

controlling development in the Green Belt is reiterated by policy GBC1 of the East Hertfordshire Local Plan.

5. The hide is located on the edge of a grassed paddock in an isolated position some distance away from existing built development associated with the appeal address. I saw that it is a tall structure with the bulk of the hide elevated at a height of some 3.5m above ground level. Although it is partially screened by a neighbouring tree the size of the hide is such that when completed it could accommodate several adults. PPG2 advises that the most important attribute of the Green Belt is its openness. The creation of such a structure, especially in an elevated position where it is be readily visible from the public right of way within the woodland behind and from the pond and its surrounds associated with Briar Cottage, undoubtedly has a significant adverse effect on openness.
6. Although the hide is situated on the edge of mature woodland it provides views in the opposite direction of the grassed paddock and the pond beyond. It is therefore of little value as a hide from which to view wildlife within the woods. Furthermore, there is no evidence before me, or that I saw, that a hide as designed is essential for observing wildlife in the paddock. Taking all these matters into account, I conclude that the proposal therefore represents inappropriate development. Such development would, by definition, be harmful to the Green Belt as described in paragraphs 3.1 and 3.2 of PPG2.

#### *Character and appearance*

7. The hide, in terms of its tall height and isolated position to the rear of existing buildings, is out of character with the linear pattern of development of the small collection of houses of which the appeal site forms a part. The use of felled tree trunks as supporting posts and close boarded timber to form the walls of the hide, whilst sympathetic to its rural setting, is insufficient to overcome the incongruous appearance of a structure of this size and height in such a location. The significant harm caused to the character and appearance of the area would be contrary to policy ENV1 of the Local Plan, and adds further weight against the development. This policy requires the protection of the character and appearance of a locality through high quality design that respects local design features.

#### *Living conditions*

8. The hide is located on the northern edge of the paddock close to its narrowest point in relation to Briar Cottage. The hide faces the curtilage of the Cottage, and whilst its views are partially screened by the foliage of the adjacent tree, I saw that clear views over the Cottage's field pond and of land to its far side some 50-60m away are possible. However, the presence of a close boarded fence and planting along the boundary means that the area of land nearest to the hide, between the site boundary and pond some 20-25m away, is largely hidden from view.
9. The large distance separating the hide from the far side of the pond and the screening provided to the near side of the pond, which will increase as the planting matures, means that the degree of overlooking is insufficient to unacceptably harm the living conditions of the occupiers of Briar Cottage. The separation distance is such that it also means that the structure is not unduly visually intrusive to the occupiers of the Cottage. I conclude that the proposal

would therefore comply with policy ENV1 of the Local Plan. This policy, amongst other matters, seeks also to protect the living conditions of the occupiers of neighbouring buildings from the adverse effects of new development. Notwithstanding my favourable findings on this matter, the smallness of the harm caused is not a matter that weighs in favour of the proposal. It merely provides minimal additional weight against it.

*Other considerations*

10. As I have found the proposal would be harmful to the Green Belt it is necessary to consider the grounds put forward by the appellant, to determine whether there are any material considerations that would amount to very special circumstances that would outweigh this harm.
11. I note that the appellant's young son, Kye, has educational and social needs which the hide may assist in addressing, by allowing him to observe wildlife and talk and write about his experiences. However, as I have described in paragraph 6 the hide has little value in relation to observing wildlife in the woods, and is not essential to viewing wildlife in the paddock. In addition, no evidence has been presented to show that this is the only means by which his interest in wildlife can be encouraged. This is a matter in favour of the proposal therefore to which I attach little weight.

**Conclusions**

12. The benefit of the proposal in relation to the educational and social needs of the appellant's son would not overcome the intrinsic harm to the Green Belt by reason of inappropriateness. I have also found that the proposal would reduce openness. The absence of unacceptable harm to the living conditions of neighbours would not amount to a benefit of the scheme. Clearly, the degree of harm caused would be significant and in comparison the material considerations in favour of the appeal are small. I therefore conclude that very special circumstances do not exist that justify permitting the proposal. As such the hide would be contrary to policies GBC1 and ENV1 of the Local Plan and PPG2.
13. The appellant has suggested a temporary permission of 3 years. However, whilst Circular 11/95 *'The Use of Conditions in Planning Permissions'* advises that a temporary permission might be appropriate where development is contrary to the development plan, it also advises that where the harm that arises cannot be adequately controlled by condition then permission should be refused rather than a temporary permission granted. Given the substantial weight attached to harm by reason of inappropriateness and the fact that such harm cannot be ameliorated by condition a temporary permission is not acceptable. I conclude therefore that the appeal should be dismissed.

*Ian Radcliffe*

Inspector



# Appeal Decision

Site visit made on 25 August 2009

by **Ann Skippers BSc (Hons) MRTPI**

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Decision date:  
23 September 2009

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## Appeal Ref: APP/J1915/A/09/2103574 105B New Road, Ware, Herts SG12 7BY

- 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. James Peet against the decision of East Herts Council.
- The application (Ref: 3/09/0140/FP), dated 16 January 2009, was refused by notice dated 25 March 2009.
- The development proposed is a front wall and gates.

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### Decision

1. I dismiss the appeal.

### Procedural matters

2. I have used the Council's description of the development as I consider this more accurately reflects the proposal. I noted at my site visit that the development has been carried out.

### Main issues

3. There are two main issues in this case. The first is the effect on the character and appearance of the Ware Conservation Area. The second issue is the effect of the development on highway safety.

### Reasons

#### *Character and appearance*

4. No 105B is an imposing semi-detached property located on the western side of New Road just before its junction with Collett Road. A wall of some 1.8m in height has been erected at the back edge of the pavement, rendered and painted white to match the dwelling. The access is closed by a five bar timber gate. The height of the wall and gate reduce across the frontage reflecting the change in gradient of the road as it rises up the hill. At my site visit, I noted that there are a number of low walls and railings along the frontages of properties along this road and in this respect the principle of some form of boundary treatment is acceptable.
  5. The southern part of the wall reflects the height of the adjoining property's boundary treatment and a brick pier that this wall has replaced. Although I consider that the piers are of an appropriate height and design, the section of wall between them appears as a prominent feature out of keeping with the character and appearance of the area because of its height and solid nature. Additionally, the timber gate is a prominent and incongruous feature, inappropriate in this urban location because of its height, five bar design and material.
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6. I consider that a solid wall and timber gate of this nature is out of keeping with the character and appearance of the Ware Conservation Area. This would conflict with Policy BH6 of the East Herts Local Plan Second Review (LP), adopted in 2007, which seeks to ensure development in conservation areas is sympathetic to the character and appearance of the area by reason of its scale, height, proportion, form, materials and siting.
7. On this issue, I find that the development would fail to preserve or enhance the character or appearance of the Ware Conservation Area and would, in fact, be harmful to it.

*Highway safety*

8. The property is close to New Road's junction with Collett Road. At my site visit I noted that the road was heavily trafficked as it is one of the main routes in and out of Ware town centre.
9. Despite the higher land levels within the property boundary, I consider that the height and solid nature of the wall would mean that vehicles exiting the site would have to encroach onto the footway to enable the driver to see other highway users. The wall therefore restricts the visibility of cars exiting the site onto New Road for pedestrians and road users as well as for drivers exiting the site resulting in material harm to highway safety. I acknowledge that a hedge or bush previously existed before this development was carried out and this would have restricted visibility in a similar way. Nonetheless, it is now removed and I do not accept its former existence justifies a permanent reduction in visibility.
10. Turning now to the gate, any vehicle would have to wait in the carriageway whilst the gates were closed or opened because of its siting. This would result in manoeuvres that would result in material harm to highway safety. Furthermore, the width of the existing dropped kerb is smaller than the width of the opening adding to the variety of issues that pedestrians in particular would have to contend with close to this junction. I am also mindful that the access serves two properties which exacerbates the level and frequency of its use. I therefore agree with the conclusions of the Highways Authority that the development would be harmful to highway safety.
11. On this issue, I find that the development would result in material harm to highway safety contrary to the objectives of LP Policy TR2 which assesses highway proposals.
12. I appreciate the appellant's concern and desire to make the property safe and secure. The appellant has drawn my attention to a fallback position which could be carried out as permitted development indicating that it is likely that the development would be retained at a lower height. I accept that such a fallback development could also present its own problems in terms of character and appearance and highway safety. However, whilst the effect on highway safety would not be, in my view, any worse, I consider that in terms of character and appearance the appeal proposal would cause significant additional harm. In these circumstances, I consider that the fallback position does not justify permitting an unacceptable development.

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

*Ann Skippers*

INSPECTOR



# Appeal Decision

Site visit made on 2 September 2009

by **Ian Radcliffe** BSC (Hons) MCIEH DMS

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Decision date:  
11 September 2009

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## Appeal Ref: APP/J1915/A/09/2105213 27 Fordwich Rise, Hertford SG14 2BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Sara Jones against the decision of East Hertfordshire District Council.
- The application Ref 3/09/0348/FP, dated 6 March 2009, was refused by notice dated 15 May 2009.
- The development proposed is a side and rear extension.

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### Procedural matter

1. The parties agreed at the site visit that the appeal concerned the following drawings; 09026/P.01, 09026/P.02, 09026/P.03, 09026/P.04, 09026/P.05. My consideration of the case and my decision is based on these drawings.
2. The description of the development that appears on the decision notice and on the appeal form is a 'two storey rear / side extension and insertion of first floor windows'. I am content that this amended description is better than that which was used on the application form, and I shall use it in the determination of the appeal.

### Decision

3. I allow the appeal, and grant planning permission for a two storey rear / side extension and insertion of first floor windows at 27 Fordwich Rise, Hertford SG14 2BW in accordance with the terms of the application, Ref 3/09/0348/FP, dated 6 March 2009, and the plans listed above, 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 extension hereby permitted shall match those used in the existing building.

### Reasons

4. The appeal proposal seeks to create a loft room as an alteration to the roof of the side and rear extension which is currently under construction. The proposal also seeks to create a slightly wider bay window to the rear, narrower hipped roof 2 storey elements and different fenestration to the flanks of the house. However, the Council does not object to these latter alterations and I have no reason to disagree with this conclusion.
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5. The appeal property is a detached dwelling located in an attractive, mature residential area. In order to create the loft room the height of the roof to the twin gables on either side of the rear elevation would be raised and a crown roof created. As a consequence, the roof ridges on the rear elevation would be level with the main roof for most of its length rather than set down from it as with the existing permission. This alteration would increase the bulk of the roof.
6. When viewed from within the street scene the only view of the enlarged roof would be a glimpsed view of the southern flank between the house and its neighbour, No 29. Given the significantly greater set back of the appeal property from the road than its neighbours, No 27 is not a prominent dwelling within the street scene and so the increase in bulk would not be readily apparent. In support of this I saw that No 29, which is far closer to the road and appears to have had a similar, if smaller, alteration to its roof, has blended in successfully into the street scene. To the rear the mature garden landscaping provides a degree of screening between the back gardens of properties. In combination with the position of the house, recessed further into the plot, this means that neighbours would have minimal views of the increased bulk of the roof.
7. Policies ENV1, ENV5 and ENV6 of the Local Plan require the protection of the character and appearance of a locality through high quality design that respects local design features. I note that the criteria within policy ENV6 normally precludes the use of flat roof extensions that are not on the ground floor. However, the flat roof would largely be concealed from view by its elevated height and the pitched roof to its sides. Therefore, whilst the proposal would be contrary to policies ENV6, and as a consequence ENV5, of the Local Plan, it would cause minimal harm.
8. Taking all these matters into account, I conclude that the proposal whilst increasing the bulk of the roof would be sympathetic to the character and appearance of the dwelling and the street scene. It would also comply with policy ENV1 of the Local Plan.
9. I note that Natural England has identified that there is a potential for bats to be present on the site. However, neither of the 2 local wildlife groups with a local knowledge of bats has suggested that they may be present. Furthermore, the majority of the extension is complete. As a consequence, it would be unreasonable to attach a condition requiring a bat survey at this late stage of construction. In order to ensure that the extension integrates well with the existing house the use of matching external materials is necessary. I have required this by condition.

*Ian Radcliffe*

Inspector



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# Appeal Decision

Site visit made on 3 September 2009

by **Christine Thorby MRTPI, IHBC**

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Decision date:  
10 September 2009

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**Appeal Ref: APP/J1915/D/09/2110104**  
**9 Orchard Close, Ware, SG12 0PY**

- 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 Gee against the decision of East Hertfordshire District Council.
  - The application Ref 3/09/0642/FP, dated 27 April 2009, was refused by notice dated 9 June 2009.
  - The development proposed is a two storey side extension.
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## Decision

1. I dismiss the appeal.

## Main issue

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

## Reasons

3. No 9 is the last house on the south side of Orchard Close, which is a small no-through road. Although the Council are concerned about alterations to the front garden I do not consider that this aspect of the proposal would have much impact on the street scene. However, the proposed extension would almost double the width of the house and I am concerned about its size and appearance. The existing properties along Orchard Close have been carefully designed with a consistent architectural approach taken to window arrangements, the width and depth of the first floors and the provision of mostly single storey garages, which together provide a harmonious and unified character and appearance to the Close.
  4. The proposed extension would make the two storey part of the house wider than others in the street. There would be an excessive amount of brickwork around the new, first floor, front window and it would introduce a double garage with a first floor. The appeal property would be noticeably at odds with prevailing pattern of development and this would be evident from the street. Its overly large size, together with the unsympathetic design would visually overwhelm the other houses along this part of Orchard Close and the proposal would harm the character and appearance of the area. It would therefore fail to comply with the East Herts Local Plan Second Review policies ENV1, ENV5 and ENV6 which seek to protect local character.
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*Other Matters*

5. The proposed extension would be a sufficient distance away from surrounding houses to ensure that neighbours' living conditions would be protected. In my view, there would still be space within the property for the planting of new trees. I have taken into account all other matters raised and none of these would outweigh the harm to the character and appearance of the area as I have set out.

*Christine Thorby*

INSPECTOR