

Public Document Pack



Chairman and Members of the
Development Management
Committee.

Your Contact: Peter Mannings
Tel: 01279 502174
Date: 14 August 2014

cc. All other recipients of the
Development Management
Committee agenda.

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 20 AUGUST 2014

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

5. Planning Applications and Unauthorised Development for Consideration by the Committee:

(L) E/11/0283/B – Unauthorised laying of hard standing material at land to the west of 12 Birch Green, Hertford, SG14 2LP. (Pages 3 – 8).

Enforcement.

6. Items for Reporting and Noting (Pages 9 – 32).

(A) Appeals against refusal of Planning Permission/ non-determination.

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics.

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 20 AUGUST 2014
TIME : 7.00 PM

E/11/0283/B – Unauthorised laying of hard standing material at land to the west of 12 Birch Green, Hertford, SG14 2LP

Parish: HERTINGFORDBURY

Ward: HERTFORD RURAL SOUTH

RECOMMENDATION:

That no further action is taken in respect of the Enforcement Notice issued on 21st October 2011 requiring the removal of hard surfacing from the site.

Reason: The requirements of the enforcement notice have generally been met, with the exception of some limited hard surfacing material that remains dispersed across the site. It is not considered expedient in the public interest to pursue any further remedial work on the site.

_____ (028311B.GRD)

1.0 Background

- 1.1 The site is shown on the attached ordnance survey extract. It lies to the north of The Old Coach Road on the western edge of the village of Birch Green and is accessed from the highway just to the west of number 12 Birch Green.
- 1.2 Immediately to the east of the site is a group of dwellings, all listed buildings, at No's 6, 8, 10, 12 and 14 Birch Green. To the south and west of the site is open agricultural land and countryside.
- 1.3 Members may recall that on 27th August 2011, the site was levelled; hard surfaced; and was occupied by a number of caravans for residential use. The Council sought, and was granted, a High Court injunction preventing any further works from taking place on the site and also preventing its use for the stationing of residential caravans.
- 1.4 As works continued on site and the caravans were not removed, the Council brought further proceedings in the High Court for the breach of the injunction. The action resulted in the cessation of the use of the site for the stationing of caravans and the removal of some of the hardstanding.
- 1.5 The Council also issued an Enforcement Notice in October 2011, requiring the removal of the remaining hard surfacing from the site.
- 1.6 The owners/occupiers of the site appealed against that notice and also

E/11/0283/B

submitted a planning application (Ref: 3/11/1511/FP) for the use of the site as private Gypsy and Traveller caravan site comprising 3 no. mobile homes, 3 no. touring caravans, associated hard standing and the installation of septic tank in November 2011. As this was recommended to be refused, the applicant appealed against non-determination and this enabled the planning appeal to be linked with the enforcement appeal relating to hard surfacing.

- 1.7 A public inquiry was held in 2012 and the Planning Inspector's decision was 'called in' by the Secretary of State. In August 2013, he confirmed the recommendation of the Inspector that the enforcement notice be upheld, with a varied compliance period of 3 months. Planning permission was also refused for the use of the site as a private Gypsy and Traveller caravan site.
- 1.8 Following the end of the compliance period for the enforcement notice, the owner stated that the hard surfacing had been removed from the site in accordance with its requirements and indicated that top soil had also been imported to form 'green areas' over some of the site.
- 1.9 In order to confirm this, Officers of the Council and a representative of the Parish Council visited the site with an independent contractor. A mechanical digger was used to scrape back the top soil on these 'green areas' to view the depth of the top soil and identify the nature of the ground beneath. Eight random trial holes were dug across the site and it was found that the majority of the hard surfacing material appeared to have been removed, as required by the notice.
- 1.10 Some broken brick and road planings remain on the land, interspersed with the soil. However, this is not considered to be a significant amount of hard surfacing material, compared to that which was imported onto the site in August 2011. Numerous photographs of these trial holes were taken, and a selection of these will be available at the Committee meeting.

2.0 Planning History

- 2.1 Outline planning permission was refused for the erection of a single dwelling on the application site in January 1989 (LPA Ref: 3/88/2612/OP) and subsequently in January 1994 (LPA Ref: 3/93/1650/OP). The reasons for refusal in each case related to Green Belt policy; piecemeal backland development out of keeping with the character of the area; and intrusion into the open countryside. Neither refusal was appealed.

E/11/0283/B

2.2 The remaining planning history for this site relates to the enforcement matters referred to above regarding the use of the site as a private gypsy and traveller caravan site and the creation of hard surfacing on the site.

3.0 Policy

3.1 The site is located within the Metropolitan Green Belt and as such policies GBC1; HSG10 (Accommodation for Gypsies); ENV1 (Design and Environmental Quality); ENV20 (Groundwater Protection) and OSV3 (Category 3 Villages) in the adopted East Herts Local Plan 2007 are relevant to the determination of this matter.

3.2 In addition, the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG) are material considerations.

4.0 Considerations

4.1 The determining matter in this case is whether the requirements of the enforcement notice – to remove the hard surfacing from the site and reinstate the land to its former condition - have been satisfactorily complied with.

4.2 Although the cessation of the use of the site for the stationing of caravans was achieved in 2011 and the majority of the unauthorised hard surfacing material has been removed from the site since then, concern was expressed that some hard surfacing material had been left on the site and simply covered over by the importation of new top soil – to create some slightly raised planting beds. However, the site investigations carried out during Officers' last visit, as described above, revealed that the majority of the unauthorised hard surfacing material has been removed from the site, including the areas beneath the slightly raised 'green areas'. At the time of that visit it was also evident that the land is now returning to a more natural condition with the regrowth of natural vegetation, although some hard surfacing materials remains on site, interspersed with the topsoil. A small bund of topsoil also remains on the northern boundary of the site dividing it from the paddock area to the north.

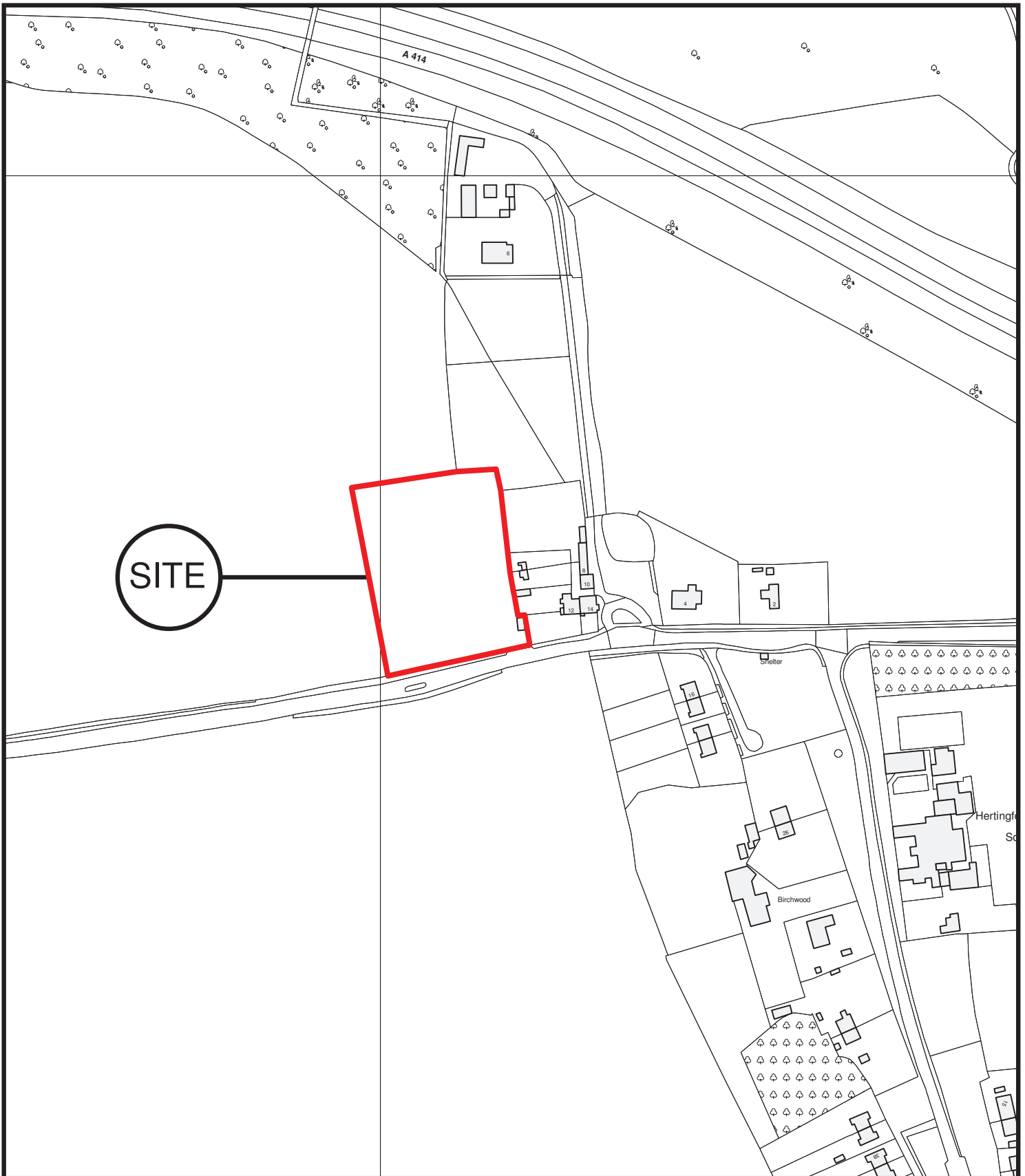
4.3 Whilst additional remedial work could be carried out to further screen the remaining hard surfacing materials from the site and to redistribute the top soil, this would once again disturb the site; delay its return to a natural condition, and also has the potential to disturb any returning wildlife species.

E/11/0283/B

4.4 Given the above, and the improving condition of the land, Officers consider that it would not be expedient in the public interest to pursue any further remedial work at the site. It is considered more appropriate in this case to allow the site to re-naturalise through the normal course of events.

5.0 Recommendation

5.1 That Members endorse the recommendation in this case that no further action be taken.



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
2009 East Herts Council. LA Ref: 100018528



East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

Address: Land North of The Old Coach Road, Birch Green, Herts

Reference: Enforcement

Scale: 1:2500

O.S Sheet: TL2911

Date of Print: 30 August 2011

This page is intentionally left blank

Agenda Item 6

EAST HERTFORDSHIRE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE – 20 AUGUST 2014
ITEMS FOR REPORT AND NOTING

(A) APPEALS

Director of Neighbourhood Services
(Development Management)

Application number: 3/13/1405/FP
Recommendation: Permission refuse
Level of Decision: Delegated – 20 September 2013
Site: 99, High Street, Watton At Stone, Hertford, Hertfordshire, SG14 3SZ
Appellant: Mr and Mrs Tony and Tracey Common
Prop. Boundary fencing and gate
Development:
Appeal Decision Dismissed

Application number: 3/13/1406/LB
Recommendation: Listed building consent refuse
Level of Decision: Delegated – 20 September 2013
Site: 99, High Street, Watton At Stone, Hertford, Hertfordshire, SG14 3SZ
Appellant: Mr and Mrs Tony and Tracey Common
Prop. Boundary fencing and gate
Development:
Appeal Decision Dismissed

Application number: 3/13/2284/FP
Recommendation: Permission refuse
Level of Decision: Delegated – 19 February 2014
Site: 2, London Road, Hertford Heath, Hertford, Hertfordshire, SG13 7RH
Appellant: Mr Andrew Smith
Prop. Demolition of existing house and erection of 2 no. 4
Development: bedroom dwellings with associated parking, garage and turning area
Appeal Decision Allowed

Application number: 3/14/0082/FP
Recommendation: Permission refuse
Level of Decision: Delegated – 19 March 2014
Site: One Ash, Frogs Hall Lane, Haultwick, Ware, Hertfordshire, SG11 1JH
Appellant: Mr Peter Watkins
Prop. Replacement of 2 no. Velux windows in detached annex
Development: with single rear dormer
Appeal Decision Dismissed

Application number: 3/14/0087/FP
Recommendation: Permission refuse
Level of Decision: Delegated – 31 March 2014
Site: The White Horse Inn, High Road, High Cross, Ware, Herts, SG11 1AA
Appellant: Mr John Parry
Prop. Erection of 4 no 3 bedroomed dwellings with car ports,
Development: associated landscaping and parking
Appeal Decision Dismissed

Background Papers

Correspondence at **Essential Reference Paper 'A'**.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407.
Alison Young, Development Manager – Extn: 1553.

Appeal Decisions

Site visit made on 2 May 2014

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

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

Decision date: 17 July 2014

Appeal A Ref: APP/J1915/A/13/2208089

99 High Street, Watton at Stone, Hertford, SG14 3SZ

- 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 Tony and Tracey Common against the decision of East Hertfordshire District Council.
 - The application Ref 3/13/1405/FP, dated 1 August 2013, was refused by notice dated 20 September 2013.
 - The development proposed is; Boundary fence and planting.
-

Appeal A Ref: APP/ J1915/E/13/2208087

99 High Street, Watton at Stone, Hertford, SG14 3SZ

- 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 and Mrs Tony and Tracey Common against the decision of East Hertfordshire District Council.
 - The application reference 3/13/1406/LB, dated 1 August 2013, was refused by notice dated 20 September 2013.
 - The works proposed are described as; Boundary fence and planting.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Procedural matters

2. The description of development does not refer to two gates which are proposed, one of which is referred to in the Council's decision notice. Reference is made in the description to planting which does not constitute development requiring planning permission. I have dealt with the appeals taking these points into account.
3. Since the appeals were submitted the Government's Planning Practice Guidance has been published. The content of the guidance has been considered but in the light of the facts in this case it does not alter my conclusions.
4. The application for listed building consent and the subsequent appeal against, is required as the plans show the proposed physical abutment of the works with the wall forming the boundary of No. 99 High Street, a

Grade II listed building, so constituting a structure within its curtilage. The effect of the proposed works on the special architectural interest or significance of the wall is not considered by the Council, either in the officer report, the reasons for refusal, or in their Appeal Statement. From my assessment during the site visit this wall, other than defining the domain of the listed building through the use of contextual materials, has limited special interest and significance. Accordingly the physical abutment of the proposed works with it would not result in any material diminution to the significance of the asset as a whole, and the key issue in respect of the listed building is the effect the proposal would have on its setting; this is reflected in the framing of the main issues below.

Main issues

5. These are a) whether or not the proposed works and development would preserve the setting of the Grade II listed building known as 99 High Street (The White House) and b) whether they would either preserve or enhance the character or appearance of the Watton at Stone Conservation Area.

Reasons

6. A fence with concrete posts and gates has already been erected around the property and runs along the boundary with White House Close. The fencing is roughly 1.8 metres high, as is the solid gate at the front of the property near the High Street. A further five-bar gate has been erected to the rear and provides access to an enclosed parking area. The fencing has been designed to delineate the garden from the parking area, as well as from the adjacent dwellings. Planning permission for the existing works and development was refused. An amended proposal was then submitted which was also refused and which is the subject of this appeal.
7. The amended scheme seeks to remove the fencing where it is closest to the side elevation of the listed building and re-site the solid gate at an angle close to the rear wall of the property. The height of most of the remaining fencing would be reduced to 600mm with a trellis added, taking the overall height to 1.8 metres. The rear section of fence and the concrete posts around the parking area would be reduced to 600mm. The concrete posts would be painted mid brown. A number of climbing plants would be added to trail over the trellis. The five-bar gate to the parking area would be retained.
8. From the evidence before me and with regard to the list description, the significance of the listed building is derived principally from its early to mid-16th century origins, its traditional construction, its plan, built form and proportions, as well as its scale, which is that of a large urban vernacular house. In terms of its scale, historically the house had more land to the rear and the stables on the left hand side of the Close were built to serve the house. To the front and side, the house is rendered and partly weather-boarded, white painted and has a clay tile roof. There are two dominant chimney stacks to the side facing the Close. The building occupies a prominent position in the High Street and is striking because of its size and prominence in the street scene. It makes an important

contribution to the historic pattern of development within the locality. The space around the building and the way that space is delineated makes an important contribution to its setting and its significance as a heritage asset.

9. In terms of the Conservation Area, its character is varied and it exhibits a wide range of periods and design of buildings, some of which are more recent. It has a village character with some small scale shop and community uses mixed in with residential buildings. This part of the Conservation Area is dominated by traditional buildings, often white painted, fronting and enclosing the street on one side. On the other side, properties are generally set back further from the road, and trees, shrubs and hedgerows play an important role. As well as render, brickwork is an important feature of the Conservation Area.
10. The existing fencing on the appeal site has a functional, utilitarian and modern appearance, which appears to overly enclose the listed house and which is a poor fit with its historical importance. The proposal to remove fencing from the side elevation would clearly improve the views of the building from the street and the wider Conservation Area to some extent, although the fencing and gate beyond the side wall would still be visible from the High Street. The reduction in height of the solid fencing and the incorporation of trellis and planting would also make some limited improvement to the setting of the building in views from the rear. Nonetheless, the enclosure would still appear functional, utilitarian, and unbecoming of this significant urban vernacular house.
11. The use of concrete posts, albeit painted a darker colour, would look unsympathetic against the traditional materials used in the construction of the building, appearing as an inappropriate modern intervention within the historic context. The enclosures around the end of the garden and the parking area would serve to further interrupt views of the house, effectively appearing to erode, and so reduce, the visual context. Given that the overall height of most of the fencing would not be reduced, it would continue to obscure and interrupt views of the listed building. It would also fail to respect the historic setting of the building and its relationship with the stables and the wider Conservation Area.
12. Accordingly, given its height, siting, design, materials and proximity to the listed building, the development would compete with it, unacceptably detracting from its setting. In so doing it would fail to preserve that setting, the desirability of which is fully anticipated by the Act¹, and to which I am required to have special regard. For the same reasons, neither would it preserve the character or appearance of the Conservation Area, as required by section 72 of the Act. As such, the proposals would also be contrary to Policy BH6 of the East Herts Local Plan Second Review, 2007. Amongst other things, this policy seeks to ensure that development is sympathetic to the character or appearance of conservation areas. The proposal would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework), to achieve high quality

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.

design and conserve heritage assets in a manner appropriate to their significance.

13. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against any public benefits the proposal may bring. Although the impact of the appeal scheme would be materially harmful, taking into account the scale of the proposal and its location, it would cause less than substantial harm to the setting of the listed building and the Conservation Area. Whilst the addition of the fencing would improve the security of the garden and house and provide privacy for the occupants, there would be no tangible public benefit resulting from the scheme. In addition, it is likely that a scheme that would achieve the appellant's aims could be designed in a way that would not harm the setting of the listed building or the Conservation Area.
14. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance, which includes its setting. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons I consider that the development would not make such a contribution. In addition, the harm identified to the significance of the heritage assets would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework, taken as a whole.
15. The appellant has pointed out that the Council's suggestion of a brick wall would be uncharacteristic, whilst the suggestion of hedging would need maintenance which would be a safety issue given the proximity to the road. However, it is not for me to pre-judge any future proposals that might be placed before the Council.

Conclusion

16. For the reasons given above I conclude that the appeals should be dismissed.

TL Dow

INSPECTOR



Appeal Decision

Site visit made on 31 July 2014

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 7 August 2014

Appeal Ref: APP/J1915/A/14/2217376

2 London Road, Hertford Heath, Hertford SG13 7RH

- 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 Andrew Smith against the decision of East Herts Council.
 - The application Ref 3/13/2284/FP, dated 20 December 2013, was refused by notice dated 19 February 2014.
 - The development proposed is for the demolition of existing house (2 London Road) and the erection of 2 new 4 bedroom dwellings each with 2 allocated parking spaces and single garage with turning area from shared entrance at 2 London Road, Hertford Heath.
-

Decision

1. I allow the appeal and grant planning permission for the demolition of existing house (2 London Road) and the erection of 2 new 4 bedroom dwellings each with 2 allocated parking spaces and single garage with turning area from shared entrance at 2 London Road, Hertford Heath, Hertford SG13 7RH in accordance with the terms of the application, Ref: 3/13/2284/FP dated 20 December 2013 and the plans submitted with it, subject to the conditions as set out within the schedule set out at the end of this decision.

Main Issue

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

Reasons

3. The appeal site is situated within the settlement boundary for Hertford Heath, marking an end to the mature roadside vegetation and the beginning of built development on the western side of London Road when travelling in a southerly direction. The existing dwelling sits close to the south west corner of the site such that it commands a view over quite an extensive and open front garden, which slopes down slightly towards it, away from the road. There are commercial premises to the south and south west, and directly opposite the appeal site is the Village Hall, with two storey terraced dwellings to each side. Therefore, the character of the area comprises a mix of built forms and land uses. The site does not have any specific designation on the proposal map of the East Herts Local Plan Second Review (2007) (LP).
-

4. The development would give rise to the development of land which is currently open, however, the site is not subject to a specific land designation and is situated within the settlement boundary wherein there is no objection in principle to new residential development. Individually the proposed dwellings would be larger than the existing dwelling, but only marginally so. There has been an attention to the detail of their design and I consider that the separation distance between the two dwellings, with intervening soft landscaping would render them of a spacious character within the street scene that would not detrimentally affect the form or setting of the village.
5. From the proposed Site Layout Plan it does appear that there would be a reasonable area of hardsurfacing, comprising the driveways to each dwelling. However, in reality, taking into account the slightly sloping nature of the site and the fact that a hedgerow is proposed across the site frontage, the visual impact of this feature would be slight.
6. I am aware that there has been pre-application correspondence between the appellant and the Council, although I have not been provided with the drawings that were submitted and discussed between the parties. Having regard to the Council's comments, both in relation to the appeal and as set out within the officer report, I note that the Council is of the view that a different layout, with integral parking that would locate dwellings close to the siting of the existing dwelling would retain more of an open landscape character. However, that is not within the subject of the proposal before me.
7. Furthermore, whilst the introduction of a second dwelling would, to some degree, restrict views from within the village out towards the surrounding countryside, such views are already fairly well restricted by the existing north western boundary treatment of the appeal site, and the mature vegetation that runs along the western side of London Road. Therefore, the proposal would not significantly restrict such views further and I consider that they would not detract from the open aspect and appearance of this part of the village or the appreciation of its surrounding landscape. I acknowledge that the proposal would extend the built form in a northerly direction, however, by virtue of its relatively spacious character, I am of the opinion that it would mark an effective transition between urban and rural context.
8. Consequently, I consider that the proposed development by reason of the size and siting of the proposed dwellings, and notwithstanding the intervening hardstanding proposed, would not be out of keeping with, or detrimental to, the character and appearance of the surrounding area. The proposal comply with LP Policies OSV1 and ENV1 which allow for limited small scale and infill housing development provided that, amongst other things, the site does not represent a significant open space or gap important to the form and/or setting of the village, and would not unacceptably block important views or vistas within the village or of open countryside beyond. The proposal is designed in a manner which would respect the character, visual quality and landscape of the village.

Conclusion and Conditions

9. Having regard to the above and all other matters raised I conclude that the appeal should be allowed.
10. The Council has suggested a number of conditions that could be imposed upon the grant of planning permission, which, in addition to the standard time limit condition require details of materials, proposed levels, boundary treatments and landscaping.

I consider it appropriate and necessary to control such matters and I have imposed conditions to this effect, as set out within the schedule attached to this decision. It is also necessary, for the avoidance of doubt as to the scope of the permission to impose a condition requiring the development to be carried out in accordance with the approved plans.

11. The Council have also suggested that Permitted Development (PD) rights be removed in order to control future extensions to the dwellings, in addition to preventing the erection of outbuildings or enclosures, swimming or other pools. The Planning Practice Guidance (PPG) is quite clear in that PD Rights should only be removed in exceptional circumstances. It has not been demonstrated that such circumstances exist in this situation and therefore I consider the removal of such rights to be unnecessary.
12. The Council has also included three highway related conditions within their list, although I note that the Local Highway Authority (LHA) stated that they did not wish to restrict the grant of planning permission, subject to the imposition of six conditions. I consider it unnecessary to impose a condition requiring no further vehicular or pedestrian access to be formed onto the highway, as to do this would run counter to developing in accordance with the approved plans and would likely require further planning permission. It is necessary to impose a condition requiring that the area shown for parking shall be retained for such uses, although details of materials to be used for hardsurfaced areas can be covered by the landscaping conditions. Turning to the LHA's list, in the interests of highway safety it is necessary to impose conditions requiring that the new access be completed prior to the first occupation of the development, in addition to the prevention of obstructions within highway visibility splays. However, by virtue of the sloping nature of the site, I do not consider it necessary to control surface water specifically related to the site. Furthermore, whilst it may be desirable, it has not been demonstrated why it would be necessary or reasonable for the appellant to construct a 1.8m wide footway across the site's frontage, particularly as it is already possible to walk along a consolidated verge in this location. Matters of site demolition, site preparation and construction works, in addition to wheel washing of construction vehicles, are also deemed as being necessary, in the interests of both highway safety and to protect the living conditions of the occupants of surrounding residential properties.
13. Finally, I note the Council's comment with regard to the LHA's suggested condition 6, that prior to development commencing, additional layout plans should be submitted to demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles, including service vehicles to enter and exit the site in a forward gear. It is recommended by the LHA that such details should include tracking diagrams that demonstrate that service vehicles up to the approximate size of a typical supermarket delivery van be provided. Whilst such tracking diagrams have not been provided, I have been given no reason to doubt that the width of the shared access drive as proposed would be inadequate for such vehicles, and I consider it unlikely that it would be necessary to widen the access drives further. I therefore consider that to impose a condition to this effect would be unnecessary.

C J Tivey

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than five years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LRH-P-01, 02, 03, 04, 05, 06, 07, 08 & 09.
3. 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.
4. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with slab levels and ridge heights of the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Hard landscape works shall include proposed means of enclosure and hard surfacing materials.
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works, including construction of the access, shall be carried out prior to the occupation of any part of the development.
7. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
8. No structure or erection exceeding 600 mm in height shall be placed within a visibility splay of 2m by 43m in both directions from the access.
9. Demolition, site preparation or construction works shall not take place outside 07.30 hours to 18.30 hours Mondays to Fridays and 07.30 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
10. No development shall take place, including any works of demolition, until details of means to facilitate the washing of wheels of construction vehicles leaving the site have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the agreed details.



Appeal Decision

Site visit made on 21 July 2014

by **M A Champion BSc CEng FICE FISTructE FCIHT FHKIE**

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

Decision date: 28 July 2014

Appeal Ref: APP/J1915/D/14/2217965

One Ash, Frogs Hall Lane, Haultwick, Ware, SG11 1JH.

- 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 Watkins against the decision of East Hertfordshire District Council.
 - The application, ref: 3/14/0082/FP, dated 16 January 2014, was refused by notice dated 19 March 2014.
 - The development proposed is: the replacement of 2 no. Velux windows in the detached annex with a single rear dormer.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description given above is taken from the Council's refusal notice. This simplifies that given on the application form, and is the description accepted by the appellant on the appeal form.
3. Although the application was made by Mr John Watkins, the appeal form was submitted in the name of Mr Peter Watkins. However, only the person who made the application can appeal, and I therefore use his name within this decision.

Main Issue

4. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the existing buildings and the surrounding area.

Reasons

5. Policies GBC3, ENV1, ENV5 and ENV6 of the East Hertfordshire Local Plan Second Review 2007 deal with appropriate development in the Rural Area beyond the Green Belt, design and environmental quality, and extensions to dwellings.
 6. These policies are generally consistent with the aims of the National Planning Policy Framework (NPPF), policies from which have also been considered. The
-

NPPF reinforces the local plan as the main consideration in planning decisions. It requires development not to undermine the quality of life, emphasising the importance of sustainable development, high quality design, attractive places and a good standard of amenity for residents. It expects developments to contribute to the overall quality of the area.

7. The content of the planning guidance launched nationally by the Government on 6 March 2014 has been considered, but in the light of the facts in this case the guidance does not alter my conclusions.
8. The appeal site lies on the north-west side of Frogs Hall Lane in a Rural Area beyond the Green Belt. It comprises a single-storey detached house together with a detached two-storey annexe. Planning permission for the latter was granted on appeal (ref: APP/J1915/A/09/2115167) on 15 December 2009 subject to conditions. These included restricting the use of the annexe to purposes ancillary to the residential use of the main dwelling.
9. The proposal affects the annexe building, and would replace the two existing rear Velux windows at first floor level with dormers aligning with the existing central dormer.
10. Although the submitted drawings show, in elevation, the proposed dormers to be inset slightly at each end (the appellant states that the resulting dormer would have a total width of 9.8 m), this is inconsistent with the plan view which shows the dormer extending the full width between the side walls of the building, a distance of some 11 m. There is thus some uncertainty as to the precise width of the proposed extension. Nevertheless, whichever of the suggested widths is considered, the development would result in one continuous rear dormer extending effectively the full width of the annexe.
11. While I acknowledge that the proposed development would be at the rear and would not be seen from the road, the effect on character and appearance is not confined to those aspects visible from the public realm.
12. The proposed side extensions to the existing dormer would not be limited in extent or modest in scale, but would each be of similar size to the existing central dormer. The proposed development, taken as a whole, would introduce significant bulk, volume and mass at a high level on the existing building. It would dominate the roof form, disproportionately altering the size of the building.
13. This increase in size would result in the annexe appearing larger than the main building on site. It would thus have a poor relationship with the main dwelling and be wholly out of keeping with its surroundings.
14. My attention has been drawn to two appeals allowed in other areas concerning dormers. As one of these involves the balancing of the appearance of an asymmetric dormer and the other concerns front dormers I do not consider them to be comparable to the current appeal. In any event the existence of a development does not necessarily justify the construction of another contrary to current policies.
15. I conclude, therefore, that the development adversely affects the character and appearance of the existing buildings. It is not a high quality design, nor

would it result in an attractive place. Neither would it contribute to the overall quality of the area. It is contrary to the policies and guidance cited above.

M A Champion

INSPECTOR



Appeal Decision

Site visit made on 31 July 2014

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

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

Decision date: 7 August 2014

Appeal Ref: APP/J1915/A/14/2217026

White Horse, High Road, High Cross, Ware SG11 1AA

- 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 Parry against the decision of East Herts Council.
 - The application Ref 3/14/0087/FP, dated 17 January 2014, was refused by notice dated 31 March 2014.
 - The development proposed is for the erection of 2 pairs of 3 bedroomed semi-detached houses with car ports and parking.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are: i) whether the proposal would preserve the setting of the listed building and its effect on the character and appearance of the wider area; ii) the effect of the proposal on the vitality and viability of the Public House, with specific reference to outdoor seating, amenity space and parking facilities and; iii) the effect of the proposal on highway safety, with specific reference to on-site parking provision.

Reasons

Character and Appearance

3. The appeal site comprises the curtilage of The White Horse Public House which is a two-storey part rendered, part weather-boarded, timber framed listed building that is situated close to the back edge of the footway of High Road (Ermine Street). The listed building has a single range of extensions to its rear and an outdoor seating area adjacent, over which is a timber pergola covering a decked platform that is concealed behind a low brick wall. This outdoor seating area would be removed as part of the proposal, in order to facilitate provision of six new car parking spaces to serve the pub. Beyond this is an extensive gravel car park with a lawned area to its south west and south east. The latter lawned area currently accommodates a pre-fabricated garage building, children's play equipment and additional picnic tables.

4. Beyond the confines of the appeal site there is a mix of architectural dwelling styles, many of which are of a vernacular design and are historic in nature. Other dwellings such as The Haven and Wheelwrights to the north are more contemporary in their appearance.
5. The pattern of development within the locality is predominantly, but not exclusively, linear in form and whilst development is stretched along High Road, this pattern is interspersed with other developments running perpendicular to it. Such examples include Marshalls Lane opposite the appeal site, and North Drive leading to Poplar Close, to the north. Casual glimpses can also be gained from the main street of rear outbuildings that are ancillary in terms of their form and function. These include a single storey timber framed structure within the rear garden of The Old Wagon, which abuts the site's southern boundary on its northern and eastern elevations.
6. I note that the Council do not object to the principle of residential development on the site, per se, however, I find that the appeal site is within a sensitive historic location and special regard must be had to the statutory duty of preserving the setting of the listed building.
7. The proposal pays little regard to the hierarchy of built form which is found within the locality, ie of backland buildings being more subordinate in stature. Notwithstanding their simple and rectangular elevations, the overall scale of the proposed dwellings, in terms of height and overall footprint are such that they would compete visually with the listed building, and would appear dominant within its setting. This incongruity is compounded by the proposed use of modern materials, comprising concrete tiles, with white UPVC windows, doors, rainwater goods, canopies and pediments, notwithstanding the presence of some more modern post war houses and bungalows that utilise such materials.
8. Therefore on this matter, I conclude that the proposed development, by virtue of its size, scale, form, design and materials of construction would be out of keeping with and detrimental to the character and layout of surrounding development, that would also fail to preserve the setting of the listed building. I find the proposal contrary to Policies ENV1, OSV1 and HSG7 of the East Herts Local Plan Second Review April 2007 (LP) in that the infill housing development would not relate well to the massing and height of adjacent buildings, their design would fail to compliment the character of the local built environment or have regard to local distinctiveness, appearing as obtrusive and over-intensive.

Vitality and Viability of Public House

9. LP Policy OSV1 states that within the confines of Category I Villages, infill housing development may be permitted provided that, amongst other things, there would be no unacceptable resultant loss of community facilities, in accordance with Policies EDE2, LRC1 and LRC11. The Council has highlighted LP Policy LRC11 out of those policies as relevant to the appeal proposal, and which states that proposal which will result in the loss of community facilities will be refused. Further, LP Policy STC8 is concerned with the protection of local centres and local provision.
10. Whilst I note that it is not proposed to close the pub, I consider that the removal of all amenity space associated with the pub could have a drastic

effect on the attractiveness of it to potential customers, which could also include persons visiting without children, who wish to sit outside during the warmer, drier months. The reduction in on-site parking could also have the potential to deter potential customers, particularly if on arriving at the pub they find that the car park is full, giving one the impression that it is very busy, and in a situation where little on-street parking is available.

11. I acknowledge that nationwide there does appear to be a trend in the reduction in demand for Public Houses, and that there are other locations that provide opportunities for informal meetings of local people. It is also imperative that established facilities are able to develop and modernise in a way that is sustainable. Consequently I can understand that some development on the appeal site could have a positive benefit in maintaining the on-going use of the pub, through investment in the listed building and the business, although this has not been clearly evidenced within the appellant's submissions.
12. Furthermore, whilst I am aware that Listed Building Consent (LBC) has been granted by the Council to remove the covered decking area, dwarf walls and fencing, that space would only be required for parking if the existing car park was to be redeveloped. In addition, the grant of LBC does not outweigh the need to assess and balance all material considerations in determining applications for planning permission.
13. Therefore, I consider that in the absence of robust evidence to demonstrate that the removal of outside seating, amenity space and parking would not have a harmful effect upon the viability and vitality of the pub, as a precautionary approach, and in the interests of guarding against the unnecessary loss of a community facility, I find conflict between the proposal and the thrust of LP Policies OSV1, STC8 and LRC11 as described above. The proposal are also in conflict with the National Planning Policy Framework (para. 70), which stresses the need to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Parking Provision

14. I have not been provided with a copy of the Council's Parking Standards, however, the Council state that having regard to LP Policy TR7, that there is a requirement for a maximum of 27 car parking spaces, not including those required for employees of the pub. The appellant does not dispute this figure. The proposal would reduce the parking provision for the pub down to 6no. spaces and whilst I note that the parking standard is a maximum requirement, 6 spaces would result in at least a 50% decrease of current provision.
15. As a result of this significant reduction in parking, which is already well below the maximum standard, it is likely that patrons would have to seek parking elsewhere. There is a pedestrian crossing with associated zig-zag lines immediately outside the pub and diagonally opposite, to the north west, is a quite substantial bus stop. Combined with the junctions into Marshalls Lane and North Drive, and with a relatively busy petrol station beyond that on High Road, on-street parking provision is limited. Further, at the time of my visit there was a quite reasonable number of cars parked within the highway and there was a relatively steady flow of traffic passing through the village.

16. Whilst I note that LP policy TR7 states that actual parking provision will be determined on a site specific basis, and that there are initiatives at both the national and local level to provide for and encourage more sustainable means of transport, it has not been demonstrated that the number of car-borne customers is so small that they could be accommodated within the reduced parking area. I acknowledge that some customers may walk to the pub, that there are limited public transport facilities, in addition to taxi services available, however that does not negate the need to provide adequate parking facilities. Therefore, from this basis, I can only conclude that the proposal would likely result in pressures for on-street parking which could cause obstruction to the free and safe flow of traffic, thereby exacerbating traffic congestion on the local road network. The proposal would therefore be contrary to LP policy TR7.
17. I do, however, accept that by virtue of the reduction of parking spaces, the proposed development would not give rise to a material increase in traffic flows and, therefore, notwithstanding sub-standard sight lines at the access, movements into and out of the site would unlikely give rise to a greater degree of conflict between highway users.

Other Matters

18. I understand that the Council is currently unable to demonstrate a five year supply of deliverable housing land and that the proposal could offer a wide range of people opportunities for home ownership. I also acknowledge that the houses have been designed to Lifetime Homes Standards, provide disabled access and would be designed to meet Level 3 of the Code for Sustainable Homes. Whilst these are all worthy and positive attributes of the proposal, I find that they do not outweigh the harm that the proposal would have upon the character and appearance of the area, the failure to preserve the setting of the listed building, the potentially detrimental effect upon the future vitality and viability of the pub, or upon highway safety.

Conclusion

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

C J Tivey

INSPECTOR

This page is intentionally left blank

(B) PLANNING APPEALS LODGED

Director of Neighbourhood Services
(Development Management)

Application No:	Description Location	Decision	Appeal Start Date	Appeal Mode
3/13/1487/FP	Two and single storey rear extensions. High Willows, 91, Dunmow Road, Bishops Stortford, Herts, CM23 5HF	Refused Delegated	16 July 2014	Written Evidence
3/14/0475/FP	New detached garage Sandy Nook, Welwyn Road, Hertford, Hertfordshire, SG14 2BP	Refused Delegated	15 July 2014	Householder Appeal Service
3/14/0528/OP	Outline application for approximately 100 houses. All matters reserved except for access Area 2, Land South of Hare Street Road, Buntingford, Hertfordshire, SG9 9JQ	Not Determined (appeal lodged) Not Determined (appeal lodged)	07 July 2014	Public Inquiry
3/14/0531/OP	Outline application for approximately 80 houses. All matters reserved except for access Area 3, Land South of Hare Street Road, Buntingford, Hertfordshire, SG9 9JQ	Not Determined (appeal lodged) Not Determined (appeal lodged)	07 July 2014	Public Inquiry
3/14/0596/FP	Erection of a farm manager's dwelling Clements Farm, Brickendon Lane,	Refused Committee	16 July 2014	Written Evidence

	Brickendon, Hertford, Herts, SG13 8FG			
3/14/0654/FP	Two storey side, first floor rear and single storey front and rear extensions and new first floor flank window. 5, Dolphin Way, Bishops Stortford, Hertfordshire, CM23 2AH	Refused Delegated	09-Jul-2014	Householder Appeal Service
3/14/0679/FP	Erection of 1no 3 bedroomed dwelling Land R/O 36, West Road, Sawbridgeworth, Hertfordshire, CM21 0BN	Refused Delegated	22 July 2014	Written Evidence
3/14/0784/FP	Erection of 1no 2 bedroomed dwelling 12, Archers, Buntingford, Hertfordshire, SG9 9HF	Refused Delegated	16 July 2014	Written Evidence
3/14/0811/PR	Change of use of Agricultural Building to Dwellinghouse Green Lane Farm, Levens Green, Ware, SG11 1HD	Prior approval required and refused Delegated	16 July 2014	Written Evidence

NOTE: This report shows only appeals lodged since the last Development Management Committee agenda deadline.

Background Papers

None.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407.

Alison Young, Development Manager – Extn: 1553.

Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries:

Application Number	Location	Proposal	Date
3/14/0528/OP 3/13/0531/OP	Land south of Hare Street Road, Buntingford	Residential redevelopment	No date set yet.

Informal Hearings:

None.

Enforcement Appeals (where the matter does not relate to an associated planning or similar application which are set out above)

None.

Appeal Outcome Information: 6 Months (January – June 2014):

50	Total number of planning application appeal decisions	
31	62%	Dismissed
19	38%	Allowed

Appeal Costs:

Claims were submitted against the Council in 8 cases. 3 were allowed.

Of the three claims allowed:

1 – no cost details have subsequently been submitted to the Council by the appellant and any claim remains outstanding.

1 – costs details have been submitted to the Council but agreement on the claim has not been reached

1 – costs details have been submitted and agreed. Members will recall that this claim relates to the land south of Hare Street Road, Buntingford (Wheatley Homes). The claim amount was £115,000.

This page is intentionally left blank

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance for

May 2014

(calculated from April 2014)

	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
Total Applications Received	216	406	603	831								

Percentage achieved against Local and National Targets	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	67%	86%	80%	72%									Major %	60%	60%
Minor %	95%	89%	89%	89%									Minor %	80%	65%
Other %	94%	93%	94%	93%									Other %	90%	80%

Appeals	Apr-14	#####	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
Total number of appeal decisions (Monthly)	3	9	7	2								
Number Allowed against our refusal (Monthly)	1	3	1	0								

Total number of appeal decisions (Cumulative)	3	12	19	21								
Number Allowed against our refusal (Cumulative)	1	4	5	5								

AGENDA ITEM NO. 6D

This page is intentionally left blank