



Appeal Decision

Site visit made on 21 October 2009

by Mrs H M Higenbottam

BA (Hons) MRTPI

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

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Decision date:
4 November 2009

Appeal Ref: APP/J1915/D/09/2111769

15 Oldhall Street, Hertford, Hertfordshire SG14 1QQ

- 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 Karen Baker against the decision of East Hertfordshire District Council.
- The application Ref 3/09/0834/FP, dated 27 May 2009, was refused by notice dated 27 July 2009.
- The development proposed is a two storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue in this case is whether or not the proposed extension would preserve or enhance the character or appearance of the Hertford Conservation Area (CA).

Reasons

3. The CA is a very expansive and varied area encompassing the county town of Hertford. The appeal site is within an area known as 'The Folly' which is characterized by a perimeter block layout with regular rectangular blocks based on a grid. The dwellings comprise two storey terraced properties, with brick under a hipped slate roof. To the north/northeast of the appeal site is open land in use as allotments.
4. No 15 is an end of terrace dwelling which fronts onto Oldhall Street. An important feature of the area is the treatment of the corners of the blocks of terraces. In Oldhall Street the terraces either side of the road are off set from one another. On the northwest side of the road (the appeal site side) the flank elevation of No 15 aligns with the front elevations of properties on Frampton Street. On the southeast side of Oldhall Street, the north-eastern corner of the road is formed by the flank elevation of 17 Frampton Street with the terrace block on the south-eastern side of Oldhall Street off set as a result.
5. The proposed extension would be set back and about half the depth of the existing dwelling. Due to this set back it would not be prominent in views from the southwest, along Oldhall Street.
6. The ridge of the proposed hipped slate roof would be lower than the existing terrace ridge. The proposed window positions and style would respect those on

the existing dwelling. In my view, the design of the proposal would be subservient to the existing terrace and its detailing and use of materials would respect those on the existing dwelling.

7. However, the proposed extension would disrupt the building line of this part of 'The Folly' by projecting beyond the front elevations of dwellings in Frampton Street. Therefore, whilst the scale and form of the proposal would be subservient to the host dwelling, it would be prominent in views along Frampton Street and in views from the allotment land. In my view, it would compromise the historic layout of the area and harm the existing grain of development, resulting in harm the character and appearance of the CA. This would be contrary to Policies ENV1, ENV5 and BH5 of the East Herts Local Plan which require proposals to be of a high standard of design and layout, which complement the existing grain of development and are sympathetic to the siting to the host building, adjacent buildings and the general character and appearance of the CA.
8. For the reasons given above I conclude that the appeal should be dismissed.

Hilda Higenbottam

Inspector



Appeal Decision

Site visit made on 21 October 2009

by **Karen L Ridge** LLB (Hons) MTP

an Inspector appointed by the Secretary of State
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Decision date:
4 November 2009

Appeal Ref: APP/J1915/D/09/2112841

Bayford Hall Cottage, 37 Bayford Lane, Bayford, Hertfordshire SG13 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Fletcher against the decision of East Hertfordshire Council.
- The application Ref. 3/09/0899/FP, dated 11 June 2009, was refused by notice dated 5 August 2009.
- The development proposed is demolition of existing garage and canopy to be replaced with single storey extension and new garage.

Decision

1. I dismiss the appeal.

Main issues

2. The appeal property is within an adopted Green Belt. I therefore consider that the main issues in this appeal are:
 - (i) whether or not the proposed alterations would amount to inappropriate development in the Green Belt,
 - (ii) the effect of the proposal on the openness of the Green Belt
 - (iii) the effect of the proposal on the visual amenity of the Green Belt and on the character and appearance of the local area, and
 - (iv) in the event that the proposal is inappropriate development, whether any material considerations in favour of the proposal clearly outweigh any harm identified, thereby justifying the grant of planning permission on the basis of very special circumstances.

Reasons

Whether or not the proposal constitutes inappropriate development

3. National guidance within Planning Policy Guidance 2- *Green Belts* (PPG 2) seeks to control development within Green Belts and it sets out a general presumption against inappropriate development. Paragraphs 3.4 and 3.6 of PPG 2 further provide that limited extensions to existing dwellings will not amount to inappropriate development provided the extension would not result in a disproportionate addition over and above the size of the original dwelling.

This national advice is reflected in policies GBC1 and ENV5 of the East Hertfordshire Local Plan Second Review (LP), adopted in April 2007.

4. The appeal property comprises one half of a pair of semi-detached properties located within a predominantly rural location. This modest, two storey roadside dwelling has previously been extended by the addition of a part two storey, part one storey extension to the side which is set back from the front elevation of the house. An existing detached garage located to the side of the house is linked to the house by a covered walkway/canopy which presents as a 2.8m brick wall with a small pitched roof when viewed from the road. A separate stable building is located closer to the roadside, to the north of the property and garage.
5. The proposal is to demolish the existing garage, stables and walkway/canopy and replace them with a new detached garage and a single storey extension to the side of the house. In its report the Council states that the existing floor area of the property is 110m² and that the cumulative extensions combined with the proposal would result in an additional increase of some 110m². This is somewhat confusing given that a figure for the floor area of the **original** dwelling (prior to it being extended) is not provided and the comparison should be between the original dwelling and the cumulative additions which include the appeal proposal. Neither do the Council indicate whether or not the walkway/canopy is included in these figures.
6. For the above reasons I cannot therefore be certain as to the figure for the floor area of the original dwelling. Be that as it may, it is apparent that, given the extensions which have already taken place, the floor area of the original dwelling would have been significantly less than the 110m² of floorspace which currently exists. If the cumulative additions (including the appeal proposal) are in the order of 110m², then, if the appeal proposal was allowed, the original dwelling would have more than doubled in size notwithstanding the removal of the walkway/canopy. This is confirmed by a visual inspection of the submitted plans.
7. I note that the appellant points out that the floor area of the new extension over and above the footprint of the walkway extension would be in the region of 22m² but this fails to take into account the additions which have already taken place. The appellant also seeks to argue that the demolition of the stables should be taken into account when considering the increase in the size of the original dwelling. However, the stables are entirely separate from the dwelling, have never formed part of it and I do not consider that they should be included in any assessment as to the increase in the size of the house.
8. I accept that percentage calculations relating to floor area on their own do not provide a full picture with regard to the assessment of whether or not the additions are disproportionate to the original dwelling. However, in this case the single storey extension would be materially taller than the existing walkway and would materially increase the bulk and mass of the dwelling. This extension would be in addition to the two storey side extension which currently exists and which was a significant addition to the bulk and mass of the original property. The existing garage is detached and I have not taken it into account in my assessment. In any event I have noted that the replacement garage

would occupy a similar footprint to the one to be demolished although it would be taller.

9. Taking all of the above matters into consideration I am of the firm opinion that the proposal when considered with the earlier extensions would result in a disproportionate addition over and above the size of the **original** dwelling. Therefore the proposal is contrary to policies GBC1 and ENV5 and it would constitute inappropriate development within the Green Belt. PPG 2 makes it clear that inappropriate development is, by definition, harmful to the Green Belt and that significant weight should be given to the harm by way of inappropriateness.

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

10. In considering the effect of the proposal on openness I note that the existing stables, garage and walkway/canopy would be demolished to be replaced with the single storey extension and replacement garage. Whilst I consider that there would be a small reduction in the footprint of built development, I note that the side extension would be taller than the walkway and the proposed garage would also be taller than that which currently exists. These elements would be of greater bulk and mass than the elements which they would replace although of course the stables would also be demolished.
11. On balance, I consider that there would not be a material impact on the openness of the Green Belt. The appellant asserts that if there is no harm to openness then the proposal does not constitute inappropriate development but I disagree. Harm by way of inappropriateness and harm to the openness are distinct and a lack of harm to openness does not mean that a development is not inappropriate.

The effect of the proposal on the character visual amenity of the Green Belt and on the character and appearance of the local area

12. Whilst the stable building is closer to the road frontage, it is screened by a hedge and is a fairly low building which is inconspicuous and in keeping with the rural area. The addition of a prominent single storey extension alongside a two-storey extension would transform what was originally a modest roadside cottage into a substantial dwelling with a more urban appearance. The effect would be exacerbated by a taller and more conspicuous detached garage. For these reasons, I conclude that the proposal would be detrimental to both the visual amenity of the Green Belt and the character and appearance of the host dwelling and the local area. This is contrary to the policy objectives within PPG 2 and the LP.

Other material considerations in favour of the proposal clearly outweigh any harm identified, thereby justifying the grant of planning permission on the basis of very special circumstances

13. I have concluded that the extension would constitute inappropriate development in the Green Belt and that there would be some harm to the visual amenity of the Green Belt and to the character and appearance of the local area. I attribute significant weight to this harm. The appellant contends that if the stable buildings are taken into account then there would be no increase in floor area above either the existing or original dwelling. This may be so in relation to the existing dwelling but of course the original dwelling has

already been extended and I have set out above my approach to the demolition of the stable building in assessing whether or not the development is inappropriate. These matters do not outweigh the harm which I have identified.

14. In the absence of any other material considerations in favour of the proposal I conclude that the harm to the Green Belt is overriding. Very special circumstances do not exist and the appeal should be dismissed.

Karen L Ridge

INSPECTOR



Appeal Decision

Site visit made on 16 November 2009

by **Howard Rose** DMS DipTP MRTPI
MCIWM

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

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Decision date:
24 November 2009

Appeal Ref: APP/J1915/D/09/2114768

Ashdene, The Ford, Little Hadham, Ware, SG11 2AY

- 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 Stitton against the decision of East Hertfordshire District Council.
- The application Ref. 3/09/1119/FP, dated 20 July 2009, was refused by notice dated 7 September 2009.
- The development proposed is a store extension to the existing garage.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this appeal, having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is whether the proposed development would preserve or enhance the character or appearance of this part of the Hadham Ford Conservation Area and, hence, the Conservation Area as a whole.

Reasons

3. The appeal property is a substantial detached dwelling on the west side of the main road through the village. It is set back a short distance from the road and has frontage to a track which provides access to the property. It is within the Hadham Ford Conservation Area which, in the locality of the appeal site, consists of a range of types and ages of dwelling in an open rural setting.
4. At the front of the appeal site is a double garage with its gable end facing the track which is set back some 2 metres behind a brick wall, which forms the front boundary of the plot. The intention is to fill the space between the garage and the wall with a store attached to the garage. It would reflect the profile of the garage with a lower ridge height but, because of the limited space, it would have a splayed gable end facing the track.
5. The existing garage is already a substantial structure which, with the boundary wall, forms a dominant feature in the open rural setting of the track. The addition of the proposed store would appear as a cramped addition so close to the frontage of the site. In the sensitive surroundings of the Conservation Area, I consider that it would detract undesirably from the rural nature of the locality. The Council also makes the point that the proposed store, because of its proximity to the wall, would provide no opportunity for a replacement

hedgerow behind the wall in order to soften the visual impact of the proposed development on the approach to the track.

6. Notwithstanding the view of the appellant that there would be ample space within the area between the front corner of the proposed store extension and the access and between the side of the extension and the boundary wall to plant soft landscaping, I am not persuaded that this would be sufficient to overcome the cramped visual appearance of the store behind the wall. This adds weight to my assessment of the objectionable nature of the proposal. These things being so, I consider that the proposal would be contrary to policy BH6 of the adopted East Hertfordshire Local Plan Second Review which indicates that new development in Conservation Areas will only be permitted where it is sympathetic to the general character or appearance of the area. Consequently, I find that the proposed development would not preserve or enhance the character or appearance of this part of the Hadham Ford Conservation Area and, hence, the Conservation Area as a whole.
7. The proposal, therefore, would not accord with the development plan and there are no material considerations which would suggest a different outcome. I have taken account of all other matters raised but they do not outweigh the main considerations that have led me to my decision. For the reasons given above I conclude that the appeal should be dismissed.

Howard Rose

INSPECTOR