a very pleasing and individual character. A number of alterations have been made to these properties and although care has clearly been taken to reduce the impact of these alterations, each has to some extent eroded the original character and uniformity of the design concept.
4. This proposal would increase the width of the rear addition and link it into the main form of the roof. This is perhaps the most common alteration that has been made to other properties. It results in the loss of the narrow footprint but it retains the dominance of the steeply pitched roof. In addition to this however, a side addition is also proposed. A side extension has been added to one of the pair of dwellings to the north but that addition has retained the narrow profile of the host dwelling. It has changed the balance of the pair of dwellings, but it has also retained their overall form and character. This proposed side addition would not reflect the depth, the front building line, the roof pitch or the overall height of the original dwelling. I consider that it would be an unsatisfactory addition that would be entirely out of keeping with the main design characteristics of the house. I do not find that it would be viewed

as a subservient addition as attention would actually be drawn to it as a result of its uncharacteristic design and proportions. The side elevation plan shows a dormer window to the front which is not included on the front elevation. I have assumed the front elevation to be correct.

5. The alterations to the front porch, whilst offering improved accommodation in terms of the entrance, would have a far less satisfactory appearance than the carefully detailed canopy of the original design. Whilst a similar addition has been allowed and built on a different property, I understand that this was prior to the current design requirements of both the Local Plan and Government guidance. The proposed porch would detract further from the character and appearance of the original design of the property. The introduction of roof lights to the front elevation would also detract from the important character of the roof. Whilst some elements of the proposal would not require permission, this fact does not offer support for the intrusive elements that do. Overall, I find this proposal to be poorly conceived. The side addition in particular represents extremely poor design due to its uncharacteristic proportions. Taken together with the other additions and alterations proposed, this development would destroy, almost entirely, the important and pleasing appearance and character of this dwelling.
6. I find the proposal to be harmful to the character of the dwelling and the surrounding area and clearly contrary to the design requirements of Policies ENV1 and ENV5 of the Local Plan. It would also fail to satisfy the aspirations of *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* as this is clear that developments should add to the overall character and quality of the area.
7. I have considered the privacy of the attached residents and the impact of the proposal on their sunlight and outlook. Given the alterations made to the adjacent property, the aspect of these dwellings and the existing levels of overlooking, I do not find that the changes would be sufficient to materially harm their living conditions. I have also considered the privacy of the residents to the rear but given the distances involved and the overlooking that already occurs, I do not find that this proposal would be unacceptably harmful in this respect.
8. I note the comments of the appellant with regard to the advice received prior to the submission of this proposal and also the recommendations of the officers of the Council relating to both this and previous applications on this site. I have taken the above into account along with the other matters raised by the appellant, including the benefits that would result in terms of the improved accommodation for his family and the existence of other extensions in the vicinity. However, I must consider this proposal in the light of the existing policy framework with regard to design. I conclude that the matters put forward by the appellant in support of the development are insufficient to outweigh my concerns with regard to the main issue. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR



Appeal Decision

Site visit made on 14 April 2009

by **David Brooks** DipTP MRTPI

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

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Decision date:
14 May 2009

Appeal Ref: APP/J1915/A/09/2096215

Baytree Lodge, Perry Green, Much Hadham, Hertfordshire, SG10 6EF

- 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 A Anderson against the decision of East Hertfordshire District Council.
- The application Ref 3/08/1734/FP, dated 1 October 2008, was refused by notice dated 17 December 2008.
- The development proposed is a 2-storey side extension and roof extensions to front and rear.

Decision

1. I allow the appeal, and grant planning permission for a 2-storey side extension and roof extensions to front and rear at Baytree Lodge, Perry Green, Much Hadham, Hertfordshire, SG10 6EF in accordance with the terms of the application, Ref 3/08/1734/FP, dated 1 October 2008, 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main issues

2. The main issues are the effect of the development on the character and appearance of the street scene and on the living conditions of the occupiers of adjoining properties in terms of light and privacy.

Reasons

Character and appearance

3. Much Hadham is in a predominately rural location with a dispersed settlement pattern of groups of dwellings separated by countryside. The appeal property is a detached bungalow in the middle of a group of three dwellings with, to the north-west, another detached bungalow (Springfield) and to the south-east, a 2-storey detached thatched cottage (Foxglove Cottage). All three dwellings have similar front and rear building lines and the ground slopes down from the north-west to the south-east across the 3 sites to give a difference of approaching 1m.

4. For clarification, the appeal proposals would involve the main roof of the bungalow being altered to replace hipped gables with full gables facing the road and rear garden but following the existing ridge height and extending only as far as the existing front and rear building lines of the bungalow. A side extension facing the boundary with Foxglove Cottage would be constructed to provide accommodation at ground floor and first floor level. The extension would project out from the bungalow with a hipped roof and a main ridge line slightly lower than that of the existing roof of the bungalow. The elevation of the extension facing the garden would be level with the existing rear elevation of the bungalow. I consider the effect of this work would produce a simplified and coherent appearance to the dwelling not out of keeping with its neighbours or the locality.
5. I recognise that the Council, through the policies of the East Herts Local Plan Second Review 2007, and particularly Policies GBC3 and ENV5, seeks to control inappropriate and harmful development in rural areas. In my view, the work proposed to the bungalow would be proportionate when viewed against the form and size of the existing building and its relationship with its neighbours, which, in any event have, from the evidence, also been extended. The resulting dwelling would relate well to them and be in keeping with the character of its rural location. My conclusion is that the work at the site would not be contrary to the Policies GBC3, ENV1 and ENV5 of the East Herts Local Plan Second Review 2007 which seek to protect the character and appearance of the locality.

Living conditions

6. The main part of Foxglove Cottage would be separated from the side extension by over 9m. There is however, a single storey structure in the space between which accommodates the living room for the property. This has windows to the front elevation and patio windows overlooking the garden to the rear. However, I consider that such is the relationship between the two properties, and in particular, the siting of the front and rear building lines, that the appeal proposals would not be perceived from within the living room. Equally, given that the extensions to the appeal property are to the north-west of Foxglove Cottage, I do not consider that any significant loss of either direct sunlight or daylight would occur in relation to any existing windows in Foxglove Cottage (including the first floor bedroom on the north-western elevation) or to the patio and garden.
7. Springfield is a bungalow which has been extended in several directions at ground floor level and is at a slightly higher level. My attention was drawn to a conservatory built against the side of the bungalow adjoining the boundary with the appeal site and to a secondary high level window facing the side boundary and lighting a front room. I recognise that the extension of the roof of the appeal property to replace the hips with gables, built up to the front and rear building lines, would be perceived from within the conservatory and front room of the property. However, given that the bulk of the roof of the appeal property already has an effect on light received by the conservatory and side window, I consider that the effect of the additional work to extend the roof at the same height would be so great that material harm would be caused to the living conditions of the occupiers.

8. In relation to the question of loss of privacy I note that the extensions to the appeal property would only have rooflights looking over the boundaries on either side of the property. Conventional windows would feature in the front and rear elevations but I consider the effect of these would be no greater than is commonly experienced where first floor windows overlook adjoining gardens.
9. I conclude the proposals would not be contrary to Policy ENV5 of the East Herts Local Plan Second Review 2007 which seeks to protect the living conditions of adjoining residents.

Conditions

10. The Council has suggested 2 conditions which I consider appropriate to maintain the character and appearance of the area. I have however, made amendments to the suggested conditions in the interests of clarity and precision.

Conclusion

11. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be allowed.

David Brooks

INSPECTOR