



Appeal Decision

Site visit made on 25 May 2010

by **C J Ball** RIBA IHBC FRSA

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

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Decision date:
14 June 2010

Appeal Ref: APP/J1915/A/09/2113707
31 Nightingales, Bishop's Stortford CM23 5JQ

- 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 Dean Thompson against the decision of East Hertfordshire District Council.
- The application Ref 3/09/0838/FP, dated 28 May 2009, was refused by notice dated 23 July 2009.
- The development proposed is the subdivision of a 3-bedroom second floor flat to form 2 1-bedroom flats.

Decision

1. I allow the appeal, and grant planning permission for the subdivision of a 3-bedroom second floor flat to form 2 1-bedroom flats at 31 Nightingales, Bishop's Stortford in accordance with the terms of the application Ref 3/09/0838/FP, dated 28 May 2009, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans numbered 1 and 2.

Preliminary matters

2. The building is a former workhouse and is listed grade II for its special architectural and historic interest. It was converted to flats in 2002. I note that listed building consent has been granted for the subdivision and internal alterations necessary for the proposed conversion. There is no objection in principle to the loss of a 3-bedroom flat or its conversion to 2 1-bedroom flats.

Main issue

3. The main issue in this appeal is the effect the proposal would have on parking provision and highway safety.

Reasons

4. The building is part of a much larger residential redevelopment of the former Herts and Essex General Hospital site, which includes conversions and new build dwellings. There is parking provision for the workhouse block, and some adjacent buildings, in a number of separate enclosures within the wings of the block. Although the appellant initially considered that all the parking was communally shared on an unallocated basis, as did the Council, following
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representations from an objector he now accepts that parking space was originally allocated to the flats. He cannot now determine what was allocated to No.31 or where it is. I saw that the car parks are not marked out in any way, making it difficult for residents to claim an allocated space.

5. The Council indicates that, when the site was redeveloped, an overall parking provision of 1.2 spaces per unit was made. This figure, reduced from the maximum requirement level, presumably reflects the proximity of the development to the town centre shops, public transport and other facilities. It may also indicate that larger dwellings were allocated more spaces, but that is not clear - one objector insists that each unit was allocated 1 space while another objector, who owns a 3-bedroom flat, indicates that he has more than 1 space.
6. I shall therefore look at the problem in practical terms. It seems to me that there would be little difference in overall car ownership, trip generation or visitors generated by 1 3-bedroom flat, which could be occupied by up to 6 people, and those generated by 2 1-bedroom flats, occupied by up to 4 people. The demand on parking is therefore unlikely to change. I note that this is the view taken by the highway authority. In my view, this proposal would not have a significant effect on current parking arrangements or increase the danger of accident.
7. The Council's main concern is that this conversion would set an undesirable precedent for similar subdivisions which cumulatively could lead to insufficient parking provision. The Council has not referred me to any specific locations where similar subdivisions could be made. The appellant advises, and the Council has not indicated otherwise, that there are only 2 similar 3-bedroom flats in the block, on the floors immediately below this one. I understand that, for different reasons, both are unlikely to be capable of similar subdivision. This proposal is therefore unlikely to set any specific and realistic precedent. I note that the Council has recently refused an application to convert a 3-bedroom flat into 2 2-bedroom flats. That would clearly result in an increase in the number of bedrooms and the overall number of occupiers, and thus a likely increase in car ownership, so is not comparable to this proposal.
8. Overall I consider that, particularly given the sustainable location of the site and ready access to modes of transport other than the private car, the proposed flat conversion in this specific location would not conflict with the objectives of Local Plan Policy TR7. I find that the proposal would have no adverse effect on parking provision and highway safety. For the reasons given above I conclude that the appeal should be allowed. As well as the standard time condition, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

Colin Ball

Inspector



Appeal Decision

Site visit made on 18 May 2010

by **J A B Gresty MA MRICS**

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Decision date:
8 June 2010

Appeal Ref: APP/J1915/A/10/2119897

Land Adjoining 10 & 11 Broadoak End, Hertford SG14 2JA

- 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 Oakwater Homes Ltd against the decision of East Hertfordshire District Council.
- The application Ref 3/09/1686/FP, dated 21 October 2009, was refused by notice dated 16 December 2009.
- The development proposed is the change of use of land from agricultural to residential.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider there to be three main issues in this case:
 - Whether the proposed development would be inappropriate development for the purposes of PPG2.
 - The effect of the development on the openness of the Green Belt and the character and appearance of the locality.
 - Whether any 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 development.

Reasons

3. The appeal site is situated in the Metropolitan Green Belt. Paragraph 3.12 of Planning Policy Guidance: *Green Belts* (PPG2) establishes that engineering, other operations and the making of any material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The proposed development is for the inclusion of an area of agricultural land within the curtilage of 10 & 11 Broadoak End. At the time of inspection the proposed development of the site had been started. A large proportion of the land had recently been covered by a layer of hard core. Another part of the site had been fenced off from the parcel of land it previously formed part of and cultivated for grassing down.
4. The appellant's supporting documents indicate that the main part of the site to the south of the dwellings would be used as a car parking area to include the construction of two car ports. Whilst the laying of hardcore has a limited effect on the openness of the Green Belt, it is inevitable that cars parked on the site

and construction of domestic structures would reduce the openness of the Green Belt. Also, PPG2 indicates that one of the purposes of including land in the Green Belt is to safeguard the countryside from encroachment. In this case the enlargement of the curtilage of the two dwellings results in an extension of the residential area into the countryside. Consequently the appeal scheme would not maintain openness and it would conflict with the purposes of including land within the Green Belt and I conclude that the appeal proposal would be inappropriate development for the purposes of PPG2 and Policy GBC1 of the East Herts Local Plan Second Review (LP).

5. Inappropriate development is by definition harmful to the Green Belt. Paragraph 1.4 of PPG2 states that the most important attribute of Green Belts is their openness. The development would reduce the openness of the Green Belt and would be harmful to it. Consequently it is necessary to consider whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. Although there are a number of dwellings nearby, the site is in a predominantly rural location. The surrounding area is characterised by a rolling landscape with small fields enclosed by hedges and woodland. Although the bulk of the site is located towards the bottom of a slope, it is visible from various locations nearby and would be especially open to view in winter when the trees and hedges have lost their leaves. The domestic use of the site, including the parking of cars and the keeping of general domestic items, would add to the further prominence of the site in the landscape. Consequently I conclude that the development would result in a reduction in the rural character and appearance of the locality, contrary to the aims of LP Policies GBC1 and ENV7.
7. Plans supplied by the appellant indicate that the original intention was to construct a parking area within the existing curtilage of the two houses. This parking area would be on higher ground than the appeal site and potentially more easily seen from outside the appeal site. However the houses would act as a back drop to the parking area and in my view use of the existing curtilage of the houses for parking would not be significantly more prominent in the landscape than use of the appeal site below it. I give little weight to the appellant's contention that the proposed development would result in vehicles being parked in a less prominent location.
8. The appeal site is small and on its own is not large enough for independent commercial agricultural use. However a piece of land of this size and type could be used in conjunction with other farmland, for example as a small area of grazing. I conclude that development of the land is not unavoidable and that it would be contrary to the provisions of LP Policy GBC12 in this respect.
9. The harms caused by the inappropriateness of the proposed development and its effect on openness of the Green Belt carry substantial weight. In contrast, I find that the other considerations carry limited weight in favour of the development. For the reasons given above, and having regard to all matters raised, in my view there are no considerations that, when taken together, clearly outweigh the harm to the Green Belt and the development does not meet the requirements for new development in the Green Belt as set out in PPG2 and LP Policies GBC1 and ENV7. Therefore, there are no very special

circumstances to justify the development and I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR



Appeal Decision

Site visit made on 3 June 2010

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

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for Communities and Local Government

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Decision date:
10 June 2010

Appeal Ref: APP/J1915/D/10/2126271

15 Channoeks Lane, Gilston, Harlow CM20 2RL.

- 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 Shaun Lloyd against the decision of East Hertfordshire District Council.
 - The application Ref 3/09/1852/FP, dated 16 November 2009, was refused by notice dated 19 January 2010.
 - The development proposed is a two storey side and rear extensions.
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Decision

1. I dismiss the appeal.

Main issues

2. The main issues are;
 - whether the proposal is inappropriate development for the purposes of Planning Policy Guidance Note 2: 'Green Belts' (PPG2) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the dwelling and area; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. PPG2 advises that the limited extension of existing dwellings, which does not result in a disproportionate addition over and above the size of the original building, is not inappropriate development. Policies GBC1 and ENV5 of the East Hertfordshire Local Plan reiterate this approach to controlling development in the Green Belt.
 4. The appeal property is a detached dwelling. An extant permission for extensions to the house would approximately double its floor area. In my estimate, the proposed two storey side and rear extensions to the property would result in a far greater increase in the floor area and volume of the house
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of approximately 240%. Such an increase could not reasonably be considered to be proportionate to the size of the house. I therefore conclude that the proposal would be a disproportionate addition over and above the size of the original dwelling, contrary to policies GBC1 and ENV5 of the Local Plan. The proposal therefore also represents inappropriate development and such development would, by definition, be harmful to the Green Belt as described in paragraphs 3.1 and 3.2 of PPG2.

Openness

5. PPG2 advises that the most important attribute of the Green Belt is its openness. The proposal in increasing the width of the house by approximately a half and the length of the dwelling by close to 75% would result in a noticeable increase in the scale, bulk and site coverage of the property. The overall effect would be of a significantly larger, more visually intrusive dwelling.
6. The screening afforded by the trees along the western boundary would mean that the extended house and the reduction in openness would not be clearly seen from the road approaching the appeal site. In addition, whilst the setback of the detached garage would allow the bulk of the eastern side of the extended property to be visible when leaving the hamlet by road this could be overcome in time by the planting of a screen. Notwithstanding these findings, the fundamental aim of Green Belt policy is to keep land permanently open by not building upon it or strictly controlling the extent of new building. For this reason, obscuring development from view has little effect on reducing the adverse impact of the proposal on the openness of the Green Belt. The proposal would therefore also cause harm to openness. This additional harm to the Green Belt adds further weight against the proposal.

Character and appearance

7. Owing to the large size of the appeal site there would be sufficient space around the extended house for it to be comfortably set without appearing cramped. In keeping with the existing design of the house the proposal would include gables on all 4 elevations. This would provide relief to the long flanks of the house and in conjunction with the use of dormers would add visual interest. The proposal would also result in the removal of an unsympathetic flat roof extension and timber boarded external wall. The matching architectural style and the use of appropriate materials would further complement the appearance of the dwelling and is a matter which could be controlled by condition.
8. Taking all these matters into account, the proposal would therefore complement the character and appearance of the house and nearby dwellings in the hamlet. As a consequence, it would comply with policies ENV1 and ENV5 of the Local Plan which requires a high standard of design for new development. Nevertheless, the absence of harm in relation to this issue does not weigh in favour of the proposal. It merely provides no further weight against it.

Other considerations

9. I have found that the proposal would be harmful to the Green Belt. It is therefore 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.

Other extended houses nearby

10. The redevelopment of No 17 to create a 5 bedroom property and the extension of 'Little Park' nearby has been cited by the appellant in support of the appeal. It is an accepted principle that each planning application must be assessed on its merits and in the absence, other than the supplied plans and photographs, of any further information on these developments I am unable to draw any meaningful comparisons with the proposed development. The existence of these dwellings is therefore a matter to which I attach little weight in favour of the proposal.

Personal circumstances

11. The appellant's partner's family has lived in the house for 3 generations. The health of the appellant's step father has deteriorated and the mother of the appellant needs assistance in caring for him. The extended property would allow both to live with the appellant, his partner and their children. However, while I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained within the companion guide to Planning Policy Statement 1, 'The Planning System: General Principles'. It indicates that personal circumstances seldom outweigh more general planning considerations, particularly where it is probable that the proposal would remain long after the current personal circumstances cease to be material.

Conclusions

12. The harm by reason of inappropriateness is substantial. This harm is added to by the reduction in openness which would occur. Clearly the degree of harm would be significant and in comparison the material considerations in favour of the proposal are small. I therefore conclude that very special circumstances do not exist that justify granting permission for the development. As such the development would be contrary to policies GBC1 and ENV5 of the Local Plan and PPG2.

Ian Radcliffe

Inspector



Appeal Decision

Site visit made on 25 May 2010

by **C J Ball** RIBA IHBC FRSA

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Decision date:
4 June 2010

Appeal Ref: APP/J1915/D/10/2126400
7 Shangani Road, Bishop's Stortford CM23 3JP

- 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 Tamayo against the decision of East Hertfordshire District Council.
- The application Ref 3/09/2058/FP, dated 16 December 2009, was refused by notice dated 11 February 2010.
- The development proposed is described as a 2-storey side extension and first floor rear extension.

Decision

1. I allow the appeal, and grant planning permission for a 2-storey side extension and first floor rear extension, front bay window and side porch at 7 Shangani Road, Bishop's Stortford in accordance with the terms of the application Ref 3/09/2058/FP, dated 16 December 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PT0709/1A.
 - 3) 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.
 - 4) Notwithstanding condition 2 no development shall take place until details of the position and layout of the windows to the side elevation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary matters

2. The application includes a front bay window and a side porch so I have adjusted the description to include them. The Council has no objection to these 2 additions so I shall concentrate on the extensions.

Main issue

3. The main issue in this case is the effect the proposed extensions would have on the character and appearance of the existing dwelling and the wider area.
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Reasons

4. The property is a 2-storey semi-detached house in a row of other similar properties, within a larger estate. The pairs of houses are set at an angle to the road and are staggered in plan relationship. Many appear to have been altered or extended at the rear. No.7 has a narrow rear flat-roofed 2-storey tenement, housing a bedroom above a kitchen. There is a single storey flat-roofed bathroom extension off the kitchen. This is a poor arrangement in comparison to modern living standards. It is also visually unattractive in the outlook from surrounding houses.
5. I saw that No.5, the other half of the semi-detached pair, has been altered and extended to include a full width 2-storey pitched roof extension, with a small single storey pitched roof extension beyond that. No.9, the neighbouring house of the pair to the north, has also been altered and extended to include a full width mainly 2-storey pitched roof extension.
6. The proposal essentially involves building another storey above the bathroom area and extending the tenement sideways to the full width of the property. This would provide a larger bedroom and first floor bathroom, with an enlarged kitchen. The resulting extension would project no further into the garden than the existing building. The new pitched roof would match that of No.5. The Council acknowledges that there would be no impact on the amenity of neighbours.
7. In my view this proposal would not only provide improved accommodation but would also substantially improve the appearance of the house. There would thus be an improvement in the outlook from the surrounding houses. The pair of semi-detached houses – Nos. 5 and 7 – both with matching pitched roof extensions at the rear, would be more or less symmetrical in form. The longer 2-storey side elevation, at least 1.8 metres from a similar wall at No.9, would not result in an unacceptable canyon effect or an incongruous increase in visual bulk, as is demonstrated by similar arrangements at nearby houses. While the first floor element would project perhaps 1.4 metres beyond the adjacent first floor, I do not consider that this would seriously disrupt the local pattern of development.
8. I consider that the proposal would reflect the prevailing grain of development, relating well to the massing and height of the existing and surrounding buildings, so that it would meet the objectives of Local Plan policy ENV1. The character, appearance and amenities of the dwelling itself and the adjoining and adjacent dwellings would not be significantly affected to their detriment so the proposal would comply with Policy ENV5. The extensions have been designed to meet the criteria of Policy ENV6.
9. I therefore find that the proposed extensions would have no unacceptably harmful effect on the character and appearance of the existing dwelling or the wider area. For the reasons given above I conclude that the appeal should be allowed, subject to appropriate conditions.
10. As well as the standard time condition, the Council suggest a condition requiring matching materials. This seems to me to be necessary to ensure a high standard of design which reflects local distinctiveness, as required by Policy ENV1. I agree with the Council that the arrangement of the windows in

the side elevation has not been adequately considered. Since the overall form of the development is acceptable, I agree that this can be reconsidered by imposing a condition to submit further details, as suggested by the appellant. Otherwise than as required by this condition, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

Colin Ball

Inspector



Appeal Decision

Site visit made on 8 June 2010

by **J D Westbrook** BSc(hons) MSc MRTPI

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Decision date:
14 June 2010

Appeal Ref: APP/J1915/D/10/2127136 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 3/10/0107/FP, dated 19 January 2010, was refused by notice dated 16 March 2010.
- The development proposed is a part two-storey side and single storey front/side extension.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue in this case to be the effect of the proposed extensions on the character and appearance of Orchard Close.

Reasons

3. The appeal site (No 9) is situated at the northern end of Orchard Close. At this point, the road turns to the north-west such that Nos 8 – 12 form a small group of detached houses at the head of the cul-de-sac. In a recent appeal decision (ref: APP/J1915/D/09/2110104) relating to No 9, the inspector noted that "the existing properties along Orchard Close have been carefully designed with a consistent architectural approach taken to window arrangements, the width and depth of first floors, and the provision of mostly single garages, which together provide a harmonious and unified character and appearance to the close". I concur with that view, and would stress the particular degree of symmetry and balance with regard to Nos 8 – 11.
 4. No 9 is a two-storey, double fronted house with a central door. There is a ground floor room extending forward from the main elevation with a single storey garage continuing that elevation to the side of the house. The proposal would involve the sideways extension of the house. The existing garage would be largely replaced with a store room, and a new single-storey garage would be added to the north-west, with living accommodation to the rear. There would be a two-storey side extension, the front portion of which would be a first floor addition above the position of the existing garage.
 5. In my opinion, the proposed extensions would present an unbalanced, unsympathetic façade to the otherwise symmetrical appearance at the head of the cul-de-sac. The first floor extension at the front would be set back
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approximately 0.5 metres from the main elevation whilst the roof ridge would be just a few centimetres below that of the main ridge of the house. The side wall of the extension would be aligned somewhat awkwardly above the mid section of the garage door. There would be an imbalance in window sizes and positions when compared with those of the neighbouring dwellings on either side of the road. There would also be an uncharacteristically complex relationship between elements of the roofs above both ground and first floor parts of the extension, particularly at the transition from the existing house.

6. I consider that the overall effect would be one where the extension appeared neither subservient to the main dwelling, nor sympathetic to its current balanced design. I conclude, therefore, that the proposed extensions, by virtue of their scale and unsympathetic design, would be harmful to the character and appearance of Orchard Close, and in particular to the symmetry and balance of that group of houses at the head of the cul-de-sac, of which No 9 forms a part. In this regard they would conflict with policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review.

Other Matter

7. Because of the topography of the area, the northern end of No 9 is a little below the level of the road. The proposed extensions would require some excavation and the provision of a new retaining wall close to the side boundary of the appeal site. It would also involve movement back of part of the retaining wall at the head of the cul-de-sac. Concern has been expressed by the Council that this would be detrimental to the continuity of the landscaped strip that runs between the end houses on Orchard Close and the footpath that exists between Orchard Close and Milton Road. Furthermore, it has been suggested by the occupiers of neighbouring properties that works associated with the extensions would prevent the adequate replacement of a protected tree, recently removed, with approval, from the front portion of the appeal site.
8. I share these concerns, and although these issues would not necessarily, on their own, be grounds to dismiss this appeal, they add weight to my conclusion that the proposed development would be detrimental to the overall character and appearance of the area.

J D Westbrook

INSPECTOR



Appeal Decision

Site visit made on 8 June 2010

by **J D Westbrook** BSc(hons) MSc MRTPI

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Decision date:
14 June 2010

Appeal Ref: APP/J1915/D/10/2126762

Land at the rear of 10 The Drive, Hertford, SG14 3DD

- 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 Ian Simpson against the decision of East Hertfordshire District Council.
- The application Ref 3/10/0193/FP, dated 3 February 2010, was refused by notice dated 25 March 2010.
- The development proposed is a detached single garage.

Application for Costs

1. An application for costs was made by Mr Ian Simpson against East Hertfordshire District Council. This application is the subject of a separate decision.

Decision

2. I allow the appeal, and grant planning permission for a detached single garage on land at the rear of 10 The Drive, Hertford, SG14 3DD, in accordance with the terms of the application, Ref 3/10/0193/FP, dated 3 February 2010, and the plans submitted with it, including plan ref: 9424-P002, dated 2 January 2010, 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 garage hereby permitted shall match those used in the existing dwelling.

Main issues

3. I consider the main issues in this case to be the effect of the proposed garage on:
 - The living conditions of the occupiers of neighbouring dwellings by way of outlook and overshadowing, and
 - The living conditions of the occupiers of the dwelling on the appeal site by way of amenity space.

Reasons

4. The appeal site is situated on the eastern side of Lodge Close, and comprises a rectangular parcel of land that was apparently part of an extensive rear garden to No 10 The Drive. The site is surrounded by a wooden fence, some 1.8 metres high. There is a detached dwelling under construction on the site.
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5. The development proposed is the construction of a detached brick garage, with a pitched roof, in the south-eastern corner of the site. It would have a footprint of some 3 metres by 6 metres and a height of approximately 2.5 metres to the eaves and 4 metres to the ridge. The planning permission for the dwelling currently under construction included a condition restricting some permitted development (PD) rights on the site. These did not, however, include any restriction on the construction of a building under Part 1, Class E, of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (GPDO). The appellant contends that, whilst the proposal as submitted would not meet the criteria for PD under Class E, the construction of a garage with a lower height could be constructed in the proposed location under PD rights. I concur with that view and I have considered this fall back situation in making my decision.
6. The garage would be located against the boundaries of both Nos 8 and 10 The Drive. It would be a considerable distance from both dwellings and, by virtue of its limited scale, I am of the opinion that it would have no significantly detrimental effect on the outlook of the occupiers of these dwellings. Furthermore, since it would lie to the north of No 10 and to the north-west of the dwelling at No 8, I consider that it would have no significantly harmful overshadowing effects on either property. I note that a lower garage could be constructed in this location using PD rights, but I consider that the proposed design submitted would be preferable to a flat-roofed building, and that the existence of a pitched roof would not, in any case, result in any significant harm to the living conditions of the occupiers of the neighbouring properties.
7. The Council contends that the garden area for the permitted dwelling is relatively small and that the garage would take away from the amenity space of the dwelling. I do not have a copy of the site plans for the permitted dwelling, but it would appear that a driveway long enough for two cars to be parked in tandem formed part of the permission. It would seem likely, from my inspection of the site, that the garage would be located partly on this permitted driveway and that the whole of the garage floorspace would not, therefore, represent loss of amenity space. In any case, I have not been provided with any standards for amenity space approved by the Council.
8. The dwelling has a small area of amenity space to both sides and very little to the rear. However, I do not consider that the proposed garage would significantly worsen this position due both to its small scale and also its location in the corner of the plot, overlapping part of a 2-car long driveway. Therefore, I find on this matter that the proposed garage would not significantly harm the living conditions of the occupiers of the dwelling through loss of amenity space.
9. For the above reasons, I conclude that the proposed garage would not be harmful to the living conditions of the occupiers either of the permitted dwelling or of neighbouring dwellings, and that it would not conflict with policy ENV1 of the East Herts Local Plan Second Review.

J D Westbrook

INSPECTOR