



James Ellis
Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 19 MAY 2021
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando, J Kaye, I Kemp, T Page, C Redfern, P Ruffles and T Stowe

Substitutes

Conservative Group: Councillors S Bull, I Devonshire and S Newton
Liberal Democrat Group: Councillor J Dumont
Labour: Councillor M Brady
Green: Councillor J Frecknall

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)

CONTACT OFFICER: PETER MANNINGS

TEL: (01279) 502174

peter.mannings@eastherts.gov.uk

This agenda has been printed using 100% recycled paper

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

The Coronavirus Act 2020 to allow for local authorities to continue committee meetings online expired on 6th May 2021. Therefore, committee meetings must now be held face to face.

If you are attending a committee meeting as a member of the public, information on the measures to keep yourself and everyone else safe are being finalised.

Please note that meetings will continue to be live streamed or webcasted. For further information, please email democraticservices@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for councillors and officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

The Council is moving to a paperless policy in respect of Agendas at Committee meetings. From 1 September 2019, the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices.

AGENDA

1. Appointment of Vice-Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Minutes - 21 April 2021

To confirm the Minutes of the meeting of the Committee held on Wednesday 21 April 2021

6. Planning Applications for Consideration by the Committee
(Pages 7 - 10)

(A) 3/20/2481/FUL - Demolition/removal of existing structures and the erection of a manufacturing building and associated works at GlaxoSmithKline Services Ltd_(Pages 11 - 44)

Recommended for Approval

- (B) 3/20/1931/FUL - Alterations and change of use from commercial garage car showroom and workshops to mixed use development of Use Class E (g)(i) Office use and 3 residential units Use Class C3 (dwelling houses) together with the erection of a terrace of seven, 3 bedroom houses to the rear, with associated car parking and access at Gates of Hertford, Gascoyne Way, Hertford, SG13 8EL (Pages 45 - 84)

Recommended for Approval

7. Items for Reporting and Noting (Pages 85 - 180)

- (A) Appeals against refusal of Planning Permission/ non-determination.
- (B) Planning Appeals Lodged.
- (C) Planning Appeals: Inquiry and Informal Hearing Dates.
- (D) Planning Statistics.

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

East Herts Council Report

Development Management Committee

Date of Meeting: 19 May 2021

Report by: Sara Saunders, Head of Planning and Building Control

Report title: Planning Applications for Consideration by the Committee

Ward(s) affected: All

Summary

- This report is to enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.

1.0 Proposal(s)

1.1 The proposals are set out in detail in the individual reports.

2.0 Background

2.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

3.0 Reason(s)

3.1 No.

4.0 Options

4.1 As detailed separately in relation to each matter if any are appropriate.

5.0 Risks

5.1 As detailed separately in relation to each matter if any are appropriate.

6.0 Implications/Consultations

6.1 As detailed separately in relation to each matter if any are appropriate.

Community Safety

As detailed separately in relation to each matter if any are appropriate.

Data Protection

As detailed separately in relation to each matter if any are appropriate.

Equalities

As detailed separately in relation to each matter if any are appropriate.

Environmental Sustainability

As detailed separately in relation to each matter if any are appropriate.

Financial

As detailed separately in relation to each matter if any are appropriate.

Health and Safety

As detailed separately in relation to each matter if any are appropriate.

Human Resources

As detailed separately in relation to each matter if any are appropriate.

Human Rights

As detailed separately in relation to each matter if any are appropriate.

Legal

As detailed separately in relation to each matter if any are appropriate.

Specific Wards

As detailed separately in relation to each matter if any are appropriate.

7.0 Background papers, appendices and other relevant material

- 7.1 The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.
- 7.2 Display of Plans
- 7.3 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required.

A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

7.4 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

7.5 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

Contact Member Councillor Jan Goodeve, Executive Member for Planning and Growth
jan.goodeve@eastherts.gov.uk

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
sara.saunders@eastherts.gov.uk

Report Author Peter Mannings, Democratic Services Officer, Tel: 01279 502174
peter.mannings@eastherts.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE – 19 MAY 2021

Application Number	3/20/2481/FUL
Proposal	Demolition/removal of existing structures and the erection of a manufacturing building and associated works.
Location	GlaxoSmithKline Services Ltd
Parish	Ware Town Council
Ward	Ware St Marys

Date of Registration of Application	16 December 2020
Target Determination Date	16 April 2021
Reason for Committee Report	Major Application
Case Officer	Louise Newcombe

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

Delegated authority be granted to the Head of Planning and Building Control to finalise the conditions.

1.0 Summary of Proposal and Main Issues

1.1 The site is on the North West corner of the existing GlaxoSmithKline (GSK) site adjacent to Park Road and Harris’s Lane in Ware. The site is bounded directly to the north by Park Road and is separated by an existing tree buffer. The opposite side of Park Road is occupied by residential properties. The site was formerly occupied by buildings U and P5 which have now been demolished. Existing buildings relating to the manufacturing operations lie to the south.

1.2 The wider GSK site covers approximately 25 hectares of land lying to the north western edge of Ware town centre and to the east of A10. The site is within the urban area of Ware and previously

contained two buildings that have been demolished. As acknowledged within the East Herts District Plan 2018, Ware is home to the District's largest private employer, GSK and the site is designated as an Employment Area to provide opportunities for businesses to serve the town and nearby settlements in the surrounding area.

- 1.3 The application proposes the demolition / removal of existing structures and the erection of a manufacturing building and associated works. Planning permission was previously granted for a new manufacturing building in September 2019 and this permission remains extant until September 2022.
- 1.4 The application forms part of GSK's plans for a building (known as Building M2) which is intended to be used as a production facility for HIV, HIV paediatrics, and oncology drugs. The production of these items is currently undertaken in Building M, which is immediately south of the proposed M2 building. This is therefore a relocation of the facility rather than a new one.
- 1.5 The proposed building would be rectangular in shape and have a gross footprint of 5843sq.m. The building will have an eaves height of 11.25m with a maximum ridge height of 14.01m. The building would be no closer to the Park Road frontage than the extant approved building.
- 1.6 The external materials proposed are to be predominantly tones of grey to reflect the character of the rest of the industrial buildings within the GSK site.
- 1.7 Landscaping is also proposed to help reinforce an existing tree buffer along Park Road and to soften the appearance of the development.
- 1.8 The application has been supported by the following documents:
 - Arboricultural Implications Assessment

- Archaeology Summary
- Biodiversity Net Gain Report
- Ecological Assessment
- Drainage Strategy
- Flood Risk Assessment
- Noise Assessment
- Phase 1 Desk Top Study (Contamination)
- Planning Statement
- Sustainable Construction, Energy and Water Statement report

1.9 The main issues for consideration of the application are:

- Principle of development
- Design and external appearance
- Residential amenity
- Access and sustainable transport measures
- Flood risk management and climate change / sustainability
- Biodiversity and natural environment
- Heritage Assets
- Contamination
- Minerals and Waste

1.10 Consideration will need to be given to the overall planning balance and whether the proposed development will result in a sustainable form of development.

2.0 Site Description

2.1 The site comprises part of the wider GSK research, development and manufacturing site in Ware.

2.2 The application site is located on the corner of Harris's Lane and Park Road. The site is to the north side of the GSK complex and was formerly occupied by previous GSK buildings.

2.3 The site lies within an Area of Archaeological significance and Ware Conservation Area lies to the south and east.

3.0 Planning History

The following planning history is of relevance to this proposal:

- 3.1 3/15/1859/FUL - Demolition of building 'P5' and associated structures and the erection of a new Manufacturing Building and associated works. Granted with Conditions 10/12/2015
- 3.2 3/15/1877/FUL - Construction of new access and access road. Granted with Conditions 12/11/2015.
- 3.3 3/18/2486/FUL - Construction of New Access and access road. Granted with Conditions 04/01/2019
- 3.4 3/18/2731/FUL - Demolition of building 'P5' and associated structures and the erection of a manufacturing building and associated works. Granted with Conditions 12/09/2019

This application remains extant.

- 3.5 3/20/2318/FUL - Site separation works to include security gatehouse and visitor car parking, perimeter security gate, revised access arrangement with barriers/turnstiles and gates, modified ramp to underpass, new security boundary fence, new steam plant and flue, new generator, creation of service trenches and ducts, landscaping, external lighting and associated works. - Still under consideration.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the East Herts District Plan 2018, the National Planning Policy Framework 2019 (NPPF) and Hertfordshire County Council Plans for Minerals, Waste and Transport.

Key Issue	District Plan 2018	NPPF 2019
Employment provision	DPS1, DPS2, WARE1, WARE3 (e) and ED1	Chapter 6
Design and neighbour amenity	DES2, DES3, DES4, EQ1, EQ2 and EQ3	Chapter 12
Access, parking and sustainable transport measures	TRA1, TRA2 and TRA3 HCC Local Transport Plan 2018	Chapter 9
Flood risk management, climate change, water efficiency and environmental quality including waste	DES4 WAT1, WAT2, WAT3, WAT4, WAT5 CC1, CC2 EQ1, EQ2, EQ3 and EQ4 Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 – policies 1,2 and 12	Chapter 14 Chapter 17
Biodiversity and Natural Environment	DES2, NE2 and NE3	Chapter 14 Chapter 15
Heritage Assets	HA1 and HA3	Chapter 15

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 Hertfordshire County Council Highway Authority – No objection subject to conditions relating to Construction Management Plan

updating Travel Plan, Electric Vehicle Charging Points and cycle parking

- 5.2 Environment Agency – Identifies potential presence of contamination and site is situated in a vulnerable groundwater area (Source Protection Zone 2). Provides advice regarding Groundwater protection and regarding the environmental permit.
- 5.3 Lead Local Flood Authority – Following redesign of the surface water Drainage Strategy the LLFA raise no objection to the application and recommend conditions securing the surface water drainage works.
- 5.4 EHDC Conservation and Design Advisor – Objects. Notes that the proposed building is taller and slightly more impactful compared to the extant application design (approved under 3/18/2731/FUL). This will appear bulkier and is considered to be too dominant when viewed from the road.
- 5.5 EHDC Environmental Health Advisor –
- Contamination –
Advises a condition securing a Phase II site investigation for contamination.
- Noise –
No objections subject to conditions relating to plant/machinery, anti-vibration mounts and silencing of equipment, building hours, notification to neighbours of building works, dust, asbestos and waste management and disposal.
- 5.6 HCC Minerals and Waste – As Waste Planning Authority they welcome the inclusion of waste into the sustainability statement and supports the proposals within.
- 5.7 EHDC Landscape Advisor – No objection based on tree losses. No unacceptable adverse arboricultural impact provided the advice

and recommendation in the Arboricultural implications assessment are followed and the Tree Protection Plan adhered to. Tree removals and replacements need to be more detailed in the form of a planting plan to include the eastern boundary of the site. Conditions recommended for tree/hedge retention and protection and landscape design proposals.

- 5.8 HCC Growth and Infrastructure – No comments to make.
- 5.9 Hertfordshire Ecology – No comments received.
- 5.10 HCC Historic Environment Advisor – The site is within an Area of Archaeological Significance. A phased programme of archaeological investigation of the site has not yet been completed. A condition is recommended to secure the completion of the works.
- 5.11 Thames Water – No objection with regard to foul water. No objection with regard to surface water if developer follows the sequential approach. Water supply is covered by Affinity Water Company. The development falls within a Source Protection Zone for groundwater abstraction for which the Environment Agency and Affinity Water will use a tiered, risk-based approach to regulate activities that may impact groundwater resources.

6.0 Town Council Representations

- 6.1 Ware Town Council – No comments received.

7.0 Summary of Other Representations

- 7.1 The application has been advertised by neighbour consultation to local residents (31 in total), by press and site notices on 26th January 2021. No letters of representation were received.

8.0 Consideration of Relevant Issues

Principle of development

- 8.1 Policy WARE3 of the District Plan designates this site as within the Park Road / Harris's Lane Employment Area. Policy ED1 supports new employment uses in principle. This proposal for additional Use Class B2 floorspace is consistent with this policy.
- 8.2 Consideration is given to the extant permission (3/18/2731/FUL) for a similar scale of development which is given significant weight as a material consideration.
- 8.3 The proposal forms part of GSK's plan to build upon the established research, development and manufacturing activity undertaken by GSK and accords with both the District Plan and the NPPF that supports sustainable economic growth.
- 8.4 The proposed development provides for the expansion of GSK within their site and would help consolidate the position of GSK as a key employer in the area. This is afforded significant weight. The proposal accords with District Plan policies WARE3 and ED1 in this regard.

Design and external appearance

- 8.5 Policies ED1 and DES4 of the District Plan and Chapter 12 of the NPPF require a high standard of design, which is key to providing sustainable development.
- 8.6 The proposed M2 building would broadly sit on the same location as the previous approved building. The building follows an east-west axis. The building sits lower on the northern boundary with a sloping roof incorporated to minimise visual impact. Horizontal banding is also proposed to assist with minimising the bulk of the building.

- 8.7 It is acknowledged that the proposal would constitute a building of significant size, sited along Park Road and would inevitably have some visual impact on the surrounding area. However, there is a set back of an additional 3.5m from the Park Road and 6m away from the Harris's Lane boundary compared to the position of the previously approved U4 building. The design of the building is considered to be of high quality with good use of appropriate materials for the locality.
- 8.8 The roof of the building has been designed to step down towards the facing housing along Park Road. This assists in reducing the massing and visual impact of the building when viewed from the residential properties to the north.
- 8.9 Overall the layout, design and massing of the building is considered to be appropriate to its location.
- 8.10 In terms of landscaping, DES2 and DES3 require developments to be regarded as an integral part of the process. Features of value should be retained where possible and replanting schemes should be appropriate to the local conditions and character.
- 8.11 An Arboricultural Implications Assessment (AIA) has been submitted to support the application. This concluded that most trees on the site were Category C (low quality with limited conservation or other cultural benefits). Many trees were also recommended to be removed.
- 8.12 The AIA confirms that a number of trees will need to be removed given their condition and there are some required to be removed to facilitate the proposed development. Fewer trees are needed to be removed than for the extant planning permission. All the principal trees along Park Road will be retained. Tree protection measures are also identified and can be secured by condition.

- 8.13 The Council's Landscape Officer supports the application subject to conditions to secure the new planting and species for the boundary planting.
- 8.14 The proposed development is considered acceptable and complies with District Plan policies ED1, DES2, DES3 and DES4 in this regard and with the conditions proposed will ensure the proposal is of high quality, which carries weight in favour of the scheme.

Residential amenity

- 8.15 Policy DES4 specifically requires new development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.
- 8.16 The fallback position is a material consideration in this case to the extant planning permission for the U4 building. The proposed M2 building has adopted similar principles to reduce the height of the building to the Park Road boundary to that of the approved U4 building with the ground floor being set 1.75m below the level of Park Road. There is a slight increase in height at eaves of approximately 1.4m and to the ridge of 0.6m with the current proposal compared to the approved U4 building. This is considered to not cause a significant increase in bulk or massing to be harmful to visual amenity of neighbouring occupiers.
- 8.17 Limited fenestration is proposed on the north elevation fronting Park Road to avoid both overlooking and lighting issues and the landscape buffer will also assist in minimising the visual impact of the development.
- 8.18 The application is supported by a Noise Assessment which concludes that the existing noise levels at Park Road properties would not increase as a result of the development. In order to protect amenity, plant has been avoided on the Park Road side of

the building to reduce noise and vibration. Measures are also proposed to reduce noise levels produced, during construction and operation to minimise the impact to the nearby residents. The main sources of noise from the building will be from air conditioning ventilation systems only and not from industrial processes and therefore the proposal is considered to be quiet and acceptable in this location.

- 8.19 The Council's Environmental Health Officer comments that they have no objections subject to conditions as set out in Section 5 of this report.
- 8.20 A condition is also recommended for full details of external lighting to be submitted and approved due to the proximity of the houses along Park Road to the site. This is considered necessary to ensure any lighting installed is not significantly harmful to the residential amenity of these occupiers.
- 8.21 The proposed development accords with policies DES4, EQ2 and EQ3 of the District Plan and the NPPF in this regard and carries significant positive weight.

Access and sustainable transport measures

- 8.22 The proposed development will not have a dedicated vehicle service bay. All inbound materials and outbound products will be transported within the wider site by forklift trucks or small electric vehicles. The materials and products will be stored in on-site warehouses before internal and external distribution.
- 8.23 In relation to the proposed development, Policy TRA1 supports development located in places which enable sustainable development, TRA2 seeks to ensure safe and suitable access can be achieved, that proposals are designed to mitigate trip generation and not have a significant detrimental effect on the character of the local environment. TRA3 relates to parking provision.

- 8.24 The earlier demolition of the buildings on which the new M2 building will sit did not directly result in any reduction in staff numbers, with staff being redeployed within GSK at the Ware site. Existing production capacity currently undertaken in Building M will be moved to building M2. The effect on workforce numbers at the GSK site as a result of the proposal is therefore predicted to be neutral with no increase in staff numbers or trips. No additional car parking is proposed for this reason.
- 8.25 The servicing of the new building will follow the existing practice on the site. Work takes place 24 hrs a day with staff on shift patterns. There is not expected to be any additional increase in service trips as part of this proposed development.
- 8.26 Other service vehicle movements such as refuse collection and general supplies will be consolidated into the servicing movements already attending the site with no increase in vehicle numbers predicted.
- 8.27 Hertfordshire County Council as Highways Authority raise no objections to the proposed development subject to conditions to secure a Construction Management Plan, an update to the existing Travel Plan, provision of Electric Vehicle Charging Points (EVCP) and cycle parking.
- 8.28 Paragraph 55 of the NPPF (2019) makes clear that planning conditions should be kept to a minimum and only be used where they are: necessary, relevant to planning, relevant, enforceable, precise and reasonable. As the proposed development does not include any parking provision for either vehicles or bicycles and due to their being no increase in trip generation compared to the existing employment activity at the site, the conditions requested for EVCPs and cycle parking do not meet the statutory tests and therefore the Officer does not recommend that these are imposed.

- 8.29 The proposed development is within the sustainable location within the designated Employment Area therefore according with policy TRA1 of the District Plan. With a neutral impact on trip generation and conditions to secure a construction management plan and to amend the Travel Plan to reflect the proposal it is considered that the proposed development also accords with policy TRA2 of the District Plan.

Flood risk management and climate change / sustainability

Flood risk and drainage –

- 8.30 The site is located wholly within the Environment Agency's Flood Zone 1 (low probability) with no risk from fluvial (river) flooding. Potential flood risk is identified from overload flow from Harris's Lane to the west with a maximum ponding depth within the site of 0.2m.
- 8.31 A Flood Risk Assessment and Surface Water Drainage Strategy accompany the application, the latter having been revised following initial consultation comments from Hertfordshire County Council as the Lead Local Flood Authority (LLFA).
- 8.32 The Surface Water Drainage Strategy proposed to discharge surface water flows to the River Lea via the existing on-site drainage network. The rate of discharge will be limited by the flows being pumped between the development and the existing drainage network. Discharge will be limited to 7.5l/s, representing approximately a 90% reduction compared to estimated peak flows from the development site prior to demolition of the previous buildings. This will minimise the impact on flood risk and flows in the River Lea. Three attenuation tanks comprising approximately 130 sq m of attenuation volume are proposed at the west of the site.

- 8.33 Lined permeable paving can be used for the pathway around the building, with the remainder of the required attenuation being provided by geocellular storage. The surface water drainage system has been designed to cope with the 1 in 100 year storms and an assessment of the impact of climate change made in accordance with local and national guidance.
- 8.34 In the 100 year plus climate change events, some flooding is predicted totalling at most 5.3 cubic metres with the 20% climate change allowance and 54 cubic metres with the 40% climate change allowance. These quantities of flooding would be contained within the path around the building and no flooding is expected within the building.
- 8.35 Foul water will flow towards a new pump chamber which then discharges to a wider private network. This discharges into the public sewer along Priory Road. Acceptance by Thames Water of additional flows in their network was obtained for the previous planning application.
- 8.36 Hertfordshire County Council as LLFA support the revised details and recommend conditions securing the works to be undertaken in accordance with the assessment submitted, to secure a detailed surface water drainage scheme for the site based on the approved strategy and to secure a management and maintenance plan for the drainage features and network.
- 8.37 The details submitted indicate that sustainable drainage can be achieved on site in accordance with the SUDS hierarchy set out in Policy WAT5 of the District Plan.

Climate change / sustainability:

- 8.38 The East Herts District Plan Sustainability SPD (2021) supports the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the

environmental sustainability of new development. This will help transition towards the Council's goal for carbon neutrality by 2030.

- 8.39 In accordance with the SPD, this application is supported by a Sustainable Construction, Energy and Water Statement Report including a combined Sustainable Design and Construction checklist. This sets out how the design, materials, construction and operation of the development would minimise overheating in the summer and the need for heating in winter and cooling in summer and how the development will minimise the use of water.
- 8.40 A minimum reduction of carbon has been calculated at 3.9%.
- 8.41 The building will be connected to an existing Combined Heat and Power (CHP) plant located centrally within the GSK site. Solar panels are proposed and would represent up to 5% of the entire energy demand of the building could be met by the solar array.
- 8.42 GSK aims to limit water use to between 10 and 16 l/p/day which is below the benchmark of 16l/p/day. Water saving dispensing systems are proposed along with water management technology.
- 8.43 BREEAM certification is not a requirement of GSK and a pre-assessment has not been conducted at this stage. Measurement and monitoring of several impacts utilises the methodology set out by BREEAM manuals.
- 8.44 The proposed development has been designed in accordance with policies CC1, CC2 and WAT4 of the District Plan.

Environmental quality / contamination:

- 8.45 The application is supported by a Phase I: Desk Top Study Report which assesses the geological, geotechnical and potential ground contamination conditions on and beneath the surface of the site.

- 8.46 The Phase I report has identified the need for a Phase II site investigation to be completed. The Council's Environmental Health Officer has recommended a condition securing a scheme to deal with contamination.
- 8.47 To ensure environmental conditions are acceptable, the Environmental Health Officer has also requested conditions to address construction hours, unexpected contamination and control of dust during construction.
- 8.48 The site is within a vulnerable groundwater area (Source Protection Zone 2) which exist around abstraction points for drinking water. Policy WAT2 of the District Plan lists a range of proposals where a further assessment is required and this proposed development does not fall within those listed. Advice has been provided by the Environment Agency relating to Groundwater and Contamination however for the purposes of this application (and with consideration to the extant permission for the U4 building) both the LLFA and the Council's Environmental Health Officers raise no objection on these grounds. The Environment Agency advise that an amendment may be required to the existing environmental permit which is dealt with through other Regulations outside the remit of Planning legislation. An informative is recommended to highlight the advice provided by the Environment Agency to the applicant / agent.
- 8.49 The proposed development is considered to be acceptable in terms of environmental quality and contamination and complies with policy EQ1 of the District Plan.

Waste:

- 8.50 The proposed development will utilise the waste hierarchy to minimise the amount of waste produced on site. Prefabrication and lean methods of construction will be factored into the design to reduce the amount of waste produced on site. All construction waste will be segregated and monitored by the waste carrier. All

office and welfare accommodation waste will be collected to a central waste area and an existing waste management company is in place for the site to manage this process.

- 8.51 The proposed development accords with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 – policies 1,2 and 12 and Chapter 17 of the NPPF (2019).

Biodiversity and Natural Environment

- 8.52 Paragraph 170(d) of the NPPF (2019) states that ‘the planning system should contribute to and enhance the natural and local environment by....minimising impacts on and providing net gains for biodiversity...’. Policies DES2 and DES3 of the District Plan relate to retaining and enhancing landscape features and recognises that trees and hedgerows form an important part of our environment. District Plan policies NE2 and NE3 refer to achieving net gain in biodiversity where feasible and seeking to enhance biodiversity of the site including protecting species and habitats of importance.
- 8.53 The application is supported by an Ecological Assessment and Biodiversity Net Gain Report.
- 8.54 The Assessment summarises that the majority of the site comprises bare ground and hardstanding. The east of the site is undergoing development works. Areas of semi-improved grassland and trees and scrub are present at the site boundaries. The trees and scrub in the north of the site will be retained and enhancement measures will be employed including new native species planting, removal of non-native species and sowing of a hedgerow wildflower mix. In addition, new wildflower grassland and native tree and shrub planting will provide additional habitat diversity and offer opportunities for local species.

- 8.55 Overall based against the Biodiversity Metric version 2.0, the Biodiversity Net Gain Report confirms that the development will deliver a net habitat gain of 11.45%. As the Environment Bill indicates a future target of 10% this is considered acceptable as a demonstrable net gain in biodiversity.
- 8.56 The proposed development is considered to comply with District Plan policies NE2 and NE3 and the NPPF (2019).

Heritage Assets

- 8.57 Paragraph 193 of the NPPF (2019) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Conservation Area:

- 8.58 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.59 The application site is not within the Conservation Area and it is considered that the proposed development will have a neutral impact on its setting due to the distance between the site and the Conservation Area and the intervening buildings. As such the proposed development does not conflict with District Plan policy HA4.

Archaeology:

- 8.60 The site is in Area of Archaeological Significance identified in the Local Plan. This includes the Roman urban settlement at Ware, and also archaeological remains of Mesolithic, Neolithic, Bronze Age and Iron Age date.

- 8.61 Policy HA3 of the District Plan seeks to appropriately manage archaeological remains and requires consultation with Hertfordshire Historic Environment Unit and assessments / evaluation where required.
- 8.62 The application is supported by an Archaeological Summary by KDK Archaeology Ltd.
- 8.63 Further to discussions at pre-application stage between Herts County Council's Historic Environment Unit, GSK and KDK Archaeology a project design was agreed in May 2015 for a detailed archaeological investigation. The phased programme of archaeological investigation of the site has not yet been completed.
- 8.64 Herts County Council's Historic Environment Unit considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. As such a condition is recommended to provide properly for the likely archaeological implications of the development.
- 8.65 With the imposition of the condition the proposed development is considered to accord with the NPPF (2019) and District Plan policy HA3.

Other considerations

- 8.66 There are no other considerations that are material to the determination of this application.

9.0 Planning Balance and Conclusion

- 9.1 The proposed development has been previously approved in a similar form. Policies WARE3 and ED1 support the principle of this development within a designated employment area.

- 9.2 The design of the proposed development is considered to be of an appropriate scale having regard to the site and its surroundings. Given the nature and context of the site, residential amenity is not adversely affected to a significant amount and the existing and proposed landscaping is considered to soften and screen the impact of the development.
- 9.3 The proposal has been well designed including measures to maximise the sustainability credentials of the building with regard to reducing carbon emissions and utilising renewable forms of electricity generation.
- 9.4 The proposed development is sustainably located within Ware and details of Construction Management can be secured through condition to result in no adverse highways impacts.
- 9.5 In terms of environmental quality, means of surface and foul drainage are acceptable, contamination can be dealt with and noise, lighting and biodiversity are all acceptable and compliant with relevant policy.
- 9.6 Archaeology can be fully assessed and recorded to avoid harm to heritage assets of the site.
- 9.7 There are no identified conflicts with the Development Plan or other material considerations.
- 9.8 Overall, on the balance of considerations, the scheme is considered to be a sustainable form of development that is consistent with the relevant policies of the Development Plan.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions.

Conditions:

1. Three year commencement (LT12)
2. Approved Plans (2E10)
3. Materials as per plans and Docs
4. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

5. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

6. (4P132) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

7. No external fixed plant and / or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from all external fixed plant and machinery shall not exceed LAeqT = 35

dB when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

8. Prior to use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

9. In connection with all site preparation, demolition, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

10. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the

nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints shall be properly addressed as quickly as possible.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

11. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

12. If any asbestos containing materials are discovered during the course of the proposed development these shall be handled and disposed of appropriately, including the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

13. All other waste materials and rubbish associated with demolition and / or construction shall be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

14. The development shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
- 1) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - 2) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - 3) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 - 4) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

15. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementations of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing. This condition will only be considered to be discharged with the Local Planning Authority has received and approved an archaeological report of all of the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To assess, record and advance understanding of archaeological heritage assets in accordance with Section 16 of the National Planning Policy Framework, and in accordance with policy HA3 of the adopted East Herts District Plan 2018.

16. (2E272) Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan 2018.

17. The development hereby permitted shall not commence until there have been submitted and approved in writing by the Local Planning Authority and in consultation with the Highway Authority a Construction Management Plan.

The plan shall include details of the following:

- Construction vehicle movements;
- Construction operation hours, construction vehicle access(es), wheel washing;
- Routes to and from the site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts; and
- A travel plan for contractors

The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interest of highway safety, residential amenity and free and safe flow of traffic.

18. Two months prior to the first occupation of the development, the applicant shall update the existing Travel Plan for the GSK Ware site with the object of reducing the staff and visitors travelling to the development by private car which shall be first submitted to and approved by the Planning / Highway authorities.

Reason: To promote sustainable transport measures to the development.

19. The access shown on to Harris's Lane shall be used for construction purposes in association with the development hereby approved and thereafter used solely for emergency access only.

Reason: In the interests of highway safety in accordance with policy TRA2 of the East Herts District Plan 2018.

20. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by RPS Group reference CLE30270/05/01 Revision D dated 16 February submitted in support of this application the following mitigation measures detailed within the FRA:
- 1) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 7.5l/s during the 1 in 100 year event plus 40% of climate change event.
 - 2) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 174 cubic metres (or such storage volume agreed with the LLFA) of total storage volume in attenuation tanks and permeable paved area.
 - 3) Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

21. No development shall take place until a detailed surface water drainage scheme based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be

implemented in accordance with the approved details before the development is completed.

1. Final detailed drainage strategy indicating the location of all SuDS features and pipe runs. Any areas of informal flooding during the 1 in 100 year + climate change event should be indicated with the location, depth, area and volume of flooding.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times.
4. Exceedance flow paths for surface water events greater than the 1 in 100 year + 40% climate change storm.

Reason: To prevent the increased risk of flooding, both on and off site.

22. Upon completion of the drainage works for the site and in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Provision of a complete set of as built drawings for site drainage.
 2. Confirmation of the installed system.
 3. A photo record demonstrating the installation of the SuDS features.
 4. Maintenance and operational activities.
 5. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure ongoing management and maintenance of the drainage works to prevent flooding by ensuring the satisfactory disposal and storage of surface water.

Informatives

1. Justification Grant
2. Other legislation
3. EA advice
4. Highways advisory notes

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

KEY DATA

Non-Residential Development

Schedule of main accommodation

Ground floor:

- Entrance Foyer
- Process Manufacturing Rooms with associated Material and Personnel Airlocks
- Process Equipment Storage Areas
- Materials Storage Areas
- Wash Bays
- GMP Office Areas
- GMP Meeting Rooms
- Engineering Workshop
- Plant Rooms
- Material Storage and Staging Areas
- Goods In / Out

First floor:

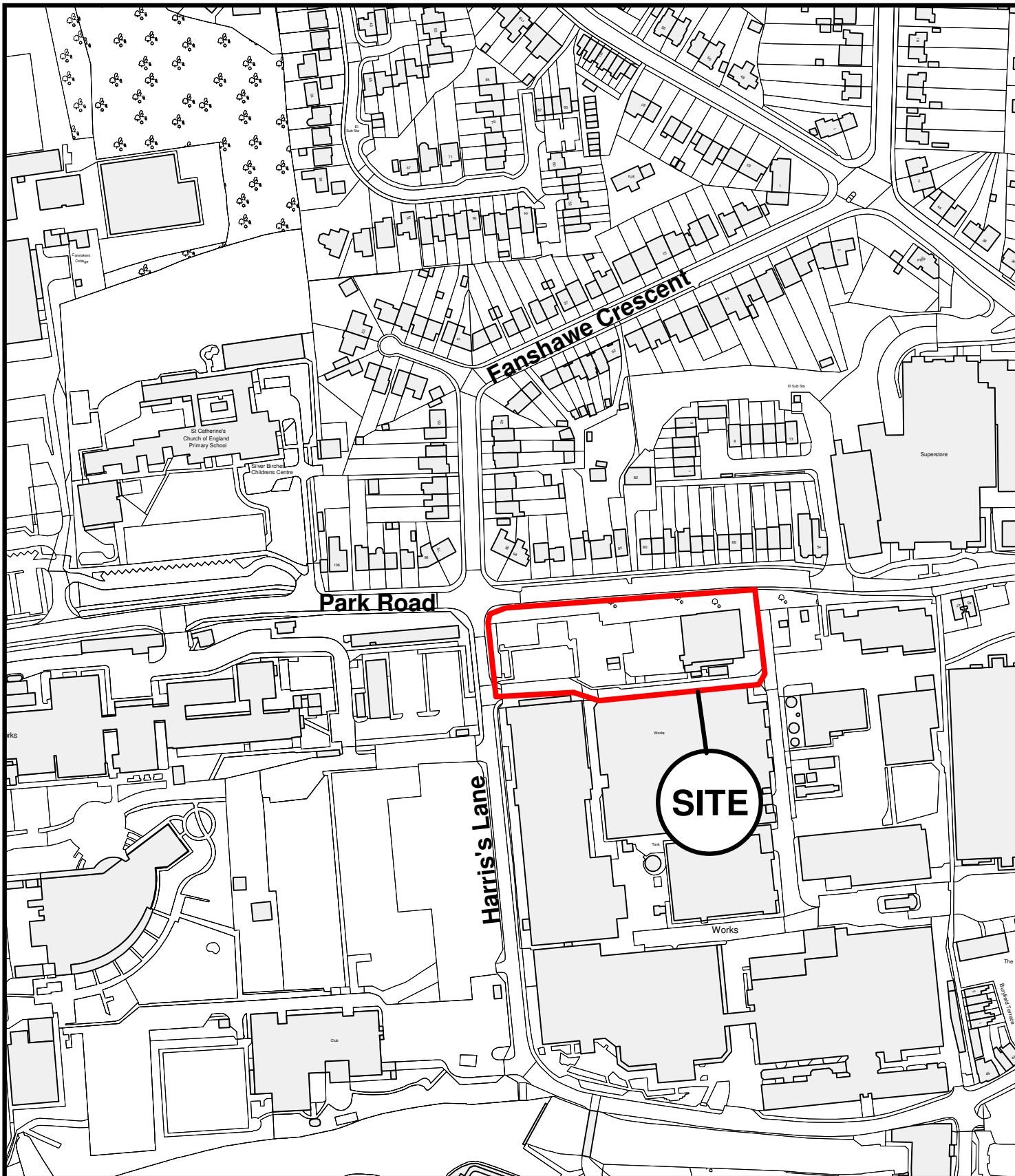
- Staff Welfare and Tea Room Facilities
- Non GMP Offices and Meeting Rooms
- Changing Facilities
- GMP Offices and Meeting Room
- Wash Bay
- Packing Facilities
- Material Holding Area
- Plant Room

Second floor:

- Plant rooms

Use Type	Floorspace sq.m (internal)
Manufacturing, warehousing and offices	
Ground floor	2499
Ground Floor Mezzanine	343
First Floor	1339
Second Floor	1226
Total	5407

Parking	Existing	Proposed
GSK Total	2032	0
GSK Peak Occupancy May 2014	1872	



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: Glaxosmithkline Services Ltd, Park Road, Ware, SG12 0DP
Reference: 3/20/2481/FUL
Scale: 1:2500
O.S Sheet: TL3514
Date of Print: 04 May 2021

This page is intentionally left blank

DEVELOPMENT MANAGEMENT COMMITTEE – 19 MAY 2021

Application Number	3/20/1931/FUL
Proposal	Alterations and change of use from commercial garage car showroom and workshops to mixed use development of Use Class E (g)(i) Office use and 3 residential units Use Class C3 (dwelling houses) together with the erection of a terrace of seven, 3 bedroom houses to the rear, with associated car parking and access.
Location	Gates of Hertford Gascoyne Way Hertford Hertfordshire SG13 8EL
Parish	Hertford Town Council
Ward	Hertford Castle

Date of Registration of Application	06 October 2020
Target Determination Date	05 February 2021
Reason for Committee Report	Major planning application
Case Officer	Femi Nwanze

RECOMMENDATION

That planning permission be **GRANTED** subject to a Section 106 Legal Agreement and to the conditions set out at the end of this report

That delegated authority is granted to the Head of Planning and Building Control to finalise the detail of the Section 106 Legal Agreement and conditions as set out.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks full planning permission for the change of use of the existing car showroom/garage to mixed use development of office use and residential.

- 1.2 It is proposed that the existing building will be retained and altered to provide 5 office units ranging in size from 118sq metres to 318 Sq. metres and 3 (2 bedroom residential units) . The proposal also includes associated landscaping works, car and cycle parking provision and access works.
- 1.3 At the rear of the site, it is proposed that 7, three bedroom, 3 storey townhouses with integral garages will be erected.
- 1.4 The main issue for Members consideration is whether or not the proposed quantum and type of development proposed is appropriate at this site; having regard to policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2019.

2.0 Site Description

- 2.1 The site is located on the southern side of Gascoyne Way (A414); a busy thoroughfare within the central part of Hertford; outside of the designated Town Centre. It comprises approximately 0.3 hectares of brownfield land which is in sui generis use. The site is surrounded by a mix of uses including residential and office use. The subject site is located within an identified Area of Archaeological Significance and the Hertford Conservation Area.

3.0 Planning History

Reference	Proposal	Decision	Date
3/16/0404/FUL	Demolition of existing buildings and erection of 'Retirement Living' block of 33 residential units (Category II sheltered housing) for the elderly with associated communal facilities, car	Refused	15/09/2016

	parking and landscaping.		
3/17/0678/FUL	Demolition of existing buildings and erection of a block of 27 retirement apartments for the over 55s with car parking and landscaping.	Withdrawn	24/10/2017
3/19/1262/FUL	Demolition of existing buildings and the erection of a block of 36 sheltered apartments with associated access, mobility scooter store, refuse bin store, landscaping and car parking spaces.	Withdrawn	06/11/2019

4.0 **Main Policy Issues**

4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2019 (NPPF) as set out below. Considerable weight can also be afforded to the Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging policies in the aforementioned Neighbourhood Plan have now been through examination and have been amended in response to the Planning Inspector's recommendations prior to their formal adoption via referendum.

Key Issue	District Plan	NPPF	BNAP
Principle of Development	HERT1,INT1,DPS1, DPS2, DPS3, DPS4, HOU1, HOU2, HOU3, ED1,	Chapter 5 Chapter 11	HBH1, HBH4,HBB1
Design and Heritage	HOU7, HA1, HA2, HA3, HA4,	Chapter 12 Chapter 16	HBC4, HBN3,HBN2,

	DES2,DES3,DES4, DES5		HBH2,HBH3
Climate Change	CC1, CC2, CC3, WAT1, WAT3, WAT4, WAT5, WAT6	Chapter 14	HBH2
Biodiversity and Natural Environment	NE2, NE3,NE4	Chapter 15	HBN3,
Highway impacts and Sustainable Transport	TRA1, TRA2, TRA3,	Chapter 9	HBT1, HBT2, HBT3, HBT5
Environmental quality and neighbour amenity	EQ1, EQ2, EQ3, EQ4	Chapter 8	HBN5

5.0 Consultee Responses

- 5.1 Cadent Gas – Advises that there is apparatus located in the vicinity of the proposed works. As a result it is highly likely that there are gas services and associated apparatus in the vicinity.
- 5.2 Environment Agency – Advises that they do not presently have sufficient resources to provide detailed comments on this application as they are concentrating on the highest risk proposals.

Notwithstanding, the following comments have been provided:

The previous land use at this site suggests the potential presence of contamination. Since the site is situated in a vulnerable groundwater area - Source Protection Zone 3, underlain by a Principal Bedrock Aquifer (Chalk) and partly underlain by a Secondary A Superficial Aquifer (Kesgrave Catchment Subgroup) - these proposals need to be dealt with in a way which protects the underlying groundwater. The agency advises both the applicant and the Local Planning Authority to refer to the NPPF and National Planning Policy Guidance for information.

- 5.3 EHDC (Conservation and Urban Design) – We have no objections to these proposals, and support this application as a scheme that will enhance the character and appearance of the Hertford Conservation Area. Conditions are required for details of boundary walls and fences, materials of construction, hard surfacing, and a condition is required to ensure that garages are retained for parking.
- 5.4 EHDC – Environmental Health – No objection subject to the imposition of conditions regarding air quality, noise and nuisance.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005. Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy. The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12. Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance. Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited. For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

- 5.5 EHDC – Housing Strategy – The proposed development does not meet the threshold for delivering affordable housing as set out in Policy HOU3 of the District Plan. Accordingly, we will not be seeking an affordable housing contribution.
- 5.6 HCC (Highway Authority) – Further to revisions to the scheme, the Highway Authority does not wish to restrict the grant of planning permission subject to planning conditions and securing measures to support sustainable travel via Section 106 agreement. In addition improvement works to the highway are to be secured through a Section 278 agreement.
- 5.7 HCC (Archaeological Advisor) – The development is unlikely to have a significant impact on the heritage assets of archaeological interest.
- 5.8 HCC Growth and Infrastructure Unit – Advise that they are not seeking any contributions.
- 5.9 HCC (Local Lead Flood Authority) – Advise that they have no objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.
- 5.10 HCC (Minerals and Waste) – Advise that in accordance with the Hertfordshire County Council Waste Core Strategy the district council is urged to ensure that the objectives outlined in Policy 1, 2 and 12 are met. These can be achieved through the imposition of conditions.
- 5.11 Hertford Civic Society –Support this proposal but advise that careful consideration is given to the need for a condition limiting the hours of operation of the commercial premises.

- 5.12 Hertford Town Council – This application is an improvement on the previous submission and the re purposing of existing buildings is welcomed. The sustainability measures are also welcomed and provision of parking. The Committee would like to see more electric vehicle charging points included.
- 5.13 Thames Water – No objection with regard to waste water network and sewage treatment works infrastructure capacity. Advises that there are public sewers crossing or close to the development. Thames Water have advised that Informatives regarding ‘working near our assets’ and the requirement to obtain a for a Groundwater Risk Management Permit from Thames Water be added to any grant of planning permission.
- 5.14 Ward Councillors – No comments have been received.
- 5.15 West Street Association – West Street is a conservation area and residents already suffer from parking issues from people parking in the street - commuters, those in nearby council offices, people going to the town etc. etc. etc. It is already at over parking capacity and cannot cope with any more overflow parking. The Section 106 money from the approval of this project - to look at setting up an RPZ in West Street is vital for the street's future.

6.0 Summary of Other Representations

6.1 The application has been advertised by letter consultation to 185 local residents and businesses, and by press and site notices. A total of 23 responses have been received. 18 responses support the application on the following grounds:

- Worthwhile scheme which will add much to the local community
- Development is sympathetic to neighbouring properties
- The proposal provides jobs
- Residential properties look attractive
- Sympathetic housing with parking in the centre of town

- Additional landscaping and grass paving is genius for a mews scheme in the centre of town
- Important that the commercial element is to be retained
- Maintaining commercial will put the heart back into Hertford
- Environmentally friendly design
- Refreshing to see a well thought – out scheme that retains commercial and provides quality housing
- Living wall to the front will offer acoustic benefits to West Street
- Proposal will be an asset to West Street area
- Positive proposal that does not overlook or impact other properties.

6.2 5 neutral responses have been received outlining the following:

- RPZ (Residents Parking Zone) needs to happen to mitigate against overspill car parking
- £10K is an insufficient offer for the RPZ
- Council need to specifically allocate the Section 106 funds towards mitigating the immediate impact of the development on West Street either through a RPZ for the street and/or by implementing a one way system on the street to limit traffic and eliminate rat – running. This would improve the area for cyclists and align with the South east Hertfordshire Growth and Transport Plan. Although the development has a large number of parking spaces; any development at the site will have an impact on West Street
- Parking spaces need to be available to rent or buy by Nos 3-13 West Street as they are most affected by the proposal
- Entrance/exit to the commercial should be reviewed for safety (30 mph should be considered)
- Insufficient car parking for the Class E units
- Measures are required to deal with increased traffic
- Difference between 3 bed houses and 4 bed houses will result in additional traffic
- Parking enforcement is required in West Street

- Increased car movements especially on the A414 will impact on pedestrian and cycle safety
- Delivery times should not affect residents
- Development should remain a small residential scheme and not be added to later
- Concern regarding the number and type of uses under Class E and a concern about opening hours
- Gym opening 24 /7 would be a concern
- Concern regarding skylights and casement windows on the flank side of the building leading to loss of privacy

7.0 Considerations

Principle of development

- 7.1 Policy DPS2 (The Development Strategy 2011-2033) of the East Herts District Plan outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites. The application site is considered to fall within the first category 'sustainable brownfield sites'.
- 7.2 Situated in a sustainable location within Hertford, alongside the west- bound A414 but outside, and within walking distance of, the designated town centre, the site comprises of 0.37ha. It provides approximately 730 sq. metres of floorspace in a building which was last used as a garage /car show room, a sui generis use employment use. However it is not located in a designated employment area. Notwithstanding, its former use, the site has very poor vehicular access and can only be accessed via a narrow private road which is shared with the surrounding uses (many of which are residential).
- 7.3 Policy ED1 seeks to retain employment uses and advises that a change of use will only be permitted where the retention of the site for employment use has been full explored.

- 7.4 The proposal seeks to retain the current building and change its use to a mix of uses that would incorporate activities that fall within Class E (g) (i) – offices together with 3 residential units (Class C3). In addition it is proposed that a small terrace of 7 residential units will be erected at the rear of the site.
- 7.5 The applicant has indicated that they have marketed the site for the retention of employment use for a period of 20 months; commencing June 2018 without success. There has been no interest for employment use due to the poor vehicular access to the site and the existence of residential uses that surround the site (factors that make the site undesirable for a wider range of employment uses). Interest has only been forthcoming for residential use.
- 7.6 The current proposals seek to ensure that employment remains at this site; with a mixed use development of employment (office use) and residential use.
- 7.7 The current building will be retained, amended externally and internally so that it provides an increase in the floorspace given over to employment use (808 sq. metres), and 3, two bedroom residential units. To the rear of the site a further 7 residential units are proposed.
- 7.8 The proposed development will result in a reduction in overall site area for employment use. However given the location of the site, its particular constraints (as outlined above) and the fact that, in terms of employment floorspace provision, this proposal will result in an uplift in employment floorspace of 79 sq. metres, the employment aspect proposal is considered to be acceptable in principle. Accordingly it is considered that there is no conflict with Policy ED1 of the East Herts District Plan 2018.
- 7.9 In addition the proposal results in the provision of 10 residential units in a sustainable location; contributing to the windfall

allowance in housing supply required by the District during the Plan period.

- 7.10 It is therefore considered that the residential aspect of the proposal is acceptable in principle and there is no conflict with Policies DPS2, DPS3, INT1, HERT1 and HOU1 of the East Herts District Plan.
- 7.11 The principle of a mixed use development at this site is therefore considered to be acceptable; subject to an assessment against other matters as outlined below.

Design and Heritage

- 7.12 The site is situated within the Hertford Conservation Area and as such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance its character or appearance. The site is surrounded by a number of listed buildings along West Street (Nos 3 – 15), East Herts District Council Offices at Wallfields.
- 7.13 Policies DES3, DES4 and DES5 of the District Plan seek design quality that respects the constraints of a site and integrates landscaping into the design.
- 7.14 The existing building on the site is proposed to be retained however it will be altered both internally and externally so that it can provide both the office accommodation in the form of 5 business/office units and the 3 residential units. In this regard it is proposed that the full extent of the building will be utilised internally and roof lights will be inserted on all four roof planes in order facilitate the development proposal.
- 7.15 Four of the office units proposed will range in size from 118 – 124 sq. metres; with the ground floor former show room being converted to provide a larger unit of 318 sq. The proposed office

units fall within the newly created (Class E) use class which encompasses commercial business and service uses. This use class permits changes to a wide range of alternative uses (such as retail, commercial or community type uses) without a further grant of planning permission.

- 7.16 The applicant has indicated that all the units are proposed to be used as offices (Class E) (g) (i) use. Given that the existing building will also provide residential units in close proximity, it is considered appropriate to impose a planning condition restricting the use to Class E (g) (i) only.
- 7.17 Notwithstanding , the size and general form of the employment uses are considered to be acceptable; featuring floor to ceiling heights that are appropriate for the intended use.
- 7.18 At both ground and first floor level, a limited section at the south eastern corner of the building will provide a total of three 2 bedroom residential units. A noise impact assessment has been provided which demonstrates that these residential units will not be adversely affected by their proximity to the business units. The internal layout and room sizes of these units are considered to be acceptable and meet the space standard outlined in the National Technical Housing standards 2015. The units will also be able to comply with the requirements outlined in Policy HOU7 to meet the Building Regulations Requirement M4 (2) – Accessible and Adaptable Dwellings. It is noted that these three residential units will not have private external amenity area but will be surrounded by substantial landscaping in the form of a green wall and planting beds and borders around the external parts of the building. Furthermore the site is within close proximity to nearby public green spaces with the Castle Gardens a short walk from the site.
- 7.19 At the rear of the site at a distance of approximately 10 metres from the former car showroom building, a small development of housing is proposed. This will take the form of a row of 7, three storey (3 bedrooms) town houses with integral garages. The town

houses have a varied, appearance and roof scape to provide articulation to its overall appearance. It is considered that both the design and the overall scale of the residential development at the rear of the site is acceptable; relating well to the scale and positioning of the commercial building that is to remain at the site as well as being considerate to the site being in proximity of neighbouring listed buildings. Due to the proximity of listed buildings to this part of the site it necessitates the removal of permitted development rights for roof extensions for the 7 terraced town houses.

- 7.20 The residential units are considered to be acceptable in their design and internal layout; complying with the standards outlined in the Department for Communities and Local Government Technical Housing Standards 2015. Despite the 10 metre distance between the terrace of houses proposed and the former car showroom building, there will be no overlooking or loss of privacy to any of the 3 residential units that will be provided due to the orientation of windows in each respective part of the development.
- 7.21 In terms of landscaping, it is considered that the proposed development would achieve a good balance between hard and soft landscaping. Each dwelling will have a generously sized rear garden of not less than 50 sq. metres; combining both hard and soft landscaping features. In addition, one house in the terrace will be designed to incorporate a flat sedum roof.
- 7.22 The retention, conversion and alteration of the existing car showroom would have a neutral impact on the character and appearance of the Hertford Conservation Area. However, the erection of town houses at the rear of the site and the proposed soft landscaping measures which include a green wall at the site frontage, tree planting and additional soft landscaping measures will certainly enhance both the character and appearance the afore mentioned Conservation Area.

Climate change

- 7.23 As outlined in Policies CC1 and CC2 of the East Herts District Plan 2018, all new developments are expected to demonstrate measures that will be implemented at design, construction and operational level that will assist in minimising overheating in summer, reduce the need for heating in winter, integrate green infrastructure into the scheme and contribute to urban greening. In addition it should be demonstrated how carbon dioxide emissions will be minimised across the development and the efforts that will be made to exceed the requirements of the Building Regulations.
- 7.24 The application was submitted prior to the adoption of the East Herts District Plan Sustainability SPD (2021) reference has been made to its contents at consultation stage. The Sustainable Construction, Energy and Water Statement that accompanies the application sets out the various measures that will be implemented to ensure that the development proposal adheres to both the aspirations of the Building Regulations and the energy hierarchy. In this regard the proposal includes a range of measures which include the use of solar PV panels, the introduction of water saving measures to target 105 litres/person/day, the introduction of airborne sound insulation measures that will exceed the Building Regulations Part E standards, the use of low emission boilers, the use of sustainable urban drainage systems, the use of sustainable building materials, the provision of sustainable transport measures and in intention to retain and adapt the existing car showroom building. Together these measures are expected to result in a 16% reduction in regulated CO₂ emissions over the Building Regulation (2013) baseline. This is a welcomed feature of the proposals and complies with Policies CC1, CC2 of the East Herts District Plan 2018.

Biodiversity and landscaping

- 7.25 The proposed development will result in a significant uplift in landscape character and biodiversity provision at this site due to the proposed green enhancements that have been put forward as part of the overall proposal as required by Policies NE2, NE3, DES2 and DES3 of the East Herts District Plan 2018.
- 7.26 Such measures include a detailed and robust landscaping and planting scheme for the entirety of the site including the provision of 3 additional silver birch trees, hedging to the front of the site a green living wall both at the front of the site and at the rear of part of the former showroom, soft landscaping of cycle storage areas, landscaping of rear gardens of the 7 town houses with the introduction of native species and provision of 14 grid force (green) car parking bays. The proposed green living wall at the front of the site and hedging will also reduce local traffic noise by acting as an acoustic sound barrier to the A414. Collectively, these features will also significantly improve both the aesthetic appearance and the biodiversity of this site. Accordingly it is proposed that they are secured by condition.

Highway considerations

- 7.27 The proposals include improvements to pedestrian access to the site in the form of an upgraded 1.8m wide kerbed footway (the details, i.e. height of the kerbs, materials will be secured by a planning condition) along the main access road, provision of a new pedestrian route to the site's frontage linking the site with the existing controlled toucan crossing in Gascoyne Way. Both will provide safer routes for wheelchair users to access the new dwellings and office units. The existing public footway/cycleway will also be reinstated following removal of the western vehicular access. In addition, improvement works to the existing main access off Gascoyne Way will also be undertaken to narrow the access lane, extend the public footway/cycleway and provide it at a raised level with pedestrian/cycle priority in mind. The access to the car

park will be provided via a dropped kerb crossover which has been narrowed down as much as possible to ease pedestrian crossing.

- 7.28 Vehicular access to the site will be upgraded from Gascoyne Way further to the proposed improvements to pedestrian access (outlined above). The proposed highway works will also involve the closure/removal of the existing western access to the A414 and the provision of a shared cycleway/footway.
- 7.29 The Highway Authority have advised that the development proposal would result in 8 extra vehicle movements in the am peak and 10 extra in the pm peak. It is not considered that this increase will have a material impact on the public highway; considering the existing traffic levels entering the access road from Gascoyne Way. The increase in vehicle movements is therefore considered to be acceptable.
- 7.30 The proposed scheme will provide ample cycle parking on site in the form of 14 long stay cycle parking spaces for the office and 2 short stay visitor spaces, 10 long stay cycle parking spaces for the residential units; with additional cycle storage being available in the integral garages associated with 7 town houses. In addition, separate visitor/staff/resident secure/covered cycle parking provision is proposed at the site; further details of which are to be secured by condition.
- 7.31 In terms of car parking, the site is located within Accessibility Zone 3; wherein the level of car parking should be between 50 – 100% of the requirements outlined in the Councils Parking Standards Supplementary Planning Document (SPD). The Parking Standards SPD indicates that the office use should provide 27 car parking spaces based on floorspace provision. 14 car parking spaces are proposed at the front of the site for the office use. The residential element of the scheme should provide 24 car parking spaces. A total of 20 spaces are to be provided (7 of which are within the integral garages associated with the townhouses). Within this level of car parking adequate provision will be made for wheelchair

accessible car parking (6 spaces) and electric vehicle charging (5 spaces).

- 7.32 In addition, the developer proposes a Travel Plan for the office use which will encourage and provide information on sustainable travel choices for this site. The proposal also includes 1 car club space which will be marked out on the site for general use and will be secured by legal agreement as part of the travel plan.
- 7.33 It is acknowledged that there is a high demand for off street car parking in this part of Hertford. Notwithstanding, having regard to the Councils Parking Standards and the nature of development proposed, it is considered that the car parking provision proposed in this scheme is acceptable. The provision and retention of all parking and garaging is to be secured by condition. Accordingly there is no conflict with Policies TRA1, 2 and 3 of the East Herts District Plan

Impact on residential amenity

- 7.34 The change in use of the site to a mixed use development of office and residential use is likely to have a positive impact on residential/neighbour amenity. It will remove a garage workshop which can result in higher noise levels than would be associated with the predominantly residential surrounds.
- 7.35 The external changes to the showroom including the provision of roof lights will not affect the amenity of neighbouring occupiers. It is noted that an objection has been raised to this; however the roof lights will not provide any direct views into neighbouring sites as they will be surrounded by landscaping features including a green wall at the rear. The proposal will generally result in an improved aesthetic appearance of the site; involving the loss of the former workshop uses and a development that introduces uses that are compatible with its predominantly residential surrounds. The introduction of significant and quality landscaping measures as

part of the proposal at the front and side of the site will also further improve the site's appearance.

Planning Obligations

7.36 Although the scheme provides a total of 10 residential units (7 houses and three flats) as the gross internal floorspace of the dwellings would be less than 1000 sq. metres, the scheme does not trigger the requirements to provide affordable housing. For the same reasons, the scheme does not trigger contributions towards, early year's provision, primary and secondary education; library, youth; waste and adult care services as required by Hertfordshire County Council.

7.37 As the scheme proposes 10 additional dwellings at this site. In accordance with the Open Space, Sport and Recreation SPD and the Planning Obligations SPD, it is considered that the following obligations are required subject to the identification of suitable projects:-

- Children's Play and provision for young people - £21,472.00
- Parks and Gardens and Amenity Green Space - £9,858.00
- Natural and Semi Natural Green Space - £4,150.00
- Allotments - £1,769.00
- Sports Halls - £5,724.00
- Swimming pool space - £5,853.00
- Fitness Gyms - £2,544.00
- Studio Space - £1,051.00
- Bowls - £2,409.00
- Village and Community Centres - £6,929.00
- Outdoor tennis - £1,650.00
- Recycling Facilities - £792.60
- Monitoring fee

7.38 In recognition of local concern regarding parking availability within the vicinity of the site (particularly West Street) the applicant has

offered £10,000.00 towards the inception of a Residents Parking Zone by the Council.

7.39 The following matters are required to be secured to the satisfaction of the Highway Authority:

- Section 278 agreement:
 1. Improvement works to the access bell-mouth from Gascoyne Way (narrowing down the bellmouth, extending the public footway/cycleway)
 2. Closure of the western access to Gascoyne Way and reinstatement of footway/cycleway

- Section 106 agreement:
 1. A Full Travel Plan will be required to be in place for 5 years post first occupation. A £1,200.00 per annum (£6,000.00 in total) Evaluation and Support Fee should be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.
 2. In accordance with the HCC Planning Obligations Guidance, contributions will be sought per peak hour two-way trip (£1000.00 per one). Based on 10 trips in the pm peak, this would lead to a financial contribution of circa £14,700.00 (based on SPON indexation at 47.1% (£4,700.00) and 10 trips in the pmpeak (£10,000.00).

7.40 In accordance with the three CIL tests set out in the Community Infrastructure Regulations CIL Reg 122 and the NPPF para 56, the obligations above are considered to be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development

Other matters

7.41 Although the site is located within an Area of Archaeological Significance. The Historic Advisor has determined that the scheme is unlikely to have an impact on archaeological remains. Accordingly it is considered that there is no conflict with Policy HA3 of the East Herts District Plan 2018.

8.0 Conclusion

8.1 The proposal will deliver a mixed use development at this site within an existing sustainable urban area; seeking to retain employment at the site and providing 10 residential units.

8.2 The proposal will result in a significant uplift in landscaping and biodiversity at the site with the introduction of additional tree planting, provision of green walls and the general maximising of soft landscaping throughout the development.

8.3 The Highway Authority considers that the proposed highway and access arrangements at this site are acceptable and that additional traffic movements associated with this proposed development will be modest. The site is able to provide adequate car and cycle parking provision. The site operator has also indicated an intention to provide a car club on site.

8.4 It has been demonstrated that this scheme will not adversely affect neighbour amenity.

- 8.5 Overall, this is considered to be a scheme that will, subject to conditions, lead to an improvement of the site and would enhance the character and appearance of the Hertford Conservation Area.
- 8.6 Accordingly it is considered that the scheme complies with the East Herts District Plan 2018 and the NPPF.

RECOMMENDATION

That planning permission is **GRANTED** subject to the completion a Section 106 Legal agreement and the following conditions.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement, the contributions to be contained therein and conditions.

Planning obligation and Legal Agreement

- Children's Play and provision for young people - £21,472.00
- Parks and Gardens and Amenity Green Space - £9,858.00
- Natural and Semi Natural Green Space - £4,150.00
- Allotments - £1,769.00
- Sports Halls - £5,724.00
- Swimming pool space - £5,853.00
- Fitness Gyms - £2,544.00
- Studio Space - £1,051.00
- Bowls - £2,409.00
- Village and Community Centres - £6,929.00
- Outdoor tennis - £1,650.00
- Recycling - £792.60
- Monitoring fee
- Residents parking zone - £10,000.00
- Sustainable transport - £14,700.00
- Travel plan
- Travel plan evaluation and support fee - £6,000

Conditions:

1. Time limit – Commencement within 3 years
2. Approved plans
3. The development shall be carried out so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

4. Prior to any above ground works, samples of all the external materials of construction for the buildings, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out only using the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with Policies DES4 and HA4 of the East Herts District Plan 2018.

5. Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential dwelling. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect

of each residential dwelling prior to the first occupation of that residential dwelling to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policy DES4 of the East Herts District Plan 2018.

6. Separation of commercial and noise sensitive premises - Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the sound insulation of the wall separating Unit 2 of the Class E commercial premises from the C3 residential Units 8 and 9. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' within the C3 dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

7. Construction Traffic and Environmental Management Plan (CTEMP) - Prior to the commencement of the development hereby approved, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Environmental Health and the Highway Authority and the plan shall include the following:

- a) The construction programme and phasing
- b) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times,
- c) Hours of operation, delivery and storage of materials
- d) Access arrangements to the site;
- e) Details of any highway works necessary to enable construction to take place
- f) Parking and loading arrangements (where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.)
- g) Details of site security, lighting and hoarding
- h) Management of traffic to reduce congestion and protect pedestrians
- i) Control of dust and dirt on the public highway
- j) Details of consultation and complaint management with local businesses and neighbours
- k) Waste management proposals
- l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- m) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- n On site welfare facilities
- o) Siting and details of wheel washing facilities.
- p) Traffic and pedestrian management requirements
- q) Construction vehicle numbers, type and routing
- r) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas)
- s) Cleaning of site entrances, site tracks and the adjacent highway

All works shall be carried out in accordance with the approved CTEMP thereafter.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policies EQ2 and EQ4 Air Quality of the East Herts District Plan 2018 and to protect safety and the amenity of the public highway and rights of way in accordance with Policy TRA2 of the District Plan 2018 and Hertfordshire's Local Transport Plan 2018).

8. Compliance with SuDS Statement - The development permitted by this planning permission shall be carried out in accordance with the SuDS Statement reference 2894/2020 Rev B dated September 2020 prepared by EAS with the following mitigation measures:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Limiting the surface water run-off generated by the 1 in 100 year + climate change to a maximum of 1.9l/s.
3. Implementing appropriate SuDS measures to include permeable paving and underground tank.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WAT5 of the East Herts District Plan 2018.

8. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the

following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage.
2. A management and maintenance plan for the SuDS features and drainage network.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy WAT5 of the East Herts District Plan 2018.

10. Contaminated Land –

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with Policy EQ1 of the East Herts District Plan 2018.

11. Noise attenuation - The development hereby approved shall adhere to the proposed scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB $L_{Aeq, 07:00 - 23:00}$ in any habitable room or 30 dB $L_{Aeq, 23:00 - 07:00}$ and 45 dB $L_{Amax, 23:00-07:00}$ inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB $L_{Aeq, (1hr)}$ in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.

12. Sound emissions - Prior to first occupation of the dwellings hereby permitted, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from the commercial element of the development to include and plant or machinery associated with the use of the workshops and showroom shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.

13. Notwithstanding the approved plans, prior to the first occupation of any residential unit, provision shall be made within the parking area for 1 electric charging point per dwelling and 1 per 10 unallocated parking. Details of the provision shall be submitted in writing to the Local Planning Authority for their written approval and shall thereafter be provided and retained in perpetuity.

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with Policy EQ4 of the East Herts District Plan 2018.

14. Prior to the first occupation of any residential units, written details shall be provided to the Local Planning Authority that demonstrate that all gas – fired boilers meet a minimum standard of <40 mg NO_x/kWh.

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with Policy EQ4 of the East Herts District Plan 2018.

15. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of mains water in accordance with Policy WAT4 of the East Herts District Plan 2018, the Sustainability SPD and guidance in the NPPF.

16. The development hereby consented shall be carried out in full accordance with the Sustainable Construction, Energy and Water Statement prepared by Atclif Hutchings and dated 17.08.2020. In particular the following measures shall be achieved:

- A 16% reduction in regulated CO2 emissions over the Building Regulations (2013) baseline;
- Water efficiency measures installed in dwellings to target maximum daily water usage of 105 litres per day

No dwelling shall be occupied until the above mentioned measures have been implemented or an alternative implementation timetable has been agreed in writing with the Local Planning Authority.

17. The occupation of the development authorised by this permission shall not begin until the following improvement works to the accesses have been undertaken:

- i. the vehicular access to the site from the A414 Gascoyne Way narrowed down, provided In the form of raised table and the existing public pedestrian/cycle way extended;
- ii. The existing western site egress onto the A414 Gascoyne Way removed and the shared footway/. cycleway reinstated.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. The occupation of the development authorised by this permission shall not begin until the details of the siting, type and specification of Electric vehicle charging points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The occupation of the development authorised by this permission shall not begin until the design details of the new kerbed pedestrian footway along the access road have been submitted and approved by the Local Planning Authority. The approved works shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: In the interest of highway safety and to avoid inconvenience to highway users in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

20. The occupation of the development authorised by this permission shall not begin until at least one on-site parking space within the front car park has been marked out for loading/delivery vans. The loading bay shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: In the interest of highway safety and to avoid inconvenience to highway users in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

21. The occupation of the development authorised by this permission shall not begin until all on site vehicular areas have been made accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

22. The occupation of the development authorised by this permission shall not begin until a scheme for long stay and short stay parking of cycles including details of the design, level and siting of the proposed parking have been submitted to and approved in writing by the Local Planning Authority. Long stay cycle parking shall be provided in a fully secure and lockable store. The approved scheme shall be fully implemented before

the development is occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

23. Prior to first use of the development, a Servicing and Delivery Plan (SDP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Servicing and Delivery Plan shall contain the following details: Document title Eg. Delivery and Servicing Plan for XX, Date: Date of when the plan was produced, Planning details: Planning application number, Aim: Primary aim, Objective: 3-5 Site specific objectives, Policy: Context, National and local, Site Assessment: Loading bay(s), operating times, routes, managing, etc., DSP Management DSP: manager contact details; Targets: Indication of what might be achieved, Action Plan: If the site is occupied, include the action plan otherwise list the mandatory measures and others appropriate to the site, Monitoring: Confirm monitoring and expected occupation dates, Occupier handover: Sufficient information for the new occupier, Requirement written into tenancy agreement. The SDP shall be implemented in accordance with the approved details prior to occupation of each of the units and permanently adhered to.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse as

described in Schedule 2, Part 1, Class A and of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Authority to retain control over the nature of development taking place at this site.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement of any dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order and the Town and Country Planning (Use Classes) Order 1987 / Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Class E(g) (i) development hereby approved shall only be for uses falling within Class E (g) of the Use Classes Order and no other uses without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site in the interest of the amenity of surrounding occupiers; in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018. The site may not be suitable for unrestricted Class E use.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety in accordance with Policies TRA2 and TRA3 of the East Herts District Plan 2018.

28. The garage(s) hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policy TRA3 of the East Herts District Plan 2018.

29. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

Plans

Plan Ref	Version	Received
14039-P002-Z	REV A	29.03.2021
L1	Rev1	29.03.2021
L2	Rev1	29.03.2021
L3	Rev1	29.03.2021
14039-S-003 – 1ST		06.10.2020
2894 SK06	REV G	29.03.2021
14039-P006	B	30.10.2020
14039-P007-1ST		06.10.2020
14039 –P003	D	30.10.2020
14039 – S-001 – 1ST		06.10.2020
14039-S-002	A	06.10.2020
14039-P002	Z	29.03.2021
Sustainable Construction, Energy and Water Statement		17.08.2020
Acoustic living wall proposals		06.10.2020
Acoustic Fencing Details		06.10.2020

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
3. The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Tel: 01279 655261.
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

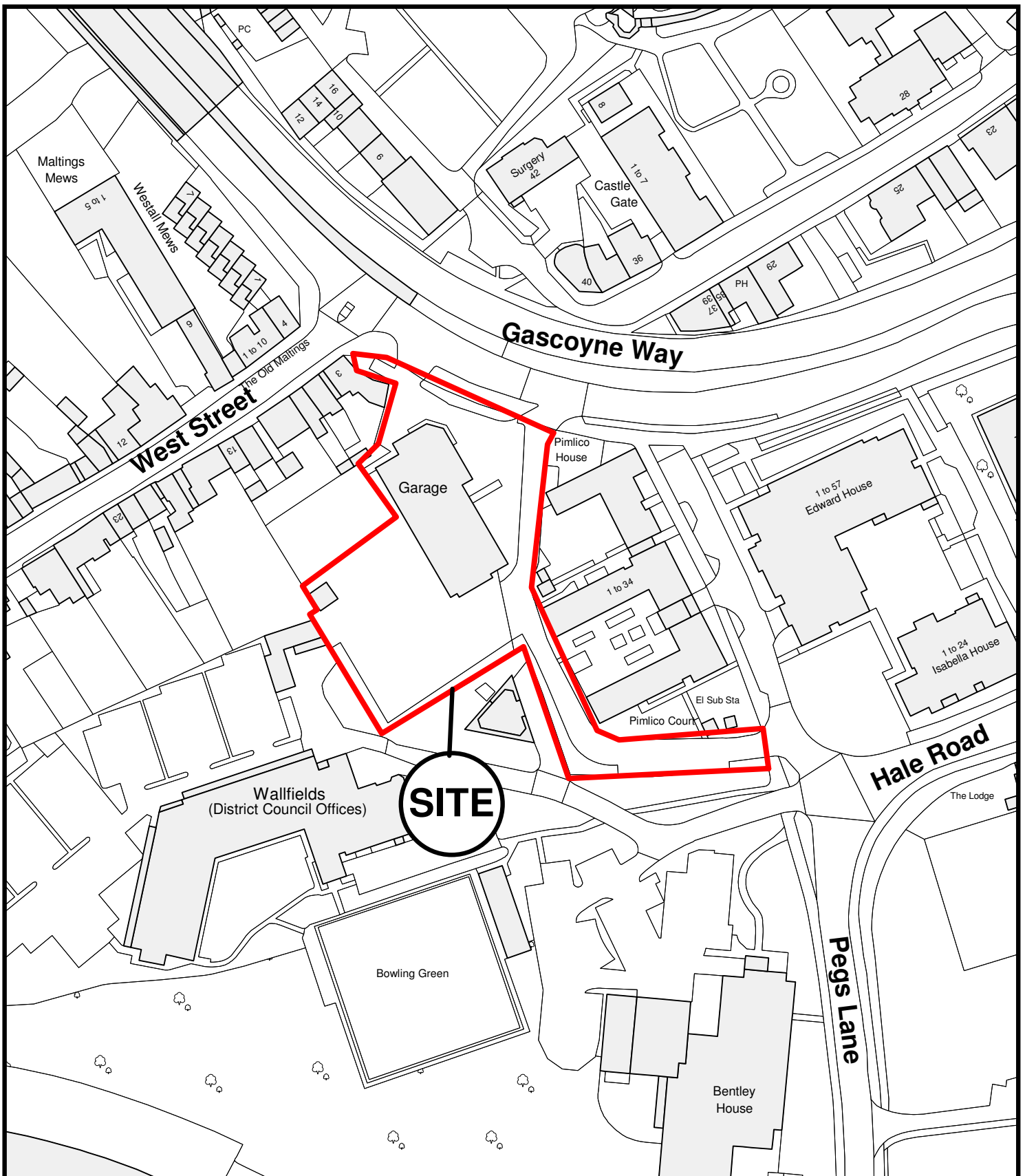
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

6. AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

7. AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

This page is intentionally left blank



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: Gates Of Hertford, Gascoyne Way, Hertford, SG13 8EL
Reference: 3/20/1931/FUL
Scale: 1:1250
O.S Sheet: TL3212
Date of Print: 05 May 2021

This page is intentionally left blank

**EAST HERTS DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
FEBRUARY and MARCH 2021**

Application Number	3/19/1097/HH
Decsn	Refused
Level of Decision	Delegated
Address	8 Raffin CloseDatchworthKnebworthHertfordshireSG3 6RP
Appellant	Mr And Mrs Sanjay Patel Hema Sheorain
Proposal	Ground floor front extension, 1No roof light on side of roof plane and other external alterations .
Appeal Decision	Dismissed

Application Number	3/19/1492/FUL
Decsn	Refused
Level of Decision	Delegated
Address	GreenleysSlough RoadAllens GreenSawbridgeworthHertfordshireCM21 0LR
Appellant	Mr Stuart Hicks
Proposal	Demolition of an existing barn, nissen huts and hard standing. Construction of five detached dwellings. Construction of associated access roads and landscaping.
Appeal Decision	Dismissed

Application Number	3/19/1581/HH
Decsn	Refused
Level of Decision	Delegated
Address	Home Farm76 Bramfield RoadDatchworthKnebworthHertfordshireSG3 6RZ
Appellant	Mr Chris Bullock
Proposal	Two storey side extension with two dormers to front elevation and one dormer to rear elevation.
Appeal Decision	Dismissed

Application Number	3/19/2060/FUL
Decsn	Refused
Level of Decision	Delegated
Address	To The Rear Of The Fox & Hound2 High StreetHunsdonWareHertfordshireSG12 8NH
Appellant	Mr James Rix
Proposal	Residential development of three 2 bedroom terraced houses with associated parking and landscaping.
Appeal Decision	Dismissed

Application Number	3/19/2441/HH
Decsn	Refused
Level of Decision	Delegated
Address	4 Hadham Park CottagesCradle EndLittle HadhamWareHertfordshireSG11 2EH
Appellant	Mr Frank Harvey
Proposal	Two storey side extension, single storey rear extension, side porch and relocated access and driveway.
Appeal Decision	Dismissed

Application Number	3/20/0144/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land At South EndPerry GreenMuch HadhamHertfordshireSG10 6EW
Appellant	Mr S Brown
Proposal	Demolition of all buildings. Erection of 9 dwellings (3 detached, 6 semi-detached), together with associated cart lodges/car ports served by a new access and 24 parking spaces.
Appeal Decision	Dismissed

Application Number	3/20/0158/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Rear Of 41 Fanshawe StreetBengeoHertfordHertfordshireSG14 3AT
Appellant	Mr M Swallow
Proposal	Construction of 2 new dwellings to the rear of No. 41 to include 4 parking spaces.
Appeal Decision	Dismissed

Application Number	3/20/0250/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To Hermitage CottageWaresideWareHertfordshireSG12 7QY
Appellant	Mr And Mrs Bill And Sally Tillbrook
Proposal	Demolition of double garage. Construction of 2 bed dwelling with 3 roof dormer windows.
Appeal Decision	Dismissed

Application Number	3/20/0269/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land At Old Station YardMillers ViewMuch HadhamHertfordshire
Appellant	.
Proposal	Erection of 4. two bedroomed affordable dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping
Appeal Decision	Dismissed

Application Number	3/20/0329/HH
Decsn	Refused
Level of Decision	Delegated
Address	8 Parsonage LaneBishops StortfordHertfordshireCM23 5BE
Appellant	Mr E Morton
Proposal	Part single and part two storey rear extension. Conversion and alteration of 1 garage to form front entrance door; together with associated elevational alterations .
Appeal Decision	Allowed

Application Number	3/20/0836/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Rear Of 33 Homefield RoadWareHertfordshireSG12 7NG
Appellant	Mr & Mrs Jenkins
Proposal	Erection of a detached one bedroom bungalow with new vehicle access and 2 car parking spaces.
Appeal Decision	Dismissed

Application Number	3/20/0919/FUL
Decsn	Refused
Level of Decision	Delegated
Address	EllenglazeBramfield HouseWell GreenBramfieldHertfordHertfordshireSG14 2QT
Appellant	Mr Chris Armstead
Proposal	Creation of garage and home office
Appeal Decision	Dismissed

Application Number	3/20/0937/TEL
Decsn	Refused
Level of Decision	Delegated
Address	Highways Land Great Hadham RoadBishops StortfordHertfordshire
Appellant	MBNL (EE UK LTD & H3G UK LTD)
Proposal	The installation of a 20m high slimline tower supporting 12 no. antenna apertures with the installation of 8 no. ground-based equipment cabinets and ancillary development.
Appeal Decision	Dismissed

Application Number	3/20/0962/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To 208 Stortford Hall ParkBishops StortfordHertfordshireCM23 5AS
Appellant	Mr D Harvey
Proposal	Erection of a new attached dwelling with separate access, 2 off street car parking spaces and a front and side garden.
Appeal Decision	Dismissed

Application Number	3/20/0994/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent Ideal Farm Friars Road Braughing Hertfordshire SG11 2NR
Appellant	Miss A Canfield
Proposal	Retention of chicken coop for housing chickens, ducks and geese.
Appeal Decision	Allowed

Application Number	3/20/1074/HH
Decsn	Refused
Level of Decision	Delegated
Address	19 Gilston Lane Gilston Harlow Hertfordshire CM20 2RF
Appellant	Mr William Jenkins
Proposal	Removal of car port. Construction of two storey and single storey side extension. New first floor front window opening.
Appeal Decision	Allowed

Application Number	3/20/1081/FUL
Decsn	Refused
Level of Decision	Delegated
Address	29 Station Road Sawbridgeworth Hertfordshire CM21 9JY
Appellant	Mr Colin Hardy
Proposal	Proposed single storey extension and change of use of existing barn outbuilding into 1 self-contained residential unit, alterations to fenestration and associated development.
Appeal Decision	Dismissed

Application Number	3/20/1165/HH
Decsn	Refused
Level of Decision	Delegated
Address	3 The Orchards Sawbridgeworth Hertfordshire CM21 9BB
Appellant	Mr And Mrs Paul James
Proposal	Two storey side and rear extension, incorporating dormer windows. Single storey front and rear extension. Garage conversion.
Appeal Decision	Dismissed

Application Number	3/20/1205/HH
Decsn	Refused
Level of Decision	DEL
Address	30 Willis Grove Balls Park Hertford Hertfordshire SG13 8FH
Appellant	Mr And Mrs J And L Woodley
Proposal	Proposed single storey rear extension
Appeal Decision	Dismissed

Application Number	3/20/1254/HH
Decsn	Refused
Level of Decision	Delegated
Address	50 Tamworth Road Hertford Hertfordshire SG13 7DN
Appellant	Mr And Mrs Mark Roofe
Proposal	Erection of part single and part two storey rear extension, together with associated boundary works.
Appeal Decision	Allowed

Application Number	3/20/1504/HH
Decsn	Refused
Level of Decision	Delegated
Address	97 Pye Corner Gilston Harlow Hertfordshire CM20 2RD
Appellant	Mr Tom Plane
Proposal	Formation of front basement lightwell and extension.
Appeal Decision	Dismissed

Application Number	3/20/1511/HH
Decsn	Refused
Level of Decision	Delegated
Address	Manor Farm BarnStandon RoadLittle HadhamWareHertfordshireSG11 2DD
Appellant	Mr T Campbell
Proposal	Erection of three-bay two storey garage and replacement gates.
Appeal Decision	Withdrawn

Application Number	3/20/1517/FUL
Decsn	Refused
Level of Decision	Delegated
Address	North End FarmHare StreetBuntingfordHertfordshireSG9 0DY
Appellant	Mrs S Beetles
Proposal	Change of use of meat processing unit to one bedroom residential unit
Appeal Decision	Withdrawn

Application Number	3/20/1553/FUL
Decsn	APPCON
Level of Decision	Delegated
Address	142 London RoadWareHertfordshireSG12 9NH
Appellant	Gail Stretch
Proposal	Single storey extension to scout hut and erection of detached barn.
Appeal Decision	Allowed

Application Number	3/20/1580/HH
Decsn	Refused
Level of Decision	Delegated
Address	Griff30 Foxley DriveBishops StortfordHertfordshireCM23 2EB
Appellant	Amy And Bruce Rodda
Proposal	Erection of a two-storey side extension, single storey side/rear extension and replacement garage, together with the introduction of new materials.
Appeal Decision	Allowed

Background Papers

Correspondence at Essential Reference Paper 'A'

Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656



Appeal Decision

Site Visit made on 16 February 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Appeal Ref: APP/J1915/D/20/3264658

Griff, 30 Foxley Drive, Bishop's Stortford, CM23 2EB

- 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 Amy and Bruce Rodda against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1580/HH, dated 19 August 2020, was refused by notice dated 8 October 2020.
 - The development proposed is erection of a single-storey rear extension, two-storey side extension and replacement of the existing garage.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a two-storey side extension, single storey side/rear extension and replacement garage, together with the introduction of new materials, at Griff, 30 Foxley Drive, Bishop's Stortford, CM23 2EB in accordance with the terms of the application, Ref 3/20/1580/HH, dated 19 August 2020, 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 development hereby permitted shall be carried out in accordance with the following approved plans: FD-PL-01, FD-PL-06, FD-PL-07, FD-PL-08, FD-PL-09, FD-PL-10 and FD-PL-11.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified on the planning application form, Design and Access Statement and/or the submitted drawings.
 - 4) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Procedural Matter

2. Despite the description of development set out above, I consider the description found on the Decision Notice better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for 'Erection of a two-storey side extension, single storey side/rear extension and replacement garage, together with the introduction of new materials.' I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing house and the surrounding area.

Reasons

4. The appeal concerns an interwar detached house situated to the east side of a residential street. The existing house includes deep overhanging eaves to all parts of its roof and is predominantly finished in render with red brick to the plinth, chimney stacks and front doorway, and clay tiles to the roof and detailing of the bay window and windowsills. While there is considerable variation to the style, mass, siting, and materials palette of the houses in the street, they are situated in large plots with generous rear gardens. Many of the houses have been extended or altered, including those to either side of the appeal property. The character and appearance of the street has therefore evolved, including the spacing between houses.
5. The proposed two-storey side extension would be set back from the front façade and down from the existing ridge of the house, with a shallower pitched zinc roof and primarily brick front and side elevations. However, the front façade would include a double-height squared projection with windows, which would be clad in batten on edge timber. The form, appearance and verticality provided by this element would be sympathetic but provide a suitable contrast to the existing double-height bay window.
6. The first floor of the two-storey extension would continue beyond the rear of the house with a flat roof and would also be clad in batten on edge timber. It would be only a small part of the overall scheme but its design would be innovative given that it would pierce through to the ground floor of the proposed single-storey rear extension and be suspended above the internal living environment. It would be visible through the glazed portions of the ground floor.
7. The single storey part of the side extension would be set back toward the rear of the two-storey section and wrap around into the rear extension. It would be finished in render and glazing, with a new brick chimney. The relationship of the extensions with one another would diminish the consequential impact of their overall scale and how this would be perceived from the street and gardens of neighbouring houses.
8. The fenestration of the existing two-storey rear projection would also be altered to incorporate a greater extent of glazing, including a Juliet balcony at first floor, the proportions of which would be suitable in comparison to the form and verticality of that part of the house. The proposed garage would also be a relatively small addition to the house constructed of red brick in place of the current rendered finish and incorporate a hipped zinc roof, rather than a flat roof. Moreover, it would be largely to the same footprint as the existing but increased in size to the rear to include a workshop.
9. The Officer Report suggests that the character and appearance of the existing house and street scene should be maintained, but this would limit the potential for design evolution and stifle innovation. The Reason for Refusal also suggests that the proposal does not respond to local distinctiveness. However, it is evident that the street already features houses of varying design and

construction and has altered and evolved through new houses and extensions and alterations to others.

10. The proposal would add considerably to the existing house, particularly in terms of the width of the two-storey side extension. However, its scale would but be broken down into component parts and clearly defined through modern design elements and composition of matching and modern materials that would be sympathetic to the architecture of the house and appropriate to the size of its plot.
11. I have also had regard to the extension erected at No 32, which the Council suggests is of lesser width than the appeal proposal. However, it could not be said to be subservient to No 32, as it has resulted in a higher roof to the house, while the proposal would be set down from the roof. Notwithstanding this, I have considered the appeal scheme on its own individual merits.
12. In light of the above, I conclude that the size, scale, design, and materials of construction of the proposed development would not be harmful to the character and appearance of the existing house and the surrounding area. Hence, it would accord with the design aims of Policies DES4 and HOU11 of the East Herts District Plan (Adopted October 2018), particularly in relation to the subservience of and innovative approach to proposed extensions. The proposal would also not conflict with paragraphs 127 and 130 of the National Planning Policy Framework, particularly in respect of development that is sympathetic to local character, while not preventing or discouraging appropriate innovation or change.

Other Matters

13. There is no substantive evidence before me to suggest that the proposal would adversely affect the supply of mains water and gas or place an undue strain on sewage disposal. Furthermore, any damage caused to property during construction would be a private matter between the parties involved, as would any encroachment onto a private access. None of these matters raised therefore alter or outweigh my conclusion on the main issue.

Conditions

14. In addition to the standard time limit for the appeal, in the interests of clarity and the appearance of the existing house, I have specified the approved plans and that the materials of construction of the proposal should be in accordance with the materials listed in the application. A condition relating to the use of the garage for parking is also reasonable and necessary due to the increase in the number of bedrooms associated with the proposal, and the Council's requirements for off-street parking, having regard to highway safety.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 15 March 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/J1915/W/20/3263477

142 London Road, Ware SG12 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Gail Stretch against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1553/FUL, dated 13 August 2020, was approved on 16 November 2020 and planning permission was granted subject to conditions.
 - The development permitted is described as "Proposed covered area to part of the existing side elevation of the Great Amwell Scout Hut. Proposed Dutch Barn".
 - The condition in dispute is No 4 which states that: There shall be no use or occupation of any of the buildings / structures located on the site between the hours of 22:00 and 08:00 the following day.
 - The reason given for the condition is: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.
-

Decision

1. The appeal is allowed and the planning permission Ref 3/20/1553/FUL for a covered area to part of the existing side elevation of the Great Amwell Scout Hut and Dutch barn at 142 London Road, Ware, SG12 9NH granted on 16 November 2020 by East Hertfordshire District Council, is varied by deleting condition 4.

Background and Main Issue

2. The development involves the erection of two structures. The proposed covered area to the side of the scout hut has attracted no objections from residents, consultees or the Council. I see no reason to disagree with this as it would be a small area immediately adjacent to the scout hut and its use is unlikely to result in any significant additional disturbance to local residents.
3. The Dutch barn would be a freestanding open-sided structure set away from the scout hut. Its possible future use for private functions has attracted concern from local residents and the Environmental Health consultee regarding the potential for increased noise disturbance at night.
4. The main issue is therefore whether the condition in dispute is reasonable and necessary having regard to the living conditions of neighbouring residents.

Reasons

Original condition

5. The condition in dispute would prevent any use or occupation of any of the buildings or structures located on the site between the specified hours. As this would include the existing scout hut and the other existing building on site the scope of the condition goes beyond what is reasonably necessary and relevant to the development permitted, having regard to the living conditions of neighbouring residents. It therefore fails to meet the tests for planning conditions set out in the National Planning Policy Framework (the Framework).

Alternative condition

6. The Council have suggested an alternative condition limiting the use of the Dutch barn only from 2300 to 0700. I have considered whether this would meet the tests identified in the Framework, having regard to the living conditions of neighbouring residents.
7. There are already functions occurring at the site, and from the evidence before me there are no restrictions on the use of any other structure or part of the site that would apply to such functions. It is not clear that the introduction of the Dutch barn, an open-sided structure, would result in a materially increased likelihood of disturbance over and above what may already occur. In reaching this conclusion I have considered the requirements of Policy EQ2 of the East Herts District Plan 2018, which include that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. However, while conditions can be used proactively to prevent harm, where a use already exists and a development would not result in a material change in that use conditions should not be used to retroactively control that use.
8. In addition, as an open-sided structure, there is no apparent way to prevent access to the Dutch barn during any functions that may occur.
9. The alternative condition is therefore not necessary, relevant to the development to be permitted or enforceable, and consequently it fails the tests set out in the Framework.

Conclusion

10. Neither the original condition nor the alternative suggested condition would meet the tests for planning conditions set out in the Framework.
11. Therefore, for the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR



Appeal Decision

Site Visit made on 16 March 2021 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/J1915/D/20/3264481

97 Pye Corner, Gilston, Harlow, Essex CM20 2RD

- 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 Tom Plane against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1504/HH, dated 17 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is excavation to construct new utility room to side of kitchen and installation of a roof light/lightwell.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it would be inappropriate development

4. The appeal site, containing a three-storey semi-detached dwelling, part of which is subterranean, is located in a residential area which is within the Green Belt. The proposal would extend the basement to provide a utility room and includes a lightwell to the front of the property on the existing driveway.
5. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the

original building. Policy GBR1 of the East Herts District Plan (2018) defers to the Framework.

6. There is no definition of disproportionate development within the Framework or within Policy GBR1. However the Council indicate that the original dwelling has a floorspace of 52m², with previous additions covering 56m², and that the proposal would have a floorspace of 8m². The appellant does not dispute these figures but states that the proposed floorspace would be only 7.5m². Although the proposal would only add around 7% to the current floorspace, the Council's calculations show that the cumulative impact of the proposal along with the previous additions to the dwelling would result in a 123% increase in floorspace. This would be a disproportionate addition to the modest size of the original dwelling. The fact that the plot as a whole is large has no bearing on the proportionateness of the extension.
7. Therefore, the proposal would be inappropriate development and would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Openness

8. As the proposal would be subterranean and not externally visible, except the small light well to the front of the property, it would have no harmful impact on visual openness of the Green Belt. Similarly, although the proposed development would create an extended dwelling, as outlined above, this would be subterranean and within the footprint of the current building and therefore there would be no spatial impact whatsoever on the openness of the Green Belt. This lack of harm to the openness of the Green Belt is a neutral factor.

Other Considerations

9. The appellant has stated that the proposal would improve the residential amenity for the occupiers of the dwelling through improving light levels and providing additional space in the basement. However, this is a small benefit limited to one part of the house and is given limited weight.
10. It has also been agreed by the Council and the appellant that the proposal would not harm the character and appearance of the area, the living conditions of neighbouring occupiers or highways safety. The lack of harm to these factors is given neutral weight.

Green Belt Balance, Conclusion and Recommendation

11. I find that the other considerations in this case do not clearly outweigh the harm by virtue of its inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
12. Therefore the proposal would fail to accord with policy GBR1 which seeks to protect the Green Belt, along with the Green Belt objectives of the Framework.
13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site Visit made on 17 February 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/J1915/D/20/3263939

50 Tamworth Road, Hertford, Hertfordshire SG13 7DN

- 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 & Mrs Mark Rooft against the decision of East Herts District Council.
 - The application Ref 3/20/1254/HH, dated 7 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is the erection of part single and part two storey rear extension, together with associated boundary works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of part single and part two storey rear extension, together with associated boundary works at 50 Tamworth Road, Hertford, Hertfordshire SG13 7DN in accordance with the terms of the application, Ref 3/20/1254/HH, dated 10 July 2020, 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 plans: 1109-01; 1109-02 F; 1109-07 I; 1109-08 F; 1109-09 H and 1109-10 E.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The window openings in the first-floor flank wall to bedroom 2 and the en-suite bathroom to the master bedroom shall be obscurely glazed and be of a non-opening design unless the parts of the windows which can be opened are more than 1.7 metres above the internal finished floor level. The windows shall not be replaced with an alternative design, or clear glazing, without the prior permission of the local planning authority.

Main Issue

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

Reasons

3. The appeal site is located in a primarily residential area and is also within the Hertford Conservation Area (HCA) which encompasses a large part of the town. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the

character or appearance of the Conservation Area. The appeal property itself is a semi-detached dwelling and is a two-storey Victorian house which has been previously extended at the side and rear.

4. From the evidence before me, the majority of the appeal proposal has already been granted planning permission¹ by the Council. In effect, the appeal proposal seeks to add a small first floor element in addition to what has been previously approved. This includes changes to the first-floor internal layout and would result in a slightly higher ridge line to the roof.
5. To my mind, the proposal clearly reflects the design characteristics of the previously permitted extension and this minor addition only adds a further element of interest in terms of the stepping out of the building at first floor level. Furthermore, the increase in height of the ridge of the resultant roof would be minimal when compared to the extant permission and would not result in any adverse impacts. To that end, I consider that the proposal would preserve the character and appearance of the host building and the HCA.
6. For the above reasons the proposal would not harm the character and appearance of the host property or the wider area and would accord with Policies DES4, HOU11 and HA4 of the East Herts District Plan 2018 which amongst other matters seek to ensure that proposals are of a high standard of design which preserves or enhances the Conservation Area, and be of a scale, proportion, form, height, design and overall character that accords with and complements the parent building and the surrounding area.

Other Matters

7. The Council have also made reference to discrepancies in measurements between the proposed floor and elevation plans. However, these discrepancies have not been set out and the Appellant has noted that no such discrepancy is apparent. From the submitted plans, it is clear as to what the extent of the proposed extension works are. With the above in mind, this does not present any barrier to the granting of planning permission.

Conditions

8. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary. In order to maintain the privacy of the occupants of the neighbouring property, a condition is also required in respect of glazing and opening aspects of the secondary window to bedroom 2 and en-suite to the master bedroom.

Conclusion

9. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR

¹ Reference 3/20/1148/HH



Appeal Decision

Site Visit made on 13 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/J1915/D/20/3259113

30 Willis Grove, Balls Park, Hertford, Hertfordshire, SG13 8FH

- 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 & Mrs J & L Woodley against the decision of East Herts District Council.
 - The application Ref 3/20/1205/HH, dated 29 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would be inappropriate development in the Green Belt and the effect of the development on the character and appearance of the area.

Reasons

Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
4. Paragraph 145c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. It is common ground that the proposed extension would not result in a disproportionate addition to the original dwellinghouse, and I have no reason to disagree with that view.
5. For the above reasons the development would not be inappropriate development in the Green Belt and would be consistent with Policy GBR1 of the East Herts District Plan 2018 (EHDP) and the aims and objectives of the Framework.

Character and appearance

6. The appeal property is located within a private gated development within the Balls Park estate. The appeal property itself is a mid-terraced dwelling which

extends to a total of 7 properties. There is also a similar terrace on the opposite side of the driveway.

7. There is a clear synergy to the design concept to the overall housing development and the range of design features on the properties all complement each other. In terms of the appeal property terrace, to my mind, the most striking element at the rear is the first-floor covered balconies which provide a significant and distinctive feature.
8. The proposal is for a modest single storey extension which would be around 1.23 metres deep by 2.1 metres wide. The extension would sit between the existing rear projection of the host dwelling and that of the neighbouring property. It would also include a matching parapet detail to the existing projection and the installation of bi-fold doors.
9. From the evidence before me there have been various planning permissions granted by the Council which have involved alterations to some of the properties in Willis Grove. These have included rear extensions and fenestration changes including bi-fold doors. That said, none of these relate to the two terrace blocks either side of the access driveway.
10. The Council has set out that this small addition would drastically change the rear aspect of the terrace. Whilst I accept that the proposal would result in the loss of the staggered rear aspect of the properties of the terrace, I find it significant that the most distinctive feature of the properties would remain. In my view, the principle of a small addition would not give rise to an unacceptable change to the shape and pattern of development at the rear of these terraced properties.
11. However, the proposal involves alterations to include bi-fold doors which would extend almost to the full width of the rear aspect of the ground floor. This would also result in the removal of the matching pattern of French doors which is present across the wider terrace and would result in an unacceptable disruption to the fenestration of this row of properties.
12. This is particularly the case given the width of the resultant opening and the increased height in glazing. This increased height also results in a revised soldier course above the doors and a smaller area of brickwork to the top of the parapet.
13. Taking all of the above into account, I find that the extent of glazing would be seriously out of character with the host property and the wider terrace. In coming to the above view, I acknowledge that the proposal would not be visible from any public vantage point and would only be partially visible from the rear gardens of the adjoining properties. However, that does not mean that an otherwise unacceptable design should be permitted.
14. In addition to the above, the appeal site is located close to Balls Park Mansion which is a Grade I Listed Building and immediately adjacent to the walls to the walled gardens which is a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings.
15. The Council have considered that the proposal would not affect the setting of Balls Park Mansion or the walled garden. Given the nature of the proposal, I

also consider that it would not have any adverse impact on the setting of these listed buildings. As such, the proposal would accord with the heritage aims of the Framework and Policy HA7 of the EHDP. However, that does not outweigh the harm I have found.

16. For the above reasons the extension would harm the character and appearance of the host dwelling and the wider terrace of properties and would conflict with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that extensions are of a high standard of design, which are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

Conclusion

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

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 11 January 2021

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2021

Appeal Ref: APP/J1915/D/20/3259391

3 The Orchards, Sawbridgeworth CM21 9BB

- 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 & Mrs Paul James against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1165/HH, dated 24 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is described as "Two storey rear and side extensions. Single storey rear extension. Room in the roof space with dormer window to rear. Conversion of rear garage to playroom and study. Extension to front entrance porch."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on:
 - The character and appearance of the area; and,
 - The living conditions of neighbouring occupiers, with particular regard to 4 The Orchards.

Reasons

Character and Appearance

3. The roof to the proposed two-storey side and rear extension would wrap around the roof of the existing house, creating a valley between the two ridges. Although it would be slightly lower than the existing ridgeline, the resulting appearance would be incongruous within the area, where no other similar arrangements exist. In addition, the proposed rear dormer would project from the original roof and through that of the proposed extension, resulting in a bulky and uncharacteristic appearance in the area.
4. The Council has stated in its delegated report that the scale of the two-storey side extension would otherwise be acceptable, and that the front porch extension, rear single-storey extension and garage conversion would also be acceptable. I see no reason to disagree with these conclusions.
5. The roof to the two-storey side and rear extension, and the rear dormer window, would be harmful to the character and appearance of the area. They

would conflict with Policies HOU11 and DES4 of the East Herts District Plan 2018 (the DP). These require, amongst other criteria, extensions and alterations to dwellings to be of a form and design appropriate to the character, appearance and setting of the existing dwelling and the surrounding area.

Living Conditions

6. The first-floor rear extension would project along the shared boundary with the attached neighbour, No 4. There is a first-floor window to No 4 adjacent to the boundary that is not shown on the submitted drawings. The first-floor rear extension would be shallower than the ground-floor extension but would still project a significant distance from the existing rear wall. It is not clear from the submitted plans that the extension would not be harmful to the outlook from the nearest first-floor window to No 4.
7. It is for the appellants to show that the development proposed would be acceptable. It is not possible to say, from the information provided, that the appeal proposal would not cause unacceptable harm to the living conditions of the occupiers of No 4. It therefore conflicts with Policy DES4 of the DP, which amongst other things states that proposals will be expected to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties.

Conclusion

8. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR



Appeal Decision

Site visit made on 11 January 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/J1915/W/20/3258182

29 Station Road, Sawbridgeworth CM21 9JY

- 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 Colin Hardy against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1081/FUL, dated 10 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is conversion, and extension, of existing barn outbuilding into a self-contained residential unit and associated development.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application the subject of this appeal was accompanied by an application for listed building consent, which the Council granted. This appeal therefore only seeks planning permission for the development proposed and has been determined on that basis.

Background and Main Issue

3. Although not forming part of the Council's reason for refusal, the site lies within the curtilage of a Grade II listed building known as 27, 29 and 31 Station Road, and within the Sawbridgeworth Conservation Area (the CA). The statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that I pay special attention to the desirability of preserving the setting of the listed building and preserving or enhancing the character or appearance of conservation areas. I have therefore included the effects of the development on these as the main issues. As these have been addressed in the appellant's planning and appeal statements, and the Council's delegated report, and the main parties have also been given the chance to make further comments, this is not prejudicial to their interests.
4. The main issues are therefore whether the development proposed:
 - Would preserve the setting of the Grade II listed building; and,
 - Would preserve or enhance the character or appearance of the Sawbridgeworth Conservation Area.

Reasons

Setting of the listed building

5. Numbers 27, 29 and 31 Station Road were formerly one 17th century long timberframed house. The building has a steep, half-hipped tile roof, plastered and weatherboarded elevations and multi-paned sash windows. It occupies an imposing position at the brow of a hill.
6. The listed building is prominently sited close to the highway along Station Road and positioned so that it faces along Knight Street. It is an important part of the Station Road street scene, and visible in the surrounding area in part due to its elevated position. Its age, scale and visibility at a crossroads suggest that it was of some prominence in the evolution of the village. The significance of the listed building derives from its retained historic fabric and its position within the Station Road street scene and relative to the road layout, which the historic maps contained within the Council's Conservation Area Appraisal show has been consistent in this area since at least the mid 19th Century. These maps also show an outbuilding to the rear of the listed building from the late 19th Century. Later maps also show a smaller rear outbuilding within the grounds of the listed building. A modern extension to No 29 has reduced the space between that property and the outbuilding, but the ancillary relationship of the outbuilding to the house remains clear due to the outbuilding's backland siting, small size and lower height.
7. Within this context the barn outbuilding is a subordinate structure located to the rear of the listed building, generally consistent with the size and siting shown on the historic maps. The outbuilding has a dual-pitched roof that makes it quite prominent from certain angles. However, as it is quite shallow it does not appear unduly prominent in the setting of the listed building. The proposed extension to the outbuilding would substantially increase its depth. Even with the slightly lower ridgeline over the extension the enlarged footprint would result in the outbuilding appearing significantly more prominent within the setting of the listed building, to the detriment of the interpretation of its historic relationship to the listed building. The conversion of the outbuilding to a separate dwelling would also introduce an independent use for which no historic evidence exists. When taken with the greater size and prominence of the outbuilding, this would fail to preserve the relationship with the listed building as an ancillary and subordinate structure.
8. The Council has granted listed building consent for the works. However, there is limited information before me with regard to the significance of the outbuilding, and that consent does not excuse me from carrying out my statutory duties as required by Section 66 of the Act.
9. The development proposed would therefore fail to preserve the setting of the listed building. It would conflict with the requirements of the Act and Policy HA1 of the East Herts District Plan 2018 (the DP) which states that development proposals should preserve and where appropriate enhance the historic environment of East Herts.

Conservation Area

10. The Council's Conservation Area Appraisal notes that the terrace is a landmark building within the CA. Together with the bakery opposite it frames the landscape dominated prospect along Station Road, contributing to the semi-

rural character along that stretch of Station Road as it transitions between the built-up area of the settlement and the countryside beyond. The outbuilding is a peripheral feature in such views due to its siting to the rear of the terrace, set back from the road, although it is visible from Bullfields between the trees that line the junction with Station Road.

11. The outbuilding is at the edge of the CA, with properties on Leat Close and Bullfields beyond lying outside of the CA. The outbuilding is unique in the immediate vicinity as a timber weatherboarded structure of substantial size and backland siting, although there are smaller garages and other outbuildings visible within the grounds of properties in Leat Close and Station Road. The CA derives its significance in part from the historic relationships between buildings and their surroundings, as well as from the usage of the buildings within it.
12. The extension and conversion of the building would result in it becoming more prominent in its setting due to its greater size, and it would not appear as a subservient outbuilding to the terrace. The character of the site would change due to the independent use of the building. However, as a one-bedroom dwelling the intensity of use would be little different to that of a domestic store.
13. Consequently, it is the enlargement of the outbuilding that would have the greatest effect on the CA. The building is substantially larger than any other outbuilding visible in the surrounding area, and further enlargement would result in it appearing even more prominent in its setting. This would be out of keeping with the prevailing pattern of development in the area, which does not typically include significant backland development that is visible in the street scene.
14. The appeal proposal would therefore also fail to preserve or enhance the character or appearance of the CA, contrary to the requirements of the Act and of Policy HA1 of the DP, which are set out above.

Other Matters

15. There has been support for the appeal proposals from local residents. However, this does not overcome the identified harm to the designated heritage assets that would result from the development proposed.

Planning balance

16. The harm arising from failure to preserve the setting of the listed building and to preserve or enhance the character or appearance of the CA would be experienced principally in the immediate setting of the appeal site. It would amount to less than substantial harm, when weighed against the significance of the listed building and the CA as a whole. The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation irrespective of whether any potential harm amounts to less than substantial harm.
17. The appeal proposal would result in public benefit from the creation of a new dwelling, supporting the Government's objective of significantly boosting the supply of homes. While there is no indication that the Council has a shortfall in its housing land supply, this does not diminish the value of new housing.

18. Nevertheless, there would be limited public benefits arising given the scale of development. These limited benefits would not, in this instance, outweigh the great weight to be given to the harm to the designated heritage assets.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR



Appeal Decision

Site Visit made on 17 February 2021

by Christopher Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/J1915/D/20/3266075

19 Gilston Lane, Gilston, Harlow, Hertfordshire CM20 2RF

- 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 William Jenkins against the decision of East Herts District Council.
 - The application Ref 3/20/1074/HH, dated 9 June 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the removal of car port, construction of two storey and single storey side extension, and new first floor front window opening.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of car port, construction of two storey and single storey side extension, and new first floor front window opening at 19 Gilston Lane, Gilston, Harlow, Hertfordshire CM20 2RF in accordance with the terms of the application, Ref 3/20/1074/HH, dated 10 June 2020, 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 plans: Location plan; 224/PL/004 D, 224/PL/005 D, 224/PL/006 D, 224/PL/007 D and 224/PL/009 C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on surface water flood risk.

Reasons

3. The appeal site is located in a rural area and consists of a semi-detached dwelling. There is also an attached garage to the side, albeit that the garage is set back broadly in line with the rear wall of the existing dwelling. To the side of the existing property is a gravelled driveway to the garage.
4. The proposal would result in the replacement of the existing garage with a single storey extension together with a two-storey element to the side of the existing house and in front of the garage. Therefore, the only additional building footprint would be alongside the existing dwelling and to the fore of the garage.

5. The Council have set out that the appeal site lies in an area of high surface water flood risk and that the proposal could be built in the flow path itself, with the potential to exacerbate flooding and deflect water away or off-site.
6. Whilst the route of the flow path has not been provided to me, from my site visit and in light of the views afforded over the surrounding topography of the land, any flood flow path is likely to be from the land at the rear through the appeal site to Gilston Lane.
7. Even if that is the case, I find it significant that the appeal proposal would be no wider than the existing garage building nor would it project further back into the site than what currently exists.
8. In that sense, should any of the building be within a flood flow path any diversion of such a path would be minimal. Any altered flood flow path would be as a result of the side wall of the proposed extension and would be for a maximum length of around 7.7 metres.
9. I am also conscious that there would be an undeveloped area to the side of the proposed extension which would be around 3.2 metres in width within the curtilage of the appeal property. To my mind, this width would provide a sufficient space to allow for any flood flow path to be maintained alongside the extension before any water would be allowed to spread out to the front of the property itself where the driveway is.
10. In addition to all of the above, the proposal would result in an increased level of built form, and this would have the potential to increase surface water run-off. However, given the extent of the extension any such increase in surface water run-off would not be significant.
11. Taking all of the above into account, I consider that the proposal would be unlikely to have any significant impact on flooding (or flood risk) either on site or elsewhere.
12. For the above reasons the proposal would be unlikely to impede the flow of surface floodwater, increase flood risk, nor would it unacceptably reduce the drainage capacity of the land. It would therefore accord with the provisions of Policy WAT1 of the East Herts District Plan 2018 which amongst other matters seeks to ensure that new development should not increase the likelihood or intensity of any form of flooding.

Other Matters

13. I have also had regard to the matters raised in the representations received on the proposal including issues such as the potential loss of privacy and overshadowing; and the size, scale and massing of the extension together with it being out of keeping with the Victorian nature of the dwelling. However, none of these matters provide for a compelling reason to withhold planning permission for an otherwise acceptable development.

Conditions

14. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 23 March 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/J1915/W/20/3260794

Land adjacent Ideal Farm, Braughing Friars, Braughing, Herts

- 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 Miss Abby Canfield against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0994/FUL, dated 7 June 2020, was refused by notice dated 10 August 2020.
 - The development is a chicken run to house geese, ducks, and chickens. The run is divided in three separate areas to house the poultry separately. The run is made with timber and chicken wire, with three poultry houses for the birds to roost at night. The sheds are 8ft by 10ft which sit on slabs. The run is 23.35 x 12.31. Change of use to agricultural.
-

Decision

1. The appeal is allowed and planning permission is granted for a chicken coop for housing chickens, ducks and geese on land adjacent to Ideal Farm, Braughing Friars, Braughing, Herts in accordance with the terms of the application, Ref 3/20/0994/FUL, dated 7 June 2020, and the plans submitted with it, subject to the condition below:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans: unnumbered location plan dated 05 Apr 2019 1:1250; unnumbered block plan dated 05 Apr 2019 1:500; 310A Site plans & Elevations; 300A Floor plans.

Preliminary Matters

2. The application was made retrospectively. The construction was incomplete at the time of my visit; the roof of the coop had temporary netting in place. For the avoidance of doubt, my determination of the appeal is based on the drawings submitted and not on the development as constructed. For succinctness, I have used the description of development given in the appeal form and in the Council's decision notice in my formal decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the rural area.

Reasons

4. The site is in the open countryside where agricultural buildings such as chicken coops are not uncommon. Indeed, the remains of previous buildings appearing

similar to poultry sheds, stand on the adjacent land, close to this coop, which suggests that low-scale buildings for poultry are not an unusual feature of the landscape in this area. The coop is shorter than the stables beside it, standing around 2m tall, and limited in footprint. The bird sheds within it are small in footprint. Being shorter than surrounding buildings, little taller than the field boundary enclosures beside it, and taking-up only a very small portion of the open field, it is not a dominant structure by any measure.

5. The sides and roof are to be enclosed by chicken wire. This will allow light to pass through the coop, and to reduce its presence in middle-distance views. The coop is sited beside the taller stables, close to the corner of two, tree-lined field boundaries. This siting limits its exposure across the open field in long-distance views from two aspects of the surrounding countryside. Against the background of the field enclosures, the coop tends to be visually absorbed.
6. Some glimpsed views of it are possible through the boundary enclosure beside the public bridleway, and part of its roof may be visible from the north. However, its form and scale are not incompatible with the agricultural character of this rural area. I can identify no incompatibility from the appearance of the coop with the manège or paddock area, which contain ground surfacing, grass, and timber posts, to exercise and enclose horses. Nor do its timber structure and wire enclosure, similar to structures commonly found in the countryside, appear at odds with the character of the landscape in which it stands.
7. The coop has a visual presence within the field, and standing where there was previously no building, it has reduced the openness of the countryside, though given its siting and its visual dimensions, by only a marginal degree. However, the effect on openness is not a measure in the development plan policy applied by the Council. The test for development in policy GBR2 of the East Herts District Plan 2018 (DP), which permits buildings for agriculture in the Rural Area beyond the Green Belt, is whether it is compatible with the character and appearance of the rural area. It is. There is therefore no conflict with DP policy GBR2. Nor does the development conflict with DP policy DES4 which requires a high standard of design and layout in development to reflect and to promote local distinctiveness.

Other Matters

8. The appellant has set out how waste from the poultry in the coop would be regularly collected and removed. Given the number of birds kept, and the distance of the coop from surrounding houses, the closest of which is around 37m away across the bridleway, as well as the boundary enclosures, stables and trees between them and the coop, it is unlikely that noise and odours would reach a level uncharacteristic of the rural area which includes worked land, and certainly not to a level which may harm the privacy of surrounding occupiers. I note that the Council raised no objection on noise and odour grounds, and that its environmental health section did not raise any objection. I can identify no conflict with DP policy DES4 where it protects the amenity of the occupiers of neighbouring properties.
9. There are no trip estimates provided. However, given the scale and nature of the coop, their number is unlikely to be significantly greater than the trips already associated with the equestrian use, and no material risk to safety. There would be no conflict with paragraph 109 of the Framework which

indicates that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Conditions and Conclusion

10. As the development is almost complete, a start date condition is unnecessary. For the avoidance of doubt, I have imposed a condition requiring the development to accord with the approved plans. As the materials of the development are given in the application form there is no necessity for a materials condition. As I have found no harm from appearance, and the site is already partially screened, I see no justification for a condition requiring landscaping screening works.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Patrick Whelan

INSPECTOR



Appeal Decision

Site Visit made on 16 February 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/J1915/W/20/3261158

Land adjacent to 208 Stortford Hall Park, Bishops Stortford CM23 5AS

- 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 D Harvey (Stortford Hall Property Limited) against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0962/FUL, dated 28 May 2020, was refused by notice dated 31 July 2020.
 - The development proposed is Erection of new attached dwelling in the side garden of 208 Stortford Hall Park. The development would provide a new three-bedroom, two-storey house with separate access, parking provision and a front and side garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The first reason for refusal on the Decision Notice (DN) refers to Policy HOU7 of the Council's Local Plan¹. However, I have not found against that policy as it relates to the accessibility and adaptation of homes, and neither the DN nor the Officer Report identify any concerns in respect of either matter. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are: -
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 210 Stortford Hall Park, with regard to outlook and privacy; and
 - whether suitable living conditions would be provided for future occupiers of the proposed house, with regard to the provision of internal space.

Reasons

Character and appearance

4. The appeal concerns the garden of a two-storey semi-detached house situated at a corner within Stortford Hall Park, a residential street typically characterised by staggered pairs of houses of generally consistent proportions and design. Each house is also set back from the street behind hard and soft landscaped frontages, which incorporate parking. Given its corner location, No 210 to the

¹ East Herts District Plan (Adopted October 2018).

southwest is separated from No 208 by the gardens of both houses. While these are enclosed by a low wall and clearly distinguishable from open amenity land, together with their planting, they form an important open and undeveloped gap between the houses. This softens the appearance of the street which is otherwise formed of a continuous built-up frontage of houses.

5. Despite part of the front and side garden being retained, the proposed house not projecting beyond the building line formed by the pairs of houses to either side and being aligned with the pair of houses opposite, its presence would nevertheless draw existing development closer together. Moreover, it would significantly erode the open, undeveloped and landscaped qualities of the space between the houses and the contribution it makes to the local distinctiveness of this part of the street.
6. The design of the proposed house would reflect elements of the existing pair of houses, but it would be noticeably wider than the existing adjoining houses and the other pairs of houses in the street. It would therefore appear at odds with the established visual characteristics of these properties and the wider street.
7. I am mindful that the proposal originally included parking to the front, the location of which altered to the side of the property to satisfy concerns regarding highway safety. I note that there are other examples of parking to the side of houses within the locality but the proposal would not follow the general pattern of parking arrangements found within the street. The presence of the parking in the gap between the houses would therefore add to the harm that would be caused to the character and appearance of the area.
8. I have had regard to the spaces between Nos 47 and 49 and to the south of the flats situated near to the junction with Church Manor. The former is occupied by garages and areas of hardstanding, so is not comparable with the appeal site, but the latter shares characteristics with the appeal site in that it softens the appearance of the flatted development within the street. Similarly, I have been referred to extensions built at Nos 35, 49 and 186 and a new dwelling alongside No 15. However, these relate to existing terraces of houses of varying extents, so would not be comparable with the appeal scheme before me for a house attached to a pair of houses.
9. For the reasons outlined above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area. Hence, the proposal would not accord with the design aims of Policies DES3 and DES4 of the Council's Local Plan.

Living conditions of occupiers of No 210

10. The appeal property and No 210 are arranged roughly at right angles to one another with a gap between. The side boundary of the rear garden of No 210 therefore abuts the rear garden of No 208. While the proposal would not be deeper than No 208, it would add considerably to the extent of built development and significantly close the gap between the houses, creating an enclosing effect, and would appear oppressive and unduly prominent in views from the conservatory and garden of No 210.
11. The proposal would introduce two additional windows at first floor that would face toward the garden and conservatory of No 210, the closest of which would serve a bathroom, so could be obscure glazed. The other window would be

directly alongside that serving a bedroom in No 208. While overlooking of the garden or conservatory would not be introduced from different vantage points, it would add to the feeling of occupants of No 210 being overlooked in these spaces. This would be of detriment to their living conditions.

12. I appreciate that part of the garden of No 210, between the boundary and its flank wall is narrow and a fence and some established planting is present along the boundary. However, the proposed development would be visible from and allow visibility of the garden of No 210 beyond this area. The existing screening would not therefore be sufficient to screen the harmful effects of the proposal and, in any event, the planting could not be relied upon in perpetuity.
13. In light of the above, I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 210 Stortford Hall Park, with regard to outlook and privacy. Hence, the proposal would not accord with Policy DES4 of the Council's Local Plan and paragraph 127 of the National Planning Policy Framework (the Framework), in respect of these matters.

Living conditions for future occupiers of the proposed house

14. The main parties agree that the floor area of Bedroom 2 within the proposed house would fall below the minimum requirements for a single bedroom, as described in the Government's Technical Housing Standards - Nationally Described Space Standards (NDSS).
15. Footnote 46 of the Framework advises that policies may make use of the NDSS, where the need for an internal space standard can be justified. Policy DES4 of the Council's Local Plan does not refer to internal space standards or compliance with the NDSS and I have not been referred to another policy which specifically does so. With this in mind, while the NDSS may provide a useful indication of what would constitute a reasonable size for bedrooms, it is not a policy requirement.
16. The accommodation in Bedroom 2 would include a cupboard above the bulkhead of the stairs leading to ground floor, so the room would not necessarily be spacious. However, the floor plan demonstrates that it would be similar in size to Room 3 in No 208 and that furniture could still be housed within it. The room would therefore not appear cramped and would form a usable and functional part of the overall living accommodation for future occupiers.
17. I therefore conclude that the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of internal space. Hence, the proposal would not conflict with aims of Policy DES4 of the Council's Local Plan in respect of the size and dimensions of rooms.

Other Matters

18. The appellant submitted the proposal following pre-application advice. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst I am mindful that this is not binding, in any event, I have considered the individual merits of the proposal afresh and any positive feedback given in respect of any matters does not warrant allowing this appeal.

Planning Balance

19. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
20. The appeal scheme would deliver a new three-bedroom house, which would be sustainably constructed and located, and could be built out relatively quickly in order to contribute to local and national housing targets. Despite these factors, given the scale of development proposed, the contribution to the supply of housing would be minor in its extent, so it would only be afforded limited weight.
21. I also recognise that the proposal could be said to make more efficient use of the site. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
22. The proposal would be compliant with the policies of the development plan in respect of the living conditions of future occupiers. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to character and appearance and living conditions of neighbouring occupiers.
23. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework.

Conclusion

24. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 11 January 2021

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/J1915/W/20/3259494

Highways Land, Great Hadham Road, Bishops Stortford CM23 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE UK LTD & H3G UK LTD) against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0937/TEL, dated 14 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is the installation of a 20m high slimline tower supporting 12 no antenna apertures with the installation of 8 no ground-based equipment cabinets and ancillary development.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The appellants' evidence refers to the appeal proposal being an application for full planning permission. Nevertheless, the application as submitted to and determined by the Council, was for prior approval of permitted development under the GPDO as set out above. I have necessarily determined the appeal on that basis.

Planning Policy

4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed development on the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and appearance

6. The appeal site is located on the southern side of the Great Hadham Road (B1004), within the grassed highway verge. A housing development of predominantly two storey properties lies immediately to the south, with the nearest dwelling approximately 13 metres from the site. A vegetation covered fence runs between the back of the highway verge and the nearest houses. A footway runs along the opposite side of the road with a backdrop of mature trees and hedgerow which screen the school playing fields beyond.
7. The proposal would involve the installation of a 20 metre high telecommunications mast with a wraparound cabinet at its base and a further seven equipment cabinets, set in four groups, which would form a linear arrangement parallel to the road. The appellant indicates that the proposal is required to facilitate the upgrading of digital coverage in the area including the provision of 5G coverage. The installation would be shared between two providers and would also be compatible for use by the emergency services.
8. There is an existing 15 metre high mast and equipment approximately 85 metres west of the appeal site, at the rear edge of the footway, set within the context of relatively tall street trees. Streetlights, of approximately 8 metres high, are a feature of the street scene but they are situated along the northern side of the road. By contrast the area around the appeal site has a lower rise appearance and is largely devoid of trees and street furniture.
9. As a result of this existing character, I consider that the appeal proposal would be conspicuously large and out of scale in the context of the surrounding built and natural environment. Moreover, the close siting of the mast to the side and rear elevations of the neighbouring dwelling would result in an unsympathetic and incongruous relationship and would emphasise the disproportionate scale of the proposal. The number and scale of the cabinets required in connection with the mast would add to its visual impact. The proposal would cause a cluttered and crowded appearance to a part of the street which is currently quite open. The Great Hadham Road is a relatively straight road in this location and the proposal would be readily visible on the approach in either direction.
10. I acknowledge the existing vertical features within the street scene. However, these would not be sufficiently close to the appeal site to provide any effective screening of the proposed development. The proposal would not be integrated or assimilated into its surroundings. It would be prominent in views through the area including from nearby residential streets and properties and when travelling along the Great Hadham Road. Irrespective that it would be finished in grey to minimise its impact, by virtue of its excess height and its bulk, including the antenna and wraparound base, the proposal would be a dominant and visually obtrusive feature.

11. The existing mast and equipment have a very different relationship to the environment which surrounds them. That site is backed and flanked by vegetation and mature trees, other vertical street features are in proximity and there is a greater separation from lower level built form. Its position amongst the mature trees reduces the relative appearance of its height and lessens its prominence. I do not consider that the presence of the existing mast and equipment offers genuine support to the acceptability of the location of the appeal proposal.
12. I have been provided with photographs of other similar installations. However, these differ in their site specific circumstances from the appeal proposal, particularly in relation to surrounding development and other vertical features such as street lights, other masts and mature trees. These examples do not therefore lead me to a favourable conclusion in respect of the appeal scheme.
13. I therefore conclude that the siting and appearance of the proposed development would cause unacceptable harm to the character and appearance of the area. Although not determinative, the proposal would conflict with Policies ED3 and DES4 of the East Herts District Plan 2018 (DP) and Section 10 of the Framework. Collectively and amongst other matters these policies require development to be sympathetically designed and appropriately located and to respect the character of the site and the surrounding area.

Alternative sites

14. The Framework states that high quality and reliable communications infrastructure is essential for economic growth and social well-being and it supports the expansion of electronic communications networks, including 5G. Even so, the number of masts and the sites for such should be kept to a minimum and the use of existing masts, buildings and other structures is encouraged.
15. In this case, the existing 15 metre mast is shared by the 2 operators and it provides 2G, 3G and 4G coverage. However, it is not considered structurally suitable to host the necessary equipment for both operators to rollout 5G services in this location in its current form. The existing monopole would have to be increased substantially in height and bulk to accommodate all the technologies on one mast.
16. The Site Specific Supplementary Information justifies the location of the proposal partly on the basis that there are no alternative structures or buildings of sufficient height to utilise in the area and that to remove the existing mast, to enable a new structure to be built in its footprint, would cause a total blackout of services in the area.
17. The appellant also states the proposal would utilise one structure (supporting 2G/3G/4G and 5G), shared between two providers and would negate the need for an additional installation within this cell area. The appellant refers to the appeal proposal being a replacement mast, however, the evidence is ambiguous as it is further stated that the removal of the existing mast does not form part of this proposal as a definite timescale cannot be given for its decommissioning. I cannot be certain that the existing mast would be decommissioned and removed and therefore the weight to be given to the benefit of operators sharing the proposed mast is limited.

18. In addition, the evidence states that the choice of site for any base station is limited by the availability together with town planning and radio coverage constraints, and that in this case the search area was particularly constrained by underground services and space restrictions.
19. Nevertheless, there is very little detail about the particular site selection process or the specific constraints of underground services and space restrictions to demonstrate that the appeal site is the only viable option. Furthermore, whilst I have no reason to dispute that replacement of the existing mast in situ would result in a loss of service from that mast, no consideration appears to have been given to whether or not service could be maintained by the use of a temporary mobile mast during the construction period.
20. Consequently, I conclude that it has not been robustly demonstrated that the proposed development needs to be sited in this location, having regard to the potential availability of less harmful sites. Insofar as they are a relevant material consideration, I also conclude that the proposal would conflict with DP Policy ED3 and Section 10 of the Framework.

Other considerations

21. The appellant has referred to two appeal decisions related to sites in other Council areas. The heights of those masts and the site specific circumstances differ from those of the appeal scheme before me. Whilst mindful of those decisions, I must necessarily assess the appeal proposal on its own merits.
22. My attention has been drawn to a number of Government and industry statements and guidance documents including the Code of Best Practice on Mobile Network Development in England 2016. In this regard there is no dispute that high quality communications infrastructure is supported both nationally and locally. Furthermore, the ability to communicate electronically and access the internet via mobile devices has undoubtedly been even more evident during the Covid-19 pandemic. I also recognise the important contribution of the provision of mobile technologies to the emergency services and that EE has been selected to provide the new critical emergency services network.
23. I have taken account of these economic and social benefits and the merits of an effective and enhanced communications network. These are factors that weigh in favour of the proposal. Nonetheless, I do not find these benefits outweigh the harm to the character and appearance of the area that would be generated by the siting of the mast and associated works in such a location. Furthermore, the evidence does not make a convincing case that no suitable alternative sites exist, and that weighs against the proposal.

Conclusion

24. For the reasons above, I conclude that the proposal would not be acceptable in respect of its siting and appearance, therefore the appeal is dismissed.

S Tudhope
Inspector



Appeal Decision

Site visit made on 26 January 2021

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 March 2021

Appeal Ref: APP/J1915/W/20/3257470

Ellenglaze, Bramfield House, Bramfield, Hertford SG14 2QT

- 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 Chris Armstead against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0919/FUL, dated 14 May 2020, was refused by notice dated 3 August 2020.
 - The development proposed is the construction of garage and home office
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be an inappropriate development in the Green Belt with regard to the National Planning Policy Framework (the Framework);
 - the effect upon openness; 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 the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The proposed development would be sited within the Metropolitan Green Belt (the Green Belt). The Framework regards the construction of new buildings as generally being inappropriate.
4. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. However, the proposed development would not be used for agriculture or forestry; sport and recreation facilities; would not be a replacement building; would not be a limited infill; would not be affordable housing; and would not pertain to redevelopment of previously developed land.
5. My attention has also been drawn to the requirements of Policy GBR1 of the East Hertfordshire District Plan (2018) (the District Plan). This requires that

proposals for new developments in the Green Belt are assessed against the requirements of the Framework.

6. Although the proposed development would be an outbuilding for use in association with an existing dwelling, the evidence before me is indicative that the proposed building would be located outside of the curtilage of the dwelling. In addition, the proposed building would be located a substantial distance away from the appellant's dwelling. This distance would mean that the proposed development would appear divorced from the original dwelling.
7. In addition, the proposed garage would have a significant footprint which, in conjunction with other outbuildings on the property, would contribute to a large increase in built form at the site. In consequence, owing to its location and proportions, the proposed development could not be considered to be a proportionate addition to the original dwelling.
8. In result, the proposal would represent an inappropriate development in the Green Belt. The development, in this regard, would conflict with Policy GRB1 of the District Plan and the Framework. Amongst other matters, these seek to prevent the undertaking of inappropriate development in the Green Belt.

Effect on openness

9. The topography of the surrounding area is relatively flat. This is also reflected on the appeal site, the rear boundary of which is marked by a post and rail fence. In consequence, the location of the proposed development and the countryside beyond can be viewed alongside one another, including from the adjoining residential properties.
10. In result, views of the proposed development and the wider countryside would be possible. This would be exacerbated by the footprint of the proposed development. This would mean that the proposed development would erode the physical sense of openness of the Green Belt.
11. In addition, the increase in built form which would be physically separate from the existing dwelling and other sizeable built structures would erode the spatial character of openness that is an intrinsic feature of the Green Belt.
12. Therefore, whilst views of the proposed development would be screened from Well Green, it would be visible from other parts of the Green Belt, which is a concern given that it would erode the spatial character of openness due to an increase in built form. Furthermore, owing to the proportions of the proposed development, it would not blend into the surrounding landscaping.
13. Paragraph 134 of the Framework sets out the reasons for including land within the Green Belt. These include safeguarding the countryside from encroachment. By reason of the scale and siting of the proposed development, it would result in an encroachment of built form into the countryside. Therefore, the proposed development would conflict with the purpose of including land within the Green Belt.
14. I am aware of a development on an adjacent property. I do not have the full information regarding its planning circumstances, which lessens the weight that I can attribute to it. Nonetheless, I note that it appears that these works have been undertaken using permitted development rights and are within the curtilage of the associated dwelling house.

15. In addition, this development is closer to the associated dwelling than the scheme before me and also appears to be constructed to smaller proportions than the appeal scheme. In consequence, the scheme before me would have a greater effect upon the openness of the Green Belt. Therefore, the presence of a development on the adjoining site does not allow me to disregard my previous concerns.
16. I therefore conclude that the proposal would have an adverse effect on openness. The development, in this regard, would conflict with the requirements of Policy GBR1 of the District Plan and the Framework. These, amongst other matters, seek to ensure that planning applications are considered in line with the requirements of the Framework; and that developments do not affect the Green Belt's open character.

Other considerations

17. The proposed development would provide additional garaging at the property. I am certain that this would increase convenience for occupiers of the dwellings and, potentially, reduce the need for residents to park in Well Green, which is relatively narrow and is an access shared with other properties.
18. However, the benefits of this are limited as the property already features off road parking, which is located behind gates that would provide some security for parked vehicles. In result, this provides an area for residents to park without effecting the movement of vehicles and pedestrians in Well Green. Therefore, I am only able to give this matter a limited amount of weight.
19. I note that the appeal site does not include a front garden, which means that off-street car garaging could only take place to the rear of the property. However, given that parking is available, this matter also only carries a limited amount of weight

Other Matters

20. I acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.
21. The application for planning permission was not the subject of objections and that support was expressed by the Parish Council. Whilst these are matters of note, they are only some of the points that must be considered and therefore do not outweigh my conclusions in respect of the Main Issues

Planning Balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
23. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development. Therefore, they do not clearly outweigh the harm to the openness of the Green Belt.

24. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site Visit made on 13 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J1915/W/20/3258823

Land rear of 33 Homefield Road, Ware, Hertfordshire SG12 7NG

- 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 & Mrs Jenkins against the decision of East Herts District Council.
 - The application Ref 3/20/0836/FUL, dated 29 April 2020, was refused by notice dated 23 June 2020.
 - The development proposed is the erection of a detached one-bedroom bungalow with new vehicle access and parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within a residential area of Ware and consists of part of the rear garden of a semi-detached bungalow. The bungalows on the south side of Homefield Road have a uniformity to their spacing and their gardens are generous in their length. From my site visit I saw that there is an existing outbuilding adjacent to the appeal site at the bottom of the garden to The Manse. The only buildings which exist to the rear of the Homefield Road properties are ancillary domestic buildings.
4. The proposal would result in the subdivision of the garden of No.33 with the rearmost section accommodating the proposed bungalow. The bungalow would be formed in an 'L' shape and would be around 3.85 metres in height. The bungalow would extend across the majority of the width of the site with approximately 1 metre each side left open to allow for access.
5. My attention has been drawn to a previous proposal which was refused permission by the Council and subsequently dismissed at appeal¹. From the evidence before me, the current proposal has a very similar footprint and siting to the previous proposal but has a much lower roof pitch which has resulted in a building which is much lower than previously considered. Nevertheless, this appeal decision is an important material consideration.

¹ References 3/18/2058/FUL and APP/J1915/W/19/3221849

6. Given the lowered roof height of the proposed bungalow any views of it from Homefield Road would be very limited. However, the proposal would be highly visible from the rear of the adjoining properties on Homefield Road and from the properties accessed off the private driveway to the rear off High Oak Road.
7. More significantly, the retained garden for No.33 would be much shorter than those of the other properties on Homefield Road, including Nos. 35 and 37. To my mind, it is this factor together with the addition of the building itself would result in an overall pattern of development which would unacceptably undermine the character of the existing development along Homefield Road. In this respect, it would result in an overly cramped form of development.
8. Notwithstanding that, I am conscious of the existing bungalows at 62A, 64 and 66 High Oak Road which are accessed off the private driveway to the rear. The pattern of development of these bungalows is much more tightly packed, with plot sizes being much smaller than the Homefield Road properties.
9. However, from the Councils figures, the appeal plot would be much smaller than even the smallest of these bungalows (No. 62A) and the development of even a small bungalow on this site would contribute to the feeling of a new dwelling being squeezed into the available space. Whilst the level of harm is not as great as that in relation to the Homefield Road character, there is nevertheless some harm.
10. Taking all of the above into account, the development would have a harmful impact on the character and appearance of the area in conflict with Policy DES4 of the East Herts District Plan 2018 (EHDP) which amongst other matters seeks to ensure that development is of a high standard of design and layout to reflect and promote local distinctiveness. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Living conditions

11. The Councils reason for refusal also includes reference to harm to the visual amenities of neighbouring residents, although the Officers' report concludes that the proposed scheme would have an acceptable impact on the residential amenities, in accordance with Policy DES4(c) of the EHDP.
12. Notwithstanding that, I am conscious that the representations received on the application have included matters relating to the potential loss of light and overshadowing, sewerage/drainage, the enjoyment of neighbouring gardens, noise and pollution from additional traffic, security issues and light nuisance from new security lights.
13. Whilst I have found harm in terms of the cramped form of development on the character and appearance of the area, on balance, I consider that none of the matters raised in respect of the effect of the development on the living conditions of the occupiers of the adjoining properties amount to a further compelling reason to withhold planning permission.
14. For the above reasons, I consider that the proposal would not harm the living conditions of the occupiers of the adjoining, or nearby, residential properties and in this respect the proposal would accord with Policy DES4(c) of the EHDP which seeks to ensure that new development avoids significant detrimental impacts of the amenity of the occupiers of neighbouring properties.

Other Matters

15. I have also had regard to the other matters raised in the representations, including highway aspects. Whilst I share some of the concerns of local residents in respect of the width of the access and whether cars would be able to manoeuvre into and out of the proposed parking spaces, I am also conscious that the access driveway is outside of the application site, and therefore outside of the scope of the application.
16. The provision of a suitable access to the appeal site is clearly a material planning consideration which does not appear to have been fully considered by the Council. Had I been minded to allow the appeal, then this is clearly a matter which would have needed further consideration as to whether a safe and suitable access could be provided. However, given my conclusions above, I have not explored this matter any further.
17. In respect of the other matters raised in the representations not already covered above, none of these matters present a barrier to the granting of planning permission.

Conclusion

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

Chris Forrett

INSPECTOR



Costs Decision

Site visit made on 22 September 2020

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Costs application in relation to Appeal Ref: APP/J1915/W/20/3254148 8 Parsonage Lane, Bishops Stortford CM23 5BE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Emlyn Morton for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for part single and part two storey rear extension. Conversion and alteration of 1 garage to form front entrance door; together with associated elevational alterations.
-

Decision

1. The application for a reward of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant submits that the Council has, in essence, made an erroneous decision refusing the proposal on design grounds in the absence of any adopted design code or design guidance specific to the locality; that it has not properly considered the proposal in light of the National Planning Policy Framework (the Framework); and that the Council have failed to take into account all material considerations including lack of objection to the proposal, consideration of development plan policies which support the proposal and the fallback position of permitted development allowances. The applicant further considers that this is inconsistent with the Council's approach to a similar planning application in the locality where permitted development was considered.
5. To support its decision the Council provided a detailed officer report on the planning application which clearly set out the conflict between the proposed development and the requirements of Policies DES4 and HOU11 of the East Herts District Plan 2018 which seek to ensure a high quality of design. This is consistent with paragraph 130 of the Framework which does not prevent development proposals being refused solely on the grounds of poor design.

6. Further, an absence of an adopted design code or specific design guidance for the area does not prevent the exercise of planning judgement with regard to good design. Consideration was also given to other development plan policies with which the Council did not find conflict. In any case, other issues where no material harm has been identified and lack of objection by third parties would be neutral in the planning balance. The Council's concerns were not based on vague or generalised assertions and the report reached an appropriately reasoned judgement.
7. No specific reference was made by the Council to the benefits of the proposal in respect of resultant improved living conditions for the occupiers. However, it is not possible to infer that had this matter been expressly weighed against the harm that the Council identified, that it would have led to a positive outcome and thereby negated the need for the planning appeal.
8. It is possible that the site could be developed by exercising the permitted development rights of the property. However, the Council can only reasonably assess the fallback position when details are presented to them to allow a comparison to be drawn. As this matter was only presented at appeal stage, the Council's omission of considering it at application stage was not unreasonable.
9. Consistency of decision making is critical to ensuring confidence in the planning process. However, I do not find that the Council acted inconsistently with the decision they made in relation to a planning application at a different site in the locality. The fallback position in that case was presented and considered at planning application stage and it seems to me that there were material differences between that case and the appeal proposal. Further, there is nothing that would indicate that the Council would have arrived at a different decision had it carried out the assessment of the appeal scheme fallback position at application stage, particularly given its indications within the appeal evidence.
10. The Council in its appeal statement determined that the proposed fallback scheme would be significantly smaller than the appeal proposal and as such it was not considered to be a reasonable alternative or a genuine fallback position. In addition, the applicant has advised that he has sold the property and moved elsewhere. For a fallback scheme to be influential in decision making there must be a real prospect of such development being implemented. That does not appear to be the case here and it was not unreasonable for the Council to exercise its planning judgement in relation to this matter.
11. Although the appeal has proved successful, I am satisfied that in refusing planning permission, the Council rightly sought to protect local character and to ensure quality of development. It presented suitably detailed reasons to justify its decision when assessed against the provisions of the development plan. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Tudhope
Inspector



Appeal Decision

Site visit made on 22 September 2020

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/J1915/W/20/3254148

8 Parsonage Lane, Bishops Stortford, CM23 5BE

- 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 E Morton against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0329/HH, dated 13 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is part single and part two storey rear extension. Conversion and alteration of 1 garage to form front entrance door; together with associated elevational alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for part single and part two storey rear extension. Conversion and alteration of 1 garage to form front entrance door; together with associated elevational alterations at 8 Parsonage Lane, Bishops Stortford, CM23 5BE in accordance with the terms of the application, Ref 3/20/0329/HH, dated 13 February 2020, 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 plans: Existing Floor Plans, Block Plans & Location Plan Drawing Number 1803-01-PL2; Existing Elevations & Roof Plan Drawing Number 1803-02-PL2; Site, Block & Location Plans - proposed Drawing Number 1803-10-PL2; Ground Floor Plan - proposed Drawing Number 1803-11-PL2; First Floor Plan - proposed Drawing Number 1803-12-PL2; Roof Plan - proposed Drawing Number 1803-13-PL2; Front & Rear Elevation - proposed Drawing Number 1803-14-PL3; and Side Elevations - proposed Drawing Number 1803-15-PL2.

Application for Costs

2. An application for costs was made by Mr Emlyn Morton against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development in the banner heading and my decision above is taken from the Council's decision notice. The appeal form indicates that there was an agreement to change the description from that given on the application

form. Nevertheless, I note that the wording provided on the appeal form differs slightly from that on the decision notice. However, the above description adequately describes the development and I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property, 8 Parsonage Lane, and the street scene.

Reasons

5. The appeal property is a large detached dwelling situated on the north-eastern side of the road in a substantial plot. Parsonage Lane is predominantly residential with a mix of dwelling types and sizes. Houses front the road and are set back from it providing modest front gardens and off-road parking. There is considerable variation in the detailed design, size and materials of the houses within the street and several have been enlarged by extensions and roof alterations.
6. The proposal comprises several elements. The existing double garage would be altered externally by replacing one of the garage doors with an entrance door and window, and internally to a single garage and entrance hall. Consequently, the appearance of the front of the building in the street scene would be largely unaltered.
7. The proposed part two storey and part single storey rear extension would result in a substantial addition to the existing dwelling. Nevertheless, the enlarged house would have a cohesive design respectful of the existing dwelling in its detailing. The roof alterations would include a crown roof, but other houses in the road also include this feature. This element would be stepped down from the main roof line, indicating subservience to it. The roof profile would broadly replicate that of the existing dwelling, retaining a hipped roof form, and the position of the flat roof element, towards the rear of the building, would ensure that this design feature would not be readily visible from outside of the site. I am of the view that the overall size of the resultant dwelling would not be disproportionate to, or over dominant in the site's context. Further, I am satisfied that the design of the roof would not be out of keeping with other development within the area.
8. Policy HOU11(c) of the East Herts District Plan 2018 (LP) states that flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated, or it represents a sustainable or innovative design approach. Although the proposed roof form incorporates a flat roof element above first floor level, this is as part of a crown roof whereby the existing hipped roof design is the predominant form retained. Consequently, in the particular circumstances of this case, I do not consider that the appeal proposal comprises a flat roof extension such as would conflict with part (c) of LP Policy HOU11.
9. Evidence has been submitted to demonstrate development that could be carried out at the site under permitted development allowances. The Council does not consider this to be comparable to the appeal proposals in terms of

scale and does not consider that the stated fallback position would be genuinely likely to be carried out if the appeal were to fail. Whilst I acknowledge the position of both parties in respect of this matter, given my findings above, it has not been determinative in this instance. Equally any comparison with other appeal decisions submitted by the appellant, in support of his proposal, would be of limited relevance. In any case I have determined the appeal on its own merits.

10. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host property or the street scene. Thus, it would comply with LP Policies HOU11 and DES4 which, together and amongst other matters, seek to ensure a high standard of design that is appropriate to the character and appearance of a host dwelling and the surrounding area.

Conditions

11. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty.
12. I do not consider it necessary to impose a separate condition with regard to the proposed external materials, as these are indicated on the approved drawings and this matter is therefore adequately covered by Condition 2.

Conclusion

13. For the reasons given above the appeal is allowed.

S Tudhope

Inspector



Appeal Decision

Site Visit made on 13 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J1915/W/20/3259621

Land at Old Station Yard, Millers View, Much Hadham, SG10 6BN

- 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 Browndog Developments Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0269/FUL, dated 4 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is Erection of four market dwellings & four affordable dwellings with associated access road & landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located on the south-western edge of Much Hadham. The developable area of the site is broadly rectangular in shape and was historically used as railway sidings and a station. The site is currently vacant and is largely covered in self-set trees and vegetation which have formed a small secondary wooded area.
4. To the north-east of the site are residential properties on Windmill Way whilst to the south-east are more modern properties on Millers View which is where the development would be accessed from. In other directions the surrounding land is open and undeveloped, save for an area of trees to the north-west of the development which is shown as being retained on the submitted plans.
5. It is common ground between the main parties that the site is located beyond the settlement boundary for Much Hadham and as such, in planning policy terms, is located in the countryside. That said, the site adjoins the settlement boundary where there is existing development.
6. My attention has been drawn to an appeal decision¹ at the site for the erection of eight dwellings (four semi-detached and four detached) with associated access road. Whilst that development differs from the one before me, and was determined on the basis of a now superseded Development Plan, it is nevertheless a significant material planning consideration.

¹ Reference APP/J1915/W/17/3186663 dated 13 June 2018

7. As noted in the previous appeal decision, the layout of that appeal scheme would create a built form that would protrude substantially further to the north and west than the existing development. Whilst the current appeal scheme would not extend quite as far as the previous one, with a depth of woodland of around 35 metres being retained, it would nevertheless extend well beyond any of the existing development in a linear fashion from Millers View. Another significant difference between the two proposals is that the current scheme has four bungalows which would be to the north-western end of the proposed development.
8. Whilst concerns over the principle of the development are not explicitly set out in the Councils reason for refusal, its evidence refers to Policies DPS2, GBR2 and VILL1 of the East Herts District Plan 2018 (EHDP) which go to the heart of the locational aspect of the development. Significantly, these policies seek to locate new development in the most sustainable locations in a hierarchical order. They also recognise and seek to maintain the countryside as a valued resource.
9. This point is acknowledged by the Appellant as the list of types of developments supported by Policy GBR2 in a location such as the appeal site does not include general housing proposals. However, in the Appellants view, Policy GBR2 does not explicitly preclude such developments or that the list of developments that will be permitted is exhaustive.
10. Policy DPS2 identifies limited development in villages at the bottom of the sustainable development hierarchy. That said, Policy VILL1 of the EHDP identified Much Hadham as a Group 1 village, which are the most sustainable villages in the District. It is also recognised that such villages can accommodate new housing and that such provision will help to sustain existing facilities and deliver community benefits. Indeed, it is indicated that a minimum of 54 dwellings should be provided within the village by the end of the Plan period.
11. With the above in mind, it is clear that the principle of some development at Much Hadham would be acceptable. Notwithstanding that, the Appellant does acknowledge that the site lies outside of the village boundary and as a result does not strictly adhere to the hierarchical approach.
12. My attention has also been drawn to the draft Much Hadham Neighbourhood Plan. This plan seeks to allocate housing sites to accommodate this growth but does not include the appeal site as a potential housing site. However, this plan is still in its infancy and has yet to go through its examination. Therefore, I can give this very little weight.
13. I am also conscious that the site cannot be considered to be isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework). Furthermore, Much Hadham does have a range of facilities, a point recognised by the Council. In that sense, I am satisfied that there would not be an over-reliance on the private motor car to gain access to the most basic level of services. However, this does not mean that the proposal is sustainable development as sustainability goes way beyond means of travel.
14. Turning to the detail of the effects of the development on the character and appearance of the area, it is noted that the appeal site does not lie within any special landscape designation and in the context of the Framework is not a valued landscape.

15. However, as a matter of fact, the proposal would result in the permanent loss of countryside. Whilst the site has historically been used as part of the Much Hadham railway, the site has blended into the rural landscape and cannot be considered to be previously developed land.
16. The proposal would also result in the loss of a significant number of trees on the site. Whilst none of these can be said to be individually important, this wooded area does nevertheless contribute positively to the edge of the village. In my view, the current level of tree coverage assists in the transition of the built development into the open countryside.
17. As shown on the photo montages provided with the submission, there would be a noticeable thinning out of this tree coverage as a result of the development. There would also be views of the new dwellings, particularly from viewpoints 1 and 2 despite the retained trees and proposed native hedge. Whilst the new dwellings would be seen in the context of the existing development, and the remaining trees, it is an inescapable fact that there would still be a negative impact on the overall landscape in the area. In my view, this could not be mitigated by planning condition should I be minded to allow the appeal. That said, this is clearly a local impact.
18. Taking the above into account, the development would have an undesirable intrusion into the countryside by having an urbanising effect on the local landscape.
19. In respect of the detailed design aspects of the proposal, I noted from my site visit that Millers View as a whole has a mixture of built form with aspects of both two storey and single storey garage development. Whilst the more recent development including the pairs of semi-detached dwellings have an element of spaciousness to the unattached sides, this is in contrast to the other dwellings on the road.
20. The massing of the appeal buildings would be more akin to the original dwellings on Millers View, albeit that the design principles are somewhat different. It is noted that plots 1-4 include flat roof garages to the side which help break up the visual massing of the two storey dwellings. These would also assist in providing a visual gap between the plots to the extent that the overall development would not appear cramped when compared to the original part of Millers View.
21. In terms of the proposed materials, I acknowledge that these would contrast with those of the existing development. However, in this instance, I find that this aspect would only add interest to the overall streetscene.
22. Taking all of this into account, I consider that the design and appearance of the dwellings themselves are not objectionable. However, that does not outweigh the harm I have found in respect of the overall character and appearance of the area.
23. For the above reasons the proposal would harm the character and appearance of the area and would conflict with Policies GBR2, DES2, DES3, DES4, DPS2 and VILL1 which amongst other matters seek to deliver sustainable development which relates well to the village, and maintain the Rural Area Beyond the Green Belt as a valued countryside resource, including the retention of existing landscape features which are of amenity value. It would

also be at odds with the overarching aims of the National Planning Policy Framework.

Other Matters

24. The Council Officers' report also appears to identify concerns relating to the loss of biodiversity on the site, although this does not feature at all in the reason for the refusal of planning permission. This concern also relates back to the previous proposal on the site which did not retain the area of land which the current proposal does. With the above in mind, on the basis of the limited evidence before me, I consider that this issue is not a barrier to the granted of planning permission as some element of mitigation and compensation is possible.
25. In addition to the above, the Appellant has proposed that the four bungalows would be affordable dwellings. With that in mind, a unilateral undertaking has been submitted with the aim of delivering the four two-bedroomed bungalows as affordable dwellings.
26. That said, the submitted undertaking is not complete as it is undated, does not include the defined plan nor does it not include the signature of the Appellant. Furthermore, the trigger point for the deed to take effect is upon the date of the granting of planning permission and the commencement of development. The agreement defines the planning permission as "the planning permission to be granted by the Council in respect of the planning application".
27. Significantly, in the event that I allow the appeal, the planning permission would not be granted by the Council, and therefore the trigger point for the planning obligation to take effect would not occur. Therefore, I give this undertaking very little weight in my decision.
28. I have also considered whether the affordable housing could be secured through the imposition of an appropriately worded planning condition which Policy HOU3 of the EHDP suggests may be possible.
29. However, I have serious doubts as to whether the delivery of the affordable housing could be secured by this method to the extent that I am of the view that such a condition would not pass the tests as set out in the Framework and the Planning Practice Guidance. Furthermore, the fact that the Appellant sought to complete a legal agreement to realise the benefits of the delivery of such affordable housing only reinforces my view in this respect.
30. Given the above, I have not been presented with an appropriate mechanism to secure the provision of affordable housing. As such, I can give the suggested benefits of such provision very little positive weight in my decision.
31. Notwithstanding that, I acknowledge that the proposal would result in the delivery of eight much needed additional dwellings and this must be considered as a benefit of the scheme. Coupled with this, there would also be temporary economic benefits during the construction phase, together with long term social and economic benefits through increased support for local shops and services in this rural area. However, these are limited benefits of the scheme.

Conclusion

32. Whilst the proposal would deliver much needed new housing, for the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Costs Decision

Site visit made on 28 September 2020

by A Denby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Costs application in relation to Appeal Ref: APP/J1915/W/20/3254717 Land adjacent to Hermitage Cottage, Scholars Hill, Wareside, SG12 7RQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Bill & Sally Tillbrook for a partial award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for demolition of an existing double garage in Wareside Conservation area to construct 2 bed dwelling on a portion of land to the rear of Hermitage Cottage, Wareside.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 030 of Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 049 of PPG goes on to state that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The applicant states that the Council based their second reason for refusal on an incorrect and unreasonable assumption that the site lies partly within Flood Zone 2. They consider that if the Council had checked the Environment Agency (EA) flood maps it would have been clear that the site lies within Flood Zone 1. As such, they contend that there was no requirement for a Flood Risk Assessment to be submitted. It is also contended that the Council's view the property was at high risk of surface water flooding was not based on any factual evidence.
4. The EA flood maps, whilst providing an indication of the flood zones, are not sufficiently clear or precise on their own. In this instance, whilst the appeal site appears to largely fall within Flood Zone 1, from the maps alone it does appear that the north-east corner of the site could fall partially within Flood Zone 2. I have explained this in my decision on the appeal case.
5. The Council did advise at the pre-application stage that they considered the site to partly fall within Flood Zone 2 and 3. I have not been made aware of any detail submitted with the planning application to challenge this or establish that this was not the case. The Planning Statement submitted with the original

planning application also stated that the north east of the site was either slightly within or adjoining the boundary of Flood Zones 2 and 3.

6. Nevertheless, there is no detail to demonstrate the basis on which the Council determined the extent of the flood zone or that the site was susceptible to surface water flooding. Therefore, I do consider they have been unreasonable in that regard as they have failed to produce evidence to substantiate this reason for refusal on appeal.
7. The EA were consulted on the application and raised no objections subject to an informative. However, this appears to relate only to the impact of proposed works on the existing flood defences and retention of an adequate buffer to the brook. The EA would not necessarily review surface water data as part of a planning submission.
8. The information submitted to the appeal has demonstrated that the site is at high risk of surface water flooding. Drawing on the above, whilst I find the Council acted unreasonably in not fully substantiating its case, it was necessary for further site-specific information to be submitted in order to establish the extent of the flood zone and surface water flooding in this location. Hence the need for a FRA. Although the Council's reasoning appears to be confused, I have found that there were reasonable concerns about the impact of the proposed development which justified its decision in this regard.

Conclusion

9. Whilst I find that unreasonable behaviour has occurred, it has not been demonstrated that this led to unnecessary or wasted expenses being incurred. As such, the requirements for an award of costs to be granted, as set out within the PPG, have not been met.

A Denby

INSPECTOR



Appeal Decision

Site visit made on 28 September 2020

by A Denby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/J1915/W/20/3254717

Land adjacent to Hermitage Cottage, Scholars Hill, Wareside, SG12 7RQ

- 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 & Mrs Bill & Sally Tillbrook against the decision of East Herts Council.
 - The application Ref 3/20/0250/FUL, dated 6 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is demolition of an existing double garage in Wareside Conservation area to construct 2 bed dwelling on a portion of land to the rear of Hermitage Cottage, Wareside.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Bill Tillbrook against East Herts Council. This application is the subject of a separate decision.

Procedural Matter

3. The appellant submitted a Flood Risk Assessment (FRA) with this appeal. The Council have had the opportunity to comment on it. I am satisfied that neither the Council nor interested parties have been prejudiced in this regard and I have taken the FRA into account in determining this appeal.

Main Issues

4. The main issues are a) the effect of the proposed development on the character and appearance of the area with specific regard to the Wareside Conservation Area; b) the effect of the proposed development on the setting of listed buildings; and c) whether the proposed development would be at an unacceptable risk of flooding.

Reasons

The Wareside Conservation Area (WCA)

5. Much of the significance of the WCA is derived from the tightly knit village core of traditional cottages, many of which are listed, clustered in the valley bottom of the Nimney Bourne Brook. The trees and hedgerows within the village are also an important visual component of the character of the WCA, particularly those on the narrow lanes. They screen and provide relief from the built

development and a transition from the compact centre to the wider rural surrounds.

6. The appeal site comprises an area of garden associated with Hermitage Cottage. It is currently occupied by a detached garage and areas of hardstanding. There is also some landscaping within the site and a mature hedge to the road frontage. The site therefore has a verdant, open and spacious character which provides some visual relief from the concentrated development within the village core. It contributes positively to the character of the WCA.
7. The proposed dwelling would be a substantial building, with large box dormers and a bulky shape. It would be in very close proximity to the road frontage and positioned at an angle towards the boundary, resulting in the end gable, and roof, with its large eaves overhang, being particularly dominant features, especially in views from Scholars Hill and its junction with the main road. The built development would extend almost the full length of the site boundary with the road and visually it would fill the plot, eroding its open and spacious character and consequently appearing cramped.
8. The design of the proposed dwelling would be at odds with the established character of other development in the WCA. Although dormer windows are not an alien feature, those proposed would be of a more contemporary design. I appreciate that this can sometimes interestingly contrast with more historic forms. However, the roof and dormers would be the main visible feature of the dwelling and due to their size, design and materials they would appear obtrusive and incongruous amongst the more traditional architecture within the WCA.
9. Whilst the existing garage at the appeal site is a more modern structure it is low level, set back from the road frontage and well screened by the existing landscaping. It is not a prominent feature and has a limited impact on the character and appearance of the WCA. Its removal would be a positive aspect of the appeal scheme but would not accordingly justify the impact of the design, scale and siting of the proposal for the above reasons.
10. The appellant considers the provision of additional planting would mitigate the visual impact of the proposed development and a condition could address this concern. However, a substantial amount of the existing landscaping would be removed or reduced as part of the proposals. It would take some considerable time for any new landscaping to establish and considering the proximity of the dwelling to the boundary and large eaves overhang, the effectiveness of any landscaping in screening the development would be limited. It has been suggested that the existing hedging does not support wildlife though there is no detail to substantiate this.
11. The bulky roof and substantial dormer windows would remain the dominant features of the appeal scheme. The proposals would not only remove a positive gap in the street scene but introduce a development which would be incongruent for the reasons I have given.
12. Therefore, the development would have a harmful impact on the character and appearance of the WCA and conflict with Policies DES4, HOU2, HOU11, HA4 and VILL2 of the East Herts District Plan, 2018 (DP), which, amongst other things, seek to ensure that all development achieves a high standard of design

and layout promoting local distinctiveness, preserves or enhances the special interest of conservation areas and relates well to the village.

Setting of Listed Buildings

13. Hermitage Cottage is a detached grade II listed building which is currently in use as a single dwelling. It is a traditional and attractive cottage located in the historic core of the village. The evidence suggests it was previously separated into 3 workers cottages associated with the Gosslin estate, each cottage with its own small garden area which would have allowed space for the occupiers to grow their own fruit and vegetables and be self-sufficient. The building is in close proximity to the main road and adjacent to its road junction with Scholars Hill, which also adjoins the garden boundary to two sides. The Nimney Bourne Brook adjoins the other boundary passing closely to the cottage. The significance of the building lies in its traditional architectural form and features together with its connection to the local area, position within the village, historic use and connections to the Gosslin estate.
14. As a result of the building's conversion to a single dwelling, the smaller individual gardens have been amalgamated and consequently the cottage has a substantial garden area. Be this as it may, there remains a clear historic functional link between the appeal site and Hermitage Cottage. This provides an insight into the rural nature of the village, reinforced by the single-track narrow lanes. The space created by the appeal site remains an integral and valuable part of the curtilage of the building. The development of it for a new dwelling would greatly reduce the size, quality and contribution of the space, erasing an important historic feature of the building's curtilage.
15. As I have explained above, the proposed dwelling would be a dominant feature, visible from public vantage points at the front of Hermitage Cottage, where the Nimney Bourne Brook crosses under the main road and the junction with Scholars Hill. The proposed dwelling would obscure views of Hermitage Cottage on approach to the appeal site from Scholars Hill, reducing the quality of its contribution to the street scene.
16. The proposal would therefore be harmful to the setting of Hermitage Cottage, and thereby the significance of it as a designated heritage asset. It would therefore conflict with DP Policy HA7 which seeks to permit development only where the setting of the listed building would be preserved.

Flood Risk

17. The Nimney Bourne Brook runs along the boundary of the site and there are flood defences in place. There is some dispute between the main parties as to which Flood Zone the appeal site is located within. The Council contend that part of the site falls within Flood Zone 2 and is at high risk of surface water flooding, requiring a Flood Risk Assessment (FRA) to be submitted. The FRA submitted to the appeal includes an Environment Agency (EA) Map which indicates flood zones. On the basis of this they consider the site falls wholly within Flood Zone 1. Whilst the EA Flood Maps provide an indication of the flood zones, they alone are not sufficiently precise or clear. This is evident with this site as on the basis of this map it does appear that the majority of the site falls within Zone 1. There are however areas within Flood Zone 2 and 3 which follow the Nimney Bourne Brook, and these appear to be in close proximity to, if not extend into the appeal site, particularly at its north-east corner.

18. No further detailed site-specific information has been submitted to the appeal on this matter and therefore, on the basis of the EA map alone, I cannot be certain that the site falls wholly within Flood Zone 1.
19. The National Planning Policy Framework (the Framework) explains that, through the application of the Sequential Test, development should be steered towards those areas at the lowest risk of flooding. With the above ambiguity in mind, I cannot be sufficiently sure that this would be the case. Moreover, the FRA identifies that the site is at high risk from surface water flooding. The information submitted indicates that mitigation measures could be provided to ensure that the new dwelling would be protected from surface water flooding on the site. However, there is little detail about the offsite impacts of such measures. I cannot therefore be sure that the proposal would not increase flood risk elsewhere as per part of the intention of the Exception Test, also set out by the Framework.
20. Flood risk matters could not therefore be dealt with by condition and in that regard, the development would conflict with LP Policy WAT1 and the advice in the Framework. These policies seek to ensure that development is directed towards areas at the lowest risk of flooding, development is made safe from the impacts of flooding, and that risk is not increased elsewhere.

Other Matters

21. The appellant has drawn my attention to a previous scheme for the creation of a new vehicular access to provide two parking spaces to the rear of Hermitage Cottage. From what I have seen, this scheme introduced some hardstanding to the centre of the existing curtilage. There appears to have been no further development proposed within the garden. The site would therefore have retained its open and spacious character and remained linked to and associated with the cottage. This would not be the case with the appeal before me. The two schemes are not therefore sufficiently comparable to the point that my conclusions on this appeal would change.
22. I see that pre-application discussions took place and the appellant amended their proposal in an attempt to address the Council's concerns. Be this as it may, any such advice is given without prejudice to the final outcome of a planning application and in any case, would not absolve me as the decision maker from assessing the scheme's individual merits and coming to a view thereon.
23. The Environment Agency were consulted on the planning application and raised no objections in relation to the impact on the adjacent flood defences, subject to offering an informative. However, the EA would not necessarily review surface water data as part of a planning submission, and this does not therefore lead me to a different conclusion.

Planning Balance and Conclusion

24. The site is within the village where some local services and facilities would be available. LP Policies and the Framework would support development in such locations. However, they are also clear that developments should function well and add to the overall quality of the area, being sympathetic to and responding positively to the local character, protecting or preserving heritage assets. As detailed above, the appeal scheme would not achieve this, resulting in

unacceptable harm to the character and appearance of the site, conservation area and setting of a listed building.

25. I note that LP Policies and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.
26. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the WCA, and to the desirability of preserving the listed building, including its setting, and the result of the proposal would be less than substantial harm when considered in the context of the Framework. Whilst the proposals would provide an additional dwelling, in an accessible location, I do not consider these public benefits would be sufficient to outweigh the harms I have identified, and to which I have attached considerable importance and weight.
27. It is for these reasons that the appeal is dismissed.

A Denby

INSPECTOR



Appeal Decision

Site Visit made on 13 January 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J1915/W/20/3256186

Land at South End, Perry Green, Much Hadham, Hertfordshire SG10 6EW

- 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 The Trustees of the Congregation of the Daughters of The Cross of Liege & Grange Builders LLP against the decision of East Herts District Council.
 - The application Ref 3/20/0144/FUL, dated 22 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is the demolition of all existing buildings and the erection of 9 dwellings (3 detached and 6 semi-detached) together with associated cart lodges/car ports served by a new access and 24 parking spaces.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to the draft Much Hadham Neighbourhood Plan (MHNP) . However, this plan is still in its infancy and has yet to go through its examination. Therefore, I can give this very little weight.

Main Issues

3. The main issues are:
 - (i) whether the site is situated in a sustainable location;
 - (ii) whether the proposal would result in the loss of a rural workers dwelling, a rural employment generating use or a community facility;
 - (iii) whether the proposal would provide for a suitable housing mix; and
 - (iv) the effect of the development on the character and appearance of the area.

Reasons

Sustainable location

4. The appeal site is located to the south-west of Perry Green which is defined as a Group 3 Village in the East Herts District Plan 2018 (EHDP) and within the parish of Much Hadham.
5. It is common ground between the main parties that the site is located within the Rural Area Beyond the Green Belt. As such, in planning policy terms, it is located in the countryside. That said, the site adjoins an extensive complex of buildings known as the St Elizabeth's Centre which occupies a 26 hectare site, the core of which is quite densely developed. From the evidence before me,

- this facility provides for residential accommodation for 102 people with varying degrees of disability together with College and School facilities (and associated residencies) and Day Facilities and Social Enterprises.
6. It is common ground that the appeal site constitutes previously developed land and the EHDP generally supports the redevelopment of such sites in sustainable locations. Furthermore, the site cannot be considered to be isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework) given the extensive development in the immediate vicinity of the site.
 7. However, there is a distinct lack of services in the vicinity. As such, it is clear to me that the future occupiers of the dwellings would be heavily reliant on the private motor car to access the most basic level of services. In that sense, it cannot be said to be sustainably located. Therefore, it follows that there is some conflict with Policies GBR2, DPS2 and VILL3 of the EHDP.
 8. In coming to that view, I acknowledge that there is a free weekly bus service from Perry Green to Bishops Stortford. Whilst this would provide a limited degree of accessibility, this does not provide for a realistic choice of transportation mode. I also acknowledge that it would be possible to access facilities at Much Hadham, albeit that this would invariably involve a short car journey – a point acknowledged by the Appellant.
 9. However, I am conscious that this is also an existing situation as there is at least 6 residential units on the site at the present time (the 4 staff bungalows and the two flats at The Lodge). Whilst the staff bungalows currently have an occupancy tie to St Elizabeth's, the occupiers of these properties would still need to travel to access local facilities and services. In addition to the above, there is C2 residential use at Loreto Cottage and St Joseph's Cottage which could further add to travel demand.
 10. It is also noted that the Appellant has suggested that in order to improve the sustainability of the site electric car charging points could be provided for each dwelling. Indeed, this also forms the basis of one of the suggested planning conditions should I be minded to allow the appeal. It would also help aid carbon emission reduction which is part of the objectives of Policy TRA1 of the EHDP. Therefore, this should be considered to be a benefit to the scheme.
 11. Taking all of the above into account, I find that the proposal would only result in a modest increase in housing in the area and would involve the redevelopment of previously developed land. Whilst there is some clear conflict with some aspects of the relevant policies drawn to my attention in the EHDP, in this case, I consider that the sustainability of the sites location is not the determinative factor in whether planning permission should be granted. I also consider that the proposal would accord with the overarching aims of the Framework in this respect.

Rural/community uses

12. The Council have clarified that their concern in respect of the loss of a rural workers dwelling relates to the four bungalows at the site which were granted planning permission¹ in February 1995. This permission included, amongst others, two planning conditions, one of which restricted the occupancy of the

¹ Reference 3/94/1120/ZA

bungalows to essential full-time staff employed at St Elizabeth's school and home (condition 3) with the other condition requiring the removal of the bungalows if they were no longer required for the purposes of essential full-time staff employed at St Elizabeth's (condition 4). The reasons for both of these conditions were stated as being as the site is in the rural area where new dwellings are only allowed in exceptional circumstances.

13. The evidence before me suggests that these bungalows are no longer required for the purpose originally applied for. With that in mind, and assuming the original conditions are reasonable and enforceable, it follows that there cannot be a loss of rural workers dwellings as suggested by the Council. To suggest otherwise would misconstrue the requirements of condition 4.
14. On the other hand, if I accept the Appellants argument that condition 4 should not have been imposed in the first place given that the bungalows appear to be of a permanent form of construction, then consideration also needs to be given to the potential loss of a rural workers dwelling.
15. That said, as the Appellant asserts, St Elizabeth's Centre cannot reasonably be described as a rural business as such. Hence, the fact that the bungalows are located in a rural area does not mean that they fulfil the definition for rural workers' housing.
16. To that end, I consider that the loss of the bungalows would not result in the loss of rural workers dwellings and therefore the provisions of Policy HOU5 are of little relevance to me.
17. Turning to the potential loss of a rural employment generating use and a community facility, this can only relate to the properties known as Loreto Cottage and St Joseph's Cottage as The Lodge appears to be a private rented property.
18. These properties were originally approved for housing agricultural employees but did not restrict their occupation as such. However, the Council appear to have granted planning permission² in 1993 for the extension and modification of these properties. This permission clearly considered that the use of these properties fell within Use Class C2 at that time.
19. The Council have referred to Policies ED2 and CFLR8 in respect of these matters. However, given that the buildings are in a residential type use I consider that neither of these policies are particularly relevant to the proposal before me.
20. Taking all of the above into account, I consider that the proposal would not result in the loss of a rural workers dwelling, a rural employment use or a community facility and as such the proposal would accord with the provisions of the Development Plan in that respect as no conflict would arise with Policies HOU5, ED2 or CFLR8 of the EHDP.

Housing mix

21. The appeal proposal is for a total of nine dwellings, of which seven properties would have three bedrooms and two properties would have four bedrooms.

² Reference 3/1590-93FP

22. Both main parties have referred me to the 2015 Strategic Housing Market Strategy (SHMA) which sets out that the greatest need is for three-bedroom properties (46%), whilst four-bedroom properties make up the next largest demand (23%).
23. Whilst the Officers report concludes that the provision of three and four bedroom properties is acceptable, it goes on to say that regard should also be had to the provision of two-bedroom dwellings on the basis that the MHNP sets out that there is an identified need for schemes of one, two and three bedroom homes. However, as I have already noted, the MHNP is still in its infancy and has yet to go through its examination. On this basis, I consider that the SHMA evidence should prevail in this instance.
24. Considering the above, the proposal would provide an appropriate housing mix and would accord with Policy HOU1 of the EHDP which amongst other matters seeks to create balanced and mixed communities through a mix of housing types and sizes. It would also accord with the overarching aims of the Framework in this respect.

Character and appearance

25. The appeal proposal would result in a total of nine dwellings, 7 of which would be located along the road frontage at South End with a pair of semi-detached dwellings located to the rear of the site.
26. In my view, the proposal must be considered in the context of the extensive St Elizabeth's complex behind it which has numerous buildings. With that in mind, I consider that the location of plots 8 and 9 set behind the frontage plots is not objectionable as they would be seen very much with the backdrop of the complex behind them.
27. In a similar vein, the proposal would create a new access into the site and the parking facilities would be provided from this access within a series of cart lodges. Whilst this would not reflect other housing in the area, it would not appear out of place given the nature of the existing built form and hard surfacing at St. Elizabeth's. There would also be landscaping opportunities to help assist in reducing the impact of such a level of hardstanding on the site.
28. Having said all that, the proposal would introduce a much greater extent of development alongside the road frontage. With the exception of the current siting of The Lodge, all of the proposed buildings would be sited closer to the road than the existing development. This is particularly the case where the bungalows are sited where the proposal would result in a much more intensively developed area, together with a significant increase in the mass and bulk of buildings.
29. Whilst I consider that the amount of building frontage development is not objectionable in principle, it is significant that one of the important trees on the frontage (an Ash tree identified as T14 in the arboricultural survey) would be lost as part of the development. The existing trees along the frontage provide an important function in softening the impact of the existing development, albeit that most of the existing trees cannot be considered to be high quality specimens in themselves.
30. Whilst I acknowledge that both the Council and the Appellant have set out that there would be replacement tree planting along the road frontage, given the

siting of the proposed dwellings it would not be possible to plant any replacement trees of any substance to the extent that any mitigation afforded from such trees would be very limited.

31. To my mind, this is an important factor, as without a sufficient set back of the dwellings from the road, they would appear as overly prominent features in the streetscene. The prominence of the development from South End is particularly relevant in this case as the proposal would result in an intensely developed frontage to the site, something which does not currently exist at the present time. In my view, this would ultimately be harmful to the semi-open aspect of the site and the wider rural characteristics of the area despite the existence of St. Elizabeth's to the rear.
32. Turning to the designs of the individual plots, I note that most of the dwellings would have a slightly jettied upper floor which is a feature very characteristic of this part of Hertfordshire. In this respect, I find the properties entirely appropriate and the visual variety which the Council aspires to could be achieved through the use of different materials and finishes. This could be easily controlled through a suitably worded planning condition. However, the positive design aspects of the dwellings do not outweigh the harm I have found.
33. For the above reasons, I consider that the proposal would harm the character and appearance of the area and would conflict with Policies DES4, GBR2 and VILL3 of the EHDP which amongst other matters seek to ensure that development is of a high standard of design which respects or improves the character of the site, including the massing of buildings and landscaping.

Other Matters

34. I have also had regard to the Appellants evidence that the development would help support St. Elizabeth's. Whilst this factor weighs in favour of the proposal, I consider that this is not sufficient to outweigh the harm I have found to the character and appearance of the area.

Conclusion

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

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 25 November 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/J1915/D/20/3250300

4 Hadham Park Cottages, Cradle End, Little Hadham SG11 2EH

- 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 Frank Harvey against the decision of East Herts Council.
 - The application Ref 3/19/2441/HH, dated 27 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is two storey side extension, single storey rear extension, side porch and relocated access and driveway.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal property is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal property is a two storey semi-detached dwelling within the small village of Cradle End. The village includes a limited number of detached and semi-detached dwellings and is located in an open rural setting.

Whether the Proposal is Inappropriate Development

4. The National Planning Policy Framework (the Framework) makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions¹. One of these is the

¹ Paragraph 145.

- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building².
5. The Council refers to Policy GBR1 of the East Herts District Plan 2018, which states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework. Accordingly, I have had regard to this policy as well as to the Framework.
 6. The Council indicates that the original building had a floor area of just under 72m². This has increased by just under 13% to just over 81m² as the result of an additional 9m² floor area created to the side of the dwelling. Taken together with this previous addition, the area of the proposed extensions would amount to a nearly 89% increase to the size of the original building.
 7. The appellant provides a different set of measurements, based on a different understanding of the original built form of the appeal property and taking account of a former outbuilding. By this calculation the original building had an area of just under 78m². The appellant also calculates the area of the proposed extensions differently and concludes that these would be just over 72m². The conclusion reached is that the current proposal would amount to a 64.5% increase between the original and extended building.
 8. Despite these differences, the quantitative increase of well over 50% floor area in both parties' calculations is not an insignificant increase by this measure. However, as a general principle and because of the different calculations provided by the parties, the increase in floor area or volume should not be the sole basis for considering whether the proposed extensions would be disproportionate compared to the original building. It is important, therefore, to consider this issue in terms of the scale, bulk, massing and built form that would result from the changes sought.
 9. The existing dwelling, in its largely original form, is a modest two storey brick-built dwelling of limited width and depth. The single storey rear extension would infill the area to the side of the existing rearward projection. It would not, however, alter the existing buildings lines to the side or rear. Given this fact and its single storey height it would not add substantive bulk or mass to the existing dwelling.
 10. The two storey extension would be of the same depth as the existing main part of the dwelling, with a slightly lower roof ridge. However, as it would be the same width as the existing dwelling it would effectively double the frontage of the host dwelling, adding considerable bulk to the modest proportions and scale of the appeal property. This change would, therefore, result in a materially larger dwelling that would appear twice the size of its original built form.
 11. Accordingly, I conclude that due to both the quantitative increase in size and, in particular, the physical effects of the proposed two storey extension, the proposal would result in a disproportionate degree of change to the original building. It would, therefore, be inappropriate development for the purposes of

² Paragraph 145c).

Policy GBR1 and the Framework referred to above, which is, by definition, harmful to the Green Belt.

Effect on Openness

12. The Framework states that the essential characteristics of Green Belts are their openness and their permanence³. I have found above that the proposed two storey side extension would add bulk to the host dwelling, although the development would occur within a self-contained residential curtilage, which is bounded on each side by existing dwellings.
13. There is a generous gap between the appeal property and the nearest dwelling, which would largely be retained. I note the appellant's contention that the extension would be seen against a backdrop of development that falls outside the Green Belt. Nonetheless, the appeal site is within the Green Belt and the extent of the main extension, which would double the width of the host dwelling, would result in a reduction spatially to the openness of the Green Belt in this location. As such, there would be some harm to the Green Belt in this regard, to which the Framework indicates that substantial weight should be given⁴.

Other Considerations

14. The appellant refers to other considerations in support of the appeal. I acknowledge that the proposed extensions are intended to create additional living space, but these personal circumstances are not sufficient to outweigh the harm to the Green Belt that has been found with regard to the first and second main issues. I accept that the design and materials for the extensions would be of good quality, but similarly this does not outweigh the harm found above.
15. It is also contended that the proposal would better balance the pair of semi-detached dwellings, because of the two extensions that have been undertaken to the adjoining property. I acknowledge that this neighbouring dwelling is considerably larger than the appeal property. However, I am unaware of the detailed reasons why these extensions were permitted or the nature of local development plan policies in place at the time, although I accept that the national policy background might not have been substantively different to now.
16. I am required to consider the current proposal based on its merits and the physical circumstances pertaining to the site currently. Due to the size of the neighbouring property, I consider that the changes that have been undertaken are disproportionate in their own right. Moreover, creating an even larger overall building in the interest of a better visual balance, where this would have the harmful effects to the Green Belt found above, is not sufficient reason to outweigh that harm.
17. Therefore, while I have carefully considered these other considerations they are not a sufficient reason to outweigh the harm to the Green Belt and conflict with national and local policies that I have found would result from the proposal.

³ Paragraph 133.

⁴ Paragraph 144.

Overall Conclusion

18. The proposal would represent inappropriate development, which is, by definition, harmful to the Green Belt. It would also result in some harm to Green Belt openness in this location.
19. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to the development plan and to the Framework. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR



Appeal Decision

Site visit made on 9 November 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 04 February 2021

Appeal Ref: APP/J1915/W/20/3251268

Land to the rear of The Fox & Hounds Public House, 2 High Street, Hunsdon SG12 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Rix of Rixymash Property Investment Co Ltd against the decision of East Hertfordshire District Council.
- The application Ref: 3/19/2060/FUL, dated 7 October 2019, was refused by notice dated 17 January 2020.
- The development proposed is residential development of 3 No 2 bedroom terraced houses with associated parking and landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:-
 - i) the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade II listed building, the Fox & Hounds Public House, and the extent to which it would preserve or enhance the character or appearance of the Hunsdon Conservation Area;
 - ii) the living conditions of neighbouring occupants with particular regard to privacy, noise and disturbance; and
 - iii) parking and the effect on highway safety.

Reasons

Heritage assets

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA), requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The Fox & Hounds Public House (PH) lies towards the centre of the village of Hunsdon and within the Hunsdon Conservation Area (CA). It is a Grade II listed building that occupies a prominent position within the CA and forms part of an

- attractive and historic group of buildings. Despite there being variety within the styles of built form within the CA, properties typically sit comfortably within their individual plots which are generally commensurate to the size of each property.
5. The PH dates from the C17th and is a substantial village house that is noted as probably being the former site of Hykmans. It has seen alterations and the eastern range rebuilt in the C18th with further subsequent alterations and extensions during the C19th. It comprises a public house at ground floor level with living accommodation above. Based on the evidence before me, including the Heritage Statement¹ and my own observations, the significance of the PH as a heritage asset is largely derived from its age, historic use and architectural features. Those features include timber framing, plastered finish, wide cross wing with surviving features of special interest all of which contribute to the significance of the heritage asset.
 6. In addition, the rear garden of the PH is substantial in size and reflects the high social status of the heritage asset, as well as providing a setting for the building which is of significant architectural quality. Other than the car park, which largely retains the open character of the rear garden, and small domestic outbuildings and structures, the garden is undeveloped. The rear garden makes a positive contribution to, and assists in revealing the significance of the heritage asset. The fact that Yewtree House and The Chase were built within the curtilage of the PH and the remaining curtilage is now surrounded by later development adds to its significance. The space also makes a positive contribution to the character and appearance of the CA for the same reasons.
 7. The proposal would introduce a substantial sized group of terraced dwellings with associated domestic paraphernalia into part of the space to the rear of the PH. Their siting in this location would have no regard for the pattern or density of development within the locality. It would reduce the openness of the garden and alter its character and appearance. Despite the appeal site being relatively well enclosed by mature vegetation and fencing, the proposed scheme would appear incongruous particularly when viewed from the PH and its curtilage. It would also remain partially visible to neighbouring dwellings and their gardens and the nearby recreation ground particularly during months when foliage is less dense.
 8. Moreover, the subdivision of the garden in the manner proposed and the introduction of separate and unrelated units of accommodation would diminish its importance as a visual and social setting to the PH. Added to that, the proposal would relocate the area for parking and erode the open space and the established character and appearance of the CA.
 9. I recognise that the proposed dwellings would be positioned to the rear of The Chase, to reduce views of the scheme from the highway. Nevertheless, the proposal would be a distracting intrusion into the space. Albeit additional planting is proposed, it would take time to become established and, in any event, is not permanent. Moreover, screening harmful development in this manner does not make it justifiable.
 10. For the reasons set out above, the proposal would have a negative impact on the setting and significance of the PH and would harmfully erode the

¹ Heritage Asset Statement prepared by Conservation and Design Consultant Robin Uff, dated August 2019.

established character of the Hunsdon CA. There would be conflict with Policies HA1, HA4, HA7, VILL1, DES3 and DES4 of the East Herts District Plan (2018)(DP) insofar as these policies require development to preserve and where appropriate enhance the historic environment.

11. The harm identified to the setting of the listed building would be less than substantial and accordingly paragraph 196 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken between "less than substantial harm" to the designated heritage asset and the public benefits of the proposal.
12. I acknowledge that the appellant would be prepared to remove a number of unsightly outbuildings to the rear of the PH which would be a visual improvement that carries limited weight in favour of the proposal. The proposal would generate temporary economic benefits from the construction of the scheme and further economic benefits from residential use and increased local spend. There would be some social benefits generated from the provision of new housing which would add to the mix and choice of housing within the village. However, given the scale of the proposed scheme the associated public benefits would be limited.
13. Although I have found that the harm to the designated heritage assets would be less than substantial, it is not to be treated as a less than substantial objection. The limited public benefits arising from the proposed scheme, as set out above, would not outweigh the considerable importance and weight to the harm to the heritage assets. I therefore conclude the proposed development would also fail to comply with Section 16 of the Framework.

Parking and highway safety

14. DP Policy TRA3 sets out that vehicle parking provision associated with development proposals will be assessed on a site-specific basis and should take into account the provisions of the Council's Supplementary Planning Document 'Vehicle Parking Provision at New Development' (SPD). The SPD requires a public house to provide one parking space per every 3m² of bar area floor space and one space per every 5m² of dining floor space.
15. The scheme would have 22 parking spaces available for the public house on-site with an additional 2-3 spaces provided on-street. It is the Council's case that car parking standards set out above would require a total of 44 general spaces for patrons of the business. This figure is disputed by the appellant. In addition, a further 7 spaces would be required for staff employed by the business and for the occupants of the residential accommodation above. In totality, the Council suggest the provision of 51 spaces.
16. There is clear disagreement between the main parties concerning the amount of floor space and, secondly, whether it constitutes dining floor space in its entirety or a combination of bar area and dining space. I am unable to resolve this matter conclusively upon the limited evidence before me and my observations at the time of the site visit.
17. In any event, even if I were minded to accept the appellant's case, based upon an area of 88m² used solely for dining purposes, the proposal would need to make provision for some 17.6 spaces. Add to this figure an additional 7 spaces to take into account of employees and residential occupants of the first floor

accommodation, the required figure would total some 24.6 spaces. This figure would exceed the number of proposed car parking spaces and it would be less than the approximate 24 car parking spaces that currently exist.

18. Taking into account all of the evidence before me, whilst the figure would not be significantly below the maximum number of general spaces required, it would nonetheless be insufficient. Additionally, no designated parking space for disabled users is provided which adds to the inadequate parking provision.
19. It is suggested that 2-3 spaces would be available on-street. However, from my site visit it appeared that there was already substantial competition for on-street parking within the village. In addition to nearby residential properties there were also a number of other businesses in the vicinity that make use of on-street parking. Whilst I appreciate that my site visit provided only a snapshot of parking and highway conditions, there was nothing to suggest that what I saw was untypical. The absence of adequate off-street customer parking would be likely to lead to inappropriate parking within the highway which would lead to vehicle manoeuvres and congestion which would unduly compromise the free and safe flow of traffic and pedestrian safety.
20. There is an absence of any clear evidence to demonstrate satisfactory circulation of traffic around the site and the ability to manoeuvre for parking taking into account clearance distances between parked vehicles. As a result, the inadequate design, layout and functioning of the car parking spaces of the scheme would be likely to cause the need for additional on-street parking.
21. For the reasons set out above, I conclude that the proposal would not provide a satisfactory layout and adequate parking and thus would be likely to have a harmful effect on highway safety. Thus, it would conflict with DP Policy TRA3 and the Council's SPD insofar as these require new development to provide parking to meet the needs of future occupiers and users.

Living conditions

22. The rear gardens of Nos 1 and 2 Dunston's Road adjoin the boundary of the appeal site. Existing planting along the site boundary largely screens views from the appeal site towards the neighbouring dwellings. Nonetheless, some gaps within the vegetation allow for glimpsed views. This position would be likely to increase during the winter months when foliage is less dense.
23. However, the rear elevations of the proposed dwellings would be orientated at an angle to Nos 1 and 2 and given that their rear gardens are relatively long, there would be some degree of separation. In addition, as there is already some degree of mutual overlooking between houses and gardens in this area, I conclude that any harm to privacy would be limited.
24. The proposed scheme would be positioned in close proximity to the rear boundary of The Chase. However, it is located close to existing sources of noise and disturbance from the use of the car park, the accessway and the outdoor seating and play area. The residential use of the appeal site would be unlikely to generate such significant levels of activity, beyond that which is already experienced, that would be harmful to the living conditions of neighbouring occupiers.
25. Although the proposed car parking area would be positioned closer to and adjacent to the shared boundary with Yewtree House, the Council have

provided very limited evidence as to why they consider that the proposal would expose residents to a greater amount of noise and disturbance than they currently experience. I acknowledge that some noise would be generated by vehicles parking close to the common boundary, however, the existing use of the site is likely to be noisy. In addition, Yewtree House has a sizeable rear garden with a buffer being provided by existing mature and dense vegetation along the boundary. As a result, assessing the scheme against the existing and proposed site circumstances, I am not persuaded that the proposal would lead to an increase in noise and disturbance to such an extent that it would adversely affect the living conditions of neighbouring residents.

26. For the above reasons, I conclude that the proposal would not have an unduly unacceptable effect upon the living conditions of neighbouring occupiers by way of noise and disturbance. Consequently, the proposal would accord with DP Policies VILL1 and DES4 insofar as these policies require development not to be significantly detrimental to the amenity of neighbouring occupiers.

Other Matters

27. Housing growth within a Group 1 village is in principle acceptable. The scheme would not cause undue harm to the occupants of neighbouring dwellings with regard to outlook and loss of light. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal. Closure of the children's play area does not justify the scheme.
28. My attention has been drawn to similar developments nearby². However, there is little information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
29. The proposal would make efficient use of the land, reduce financial liabilities of the appellant and ensure, despite the pandemic, the long-term use of the PH and its associated economic and social benefits. However, there is little evidence before me to demonstrate that the PH business is not presently viable. I attach moderate weight to these matters.
30. The Council are presently able to demonstrate a five-year supply of housing land. The appellant has drawn my attention to the Housing Delivery Test: Action Plan dated July 2019. However, even if housing delivery has fallen short of requirements as set out by the appellant, I have found less than substantial harm to heritage assets that is not outweighed by the public benefits of the scheme including the provision of three houses. Policies within the Framework for conserving and enhancing the historic environment therefore provide a clear reason for refusing the development proposed.

Conclusion

31. I have found that there would be no adverse harm to the living conditions of neighbouring occupiers. Nevertheless, the harm to heritage assets and parking and highway safety are decisive. Accordingly, the appeal is dismissed.

E Brownless - INSPECTOR

² 27 High Street, Nos 69 and 71 High Street, Chestnut Close.



Appeal Decision

Site Visit made on 2 September 2020

by **S Thomas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/J1915/D/19/3241083

Home Farm, 76 Bramfield Road, Datchworth, SG3 6RZ

- 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 Chris Bullock against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1581/HH, dated 26 July 2019, was refused by notice dated 20 September 2019.
 - The development proposed is two storey side extension with dormers.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) the effect of the proposal on the openness of the Green Belt; and
 - (iii) 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. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Inappropriate Development

4. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework outlines that the construction of new buildings should be regarded as inappropriate development. Exceptions include the extension or alteration of a building provided that it does not result

in disproportionate additions over and above the size of the original building. The relevant development plan policy that deals with development in the Green Belt is Policy GBR1 of the East Hertfordshire District Plan (2018) (DP). This is consistent with the Framework.

5. The appeal property is a substantial detached dwelling. The original dwelling had a floorspace of approximately 118sqm, however it has been subject to a number of additions, including a single storey front and side extension, single storey rear extension, dormer, front extension, and porch. I understand that the cumulative extensions to the property represent an increase in floorspace over the existing dwelling of approximately 139.1%. The appeal proposal would increase this figure to approximately 185%. Clearly, the additions to the property have substantially altered the form and size of the original dwelling. The appeal proposal would increase the size further and would result in a disproportionate increase in the size of the original dwelling.
6. The appellant does not dispute that previous extensions have increased the size of the dwelling. Given the existing additions to the original property, and that the additional floorspace of 55 sqm proposed by the appeal would in itself amount to an approximate 46% increase over the original floorspace, the further increase in the size of the development would cumulatively amount to a disproportionate addition to the size of the building. The proposal would fail to accord with Paragraph 145 (C) of the Framework and would therefore represent inappropriate development in the Green Belt. The proposal would therefore also conflict with Policy GBR1 of the DP.

Openness

7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It indicates that openness is an essential characteristic of the Green Belt. Whilst there is no definition of 'openness' it can be taken to mean an absence of buildings or other forms of development. Openness can have both a visual and spatial dimension.
8. The appeal property is located amongst an area of development along Bramfield Road. The spacious grounds and the surrounding open fields contribute to the visual and spatial openness of the Green Belt. The proposed extensions would increase the footprint and volume of the dwelling as well as its scale and mass creating a horizontal emphasis to the front elevation. By increasing the scale massing and size of the building it would reduce spatial openness to some extent.
9. Whilst there would be limited visibility of the extension from the main road it would be experienced visually from surrounding properties particularly the residential property and garden to the north and would be likely visible from surrounding fields. Whilst the site would retain spacious gardens and views through the site, the increased massing of the property would increase its bulk. This would reduce the level of spaciousness on the site and lead to an, albeit limited, reduction in visual openness. Although the reduction in spatial and visual openness would be limited and localised, the proposal would fail to preserve the openness of the Green Belt.

Other Considerations

10. I acknowledge that the proposal would be of a suitable design. However, I do not agree that the additional bulk and resulting horizontal emphasis to the front elevation would improve the appearance of the property. I also note the proposal would be acceptable in relation to parking and effect on neighbouring occupiers. However, the absence of harm in this regard is a neutral matter. Similarly, whilst nearby properties have benefited from large extensions, I am not aware of the particular planning circumstances, nor how these relate in terms of proportionate increases over the original dwelling.
11. I note there was a large agricultural building at the site as part of the previous Mushroom Farm. It is not clear when this was demolished. In any event, whilst removal of this building would have increased openness at the site, my assessment of openness relates to the how the proposed development relates to the original building which is the subject of the appeal. As such, this does not weigh in favour of the proposed development.
12. In addition, the appellant refers to a theoretical possibility, using permitted development rights to provide an additional 45 sqm of floorspace. Even if I were to accept this was the case, he indicates this would not amount to good design. Consequently, as I am not convinced the appellant would pursue such a scheme, I do not consider this a genuine fallback position. Accordingly, I attach limited weight to this in favour of the proposed development. Finally, whilst permitted development rights could be restricted to prevent future extensions to the dwelling, I accord this benefit limited weight.

Green Belt Balance

13. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the, albeit, limited harm that this would cause to openness. On the other hand, the other considerations identified above attract limited weight in favour of the proposed development. Therefore, I find the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal would conflict with Policy GBR1 of the DP and the Framework.

Conclusion

14. For the above reasons, the appeal is dismissed.

S Thomas

INSPECTOR



Appeal Decision

Hearing Held on 3 February 2021

Site visit made on 3 February 2021

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/J1915/W/20/3249086

Greenleys, Slough Road, Allens Green CM21 0LR

- 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 Stuart Hicks against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1492/FUL, dated 16 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is described as the demolition of an existing barn, nissen huts and hard standing. Construction of five detached dwellings. Construction of associated access roads and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues. These are a) The principle of the proposed development with specific regard to its location and access to services; b) whether or not the proposed development would represent the unacceptable loss of an employment use; c) whether or not the proposed development would provide an acceptable housing mix; and d) the effect of the proposed development on the character and appearance of the area.

Reasons

The Principle of Development

3. The appeal site is on the edge of Allen's Green, a rural hamlet to the north west of Sawbridgeworth. It consists mainly of dwellings set back from and facing the three roads that form it. A village hall sits on the opposite side of Slough Road to the appeal site and there is a public house a short distance to the north east. As a small settlement largely bereft of services it seems sufficiently clear that incumbent occupiers have to travel from Allen's Green to access them. This would likely be to High Wych, Sawbridgeworth and Bishop's Stortford. Between them, these settlements offer a wide range of education and employment opportunities, health care, retail and leisure facilities on which occupiers would rely day to day.
4. I agree with the appellant that, with regard to travelling to High Wych and Sawbridgeworth, the distances would be eminently possible by bicycle. That

said, the roads around Allen's Green are narrow and rural without street lighting in the main and they do not have segregated foot or cycle ways. I could not agree therefore that accessing services by bicycle would be particularly desirable. Notwithstanding the fact that this option would not be practical for either parents with young children or those less able bodied. It was also established at the hearing that Allen's Green is not connected to the wider area by public transport nor a practically usable public rights of way network.

5. With this in mind, it seems likely that future occupiers of the appeal site would have to rely on the use of the private car to access essential services. This is the least sustainable travel option.
6. The Local Plan¹ identifies Allen's Green as a Group 3 village. Moving on from the above and in keeping with the plan's commitment to encourage sustainable patterns of new development, Policy VILL3 establishes (in terms of development in group 3 villages) that limited infill development identified in an adopted Neighbourhood Plan (NP) will be permitted. As a scheme for five dwellings I would not define the appeal proposals as limited. As the redevelopment of a site on the edge of the settlement, I would also not consider the proposed development to constitute infill. In any case, the appeal site is not identified in a NP.
7. Whilst part of a village, the appeal site is also in an area of the district identified as the rural area beyond the Green Belt. Policy GBR2 sets out development that may be acceptable in this area. Amongst other things, it identifies that limited infilling or the partial or complete redevelopment of previously developed sites may be appropriate.
8. I could agree that, based on discussion at the hearing and the written evidence, at the very least half of the appeal site could be considered as previously developed land. That said, GBR2 goes on to state that the development of such should be in sustainable locations where appropriate to the character, appearance and setting of the site. I shall come onto an assessment of the appeal scheme in the context of the character and appearance of the area as part of another main issue but taking into account my earlier findings, I would not consider the appeal site to be a sustainable location.
9. Considering the principle of the appeal scheme acceptable would therefore, taking into account my findings on this main issue, amount to encouraging unsustainable patterns of development. This would be contrary to the aims of the policies I have cited above and not reduce the need to travel and encourage such by sustainable means as advocated by the Framework².

Employment Site

10. The appeal site consists of four Nissen hut style buildings and a barn type building. The complex was, up until 2018, home to three small businesses operating small scale manufacturing and storage. The site was purchased by the current owners in 2017. During this process a survey revealed there was significant amounts of asbestos in the fabric of the Nissen huts. On this basis, the decision was taken to serve notice on the occupant businesses. They

¹ East Herts District Plan 2018

² The National Planning Policy Framework 2019

vacated in early 2018. Some of the site was historically connected with agriculture. The appeal site is not allocated or designated as an employment site in the development plan.

11. Amongst other things, Policy ED1 of the Local Plan presumes against the loss of employment sites, stating that development causing such will only be permitted subject to certain criteria. Whilst specifying a proportionate approach should be taken for a non designated employment site, schemes need to demonstrate that the retention of the site or premises for use classes B1, B2 and B8 has been fully explored without success. In addition, they should consider whether improvements to the existing site/premises would make it more attractive to alternative B1, B2 or B8 uses. Evidence of a period of marketing of at least 12 months must be provided. Furthermore, consideration needs to be given to the retention of the B1, B2 or B8 use through a partial conversion to a non-employment generating use and a proposal should not prejudice the continued viability of existing employment areas, existing operational employment sites and neighbouring uses.
12. It seems sufficiently clear that, with the appeal site being stand alone, that a proposal for its redevelopment would not prejudice the continued viability of existing areas or neighbouring uses which, in the case of the latter, are predominantly residential in any case.
13. The appellant has undertaken some marketing of the premises albeit I have not seen precise details of the methods or materials therefore or what the marketing entailed precisely. I appreciate that it is unlikely one could market premises that were unsafe for occupation, but this would not necessarily prevent one from advertising a site for sale or rent as a going concern that required redevelopment. This does not appear to have happened as far as I can see.
14. Some work was done on the valuation of the appeal site, looking at the cost of the refurbishment of the buildings and the complete redevelopment of the site for commercial use. Whilst both assessments came out at negative values they were limited in their scope and relied on a comparison of developing small single units for a narrow end use. Whilst I understand to an extent the reasons why the assessments took the route they did, little consideration appears to have been given to the range of uses referred to in Policy ED1.
15. Limited consideration has been given to the partial redevelopment of the site. There was discussion at the hearing of the constraints of the site's size and how some employment uses may not be compatible with residential uses. Be this as it may, there would be a large number that would be. Notwithstanding that there was, up until recently, an extant planning permission for the change of use of the barn type building on site that the appellant advised they would have 'made work' with the employment use of the site if it had been implemented. This scheme has since been resubmitted for prior approval.
16. It seems sufficiently clear that any future use would probably have to replace the existing buildings given the nature and extent of the asbestos in them, but that is not to necessarily say the site could not continue as one for employment. Indeed, limited consideration appears to have been given to uses that may give rise to higher possible rental/sale yields such as, for example, live work units. Or a more detailed exploration of how a higher sales or rental value may affect the viability of a redevelopment scheme. I have also not seen

any compelling evidence that the site could not be put to use as one single enterprise as opposed to a number of small units which is what the valuation exercises focussed on.

17. It may well ultimately be that the appeal site is unsuitable for a future employment use when taking into account the location of it. I am also aware, as I have mentioned above, that ED1 advocates a proportionate approach to the loss of non designated employment sites. However, and even taking this into account, I feel that attempts to satisfy its requirements have fallen short of its expectations. Particularly since the policy is worded to infer a presumption in favour of the retention of employment sites unless it can otherwise be proven. In regard to this main issue therefore, I find that the appeal scheme would represent the unacceptable loss of an employment site. Contrary to the aims of Policy ED1 of the Local Plan as I have identified them.

Housing Mix

18. The appeal scheme would provide five dwellings. Two would be five bed, two four bed and one three bed. Policy HOU1 of the Local Plan sets out the Council's expectations in regard to ensuring an appropriate mix of housing tenures, types and sizes in order to create mixed and balanced communities appropriate to local character. Account needs to be taken of the latest Strategic Housing Market Assessment (SHMA) and any other up to date evidence.
19. The Council's most recent SHMA dates from 2015. The evidence base for which revealed something of a higher need for three and four bed dwellings over five and two bed. It is the Council's view that since the proposed development appears to provide predominantly for four and five bed dwellings then it would be contrary to HOU1.
20. I disagree. Firstly, it seems clear that HOU1 requires a mix of dwellings and I am satisfied that in providing three different types in a small development the appeal scheme achieves that objective. Secondly, Allen's Green is a small but diverse settlement in terms of property type, size and even design with a mix of large detached dwellings and contrasting smaller terraced examples. Plot size and space provision also vary substantially across the range. Again, three different property types and sizes in the proposed development would, in regard to this matter alone, sit appropriate with the character of types in the area. Thirdly, whilst HOU1 cites the most recent SHMA it strikes me from the language in the policy that its findings do not necessarily have to be slavishly followed if I can borrow the words of the appellant. In any event it seems, in regard to the SHMA specifically, that the proposed development would 'take account' of its findings given that it would provide three dwellings out of the two highest need categories (three and four bed). Granted, the higher percentage need would appear, from the Council's evidence, to be for three bed but in even providing one, I feel sufficient 'account' has been taken of the SHMA's findings.
21. Moving on, I am mindful that the Council's most recent SHMA is approaching six years old and consequently I am unsure as to how up to date its findings on market need for three bed dwellings are and specifically any effect new planning permissions in that period have had thereon.

22. Taking all of these matters into account I feel that the proposed development would provide an acceptable housing mix to ensure a mixed and balanced community. Thus, I find no conflict with Policy HOU1. The aims of which I have set out above.

Character and Appearance

23. The appeal site is an irregular land parcel that fronts onto Slough Road. It comprises four Nissen hut style buildings and a barn type building. They are all single storey. There is some hardstanding around the buildings and the rear extent of the site opens up into a grass field stretching north. An L shape arrangement of tall mature leylandii trees line the north and eastern elevations of the Nissen huts. Beyond the trees the site is laid to grass and some further hardstanding. Allen's Green is a small but diverse settlement in terms of buildings. A distinct rural character dominates the landscape and where built development occurs it is concentrated on main road frontages and is of single tier depth.
24. The proposed development would provide five detached and not insignificantly sized dwellings. Whilst this would not be an issue in and of itself in the context of the built form of the settlement generally, together they would exude a semi urban quality which would jar slightly with the prevailing rurality of the wider area. That said, the evolved and slightly hotchpotch built up nature of the site as it stands is the current situation and to my mind a development of well-designed dwellings with formalised curtilages and gardens would be a noticeable improvement visually.
25. Even so, I share the Council's concerns in regard to the plot that would be located to the north of the site. It would be of the backland type which would not be reflective of the settlement's characteristic grain. This two tier depth would stand out unacceptably. I see that attempts have been made to emulate an agrarian building but for me the rear plot leans too far to a unique dwelling design with distinctly un agricultural proportions, lacking the traditional simplicity of a converted barn. Its situation would be noticeably detached from the main group and as such it would detract from the togetherness of the development as a whole, making it appear isolated.
26. The building would be to the rear of the site and thus semi screened by the frontage buildings and any additional landscaping. However, the new access point and substance of the driveway would allude to its presence in the street scene. In any case, a reduction in the effect of the building on the appearance of the area would not accordingly reduce how it would affect the character of the area in built form terms.
27. Whilst I appreciate that the leylandii trees are not native and could be removed without the express permission of the Council, for me they contribute positively to what is a verdant street scene which includes a number of other stand alone trees and frontage hedges. Their loss to facilitate the main body of the appeal scheme in the frontage dwellings would therefore be a shame and reduce the natural green quality of the immediate area.
28. The appeal scheme would therefore, for the reasons I have set out, cause harm to the character and appearance of the area. Such that it would conflict with Policy DES4 of the Local Plan which seeks to ensure, amongst other things,

that new development should be of a high standard of design and layout to reflect and promote local distinctiveness.

Other Matters

29. As I have alluded to above, the appeal site was previously home to three small businesses. This would have involved journeys to and from it in the form of staff, deliveries and visitors. There was discussion at the hearing as to whether the appeal site is, or was, a destination in its own right, attracting journeys to and from it and thus some form of 'trade off' against the fact that the same would occur from a development of dwellings. This would be true to a point. Insofar as one could legitimately argue that a commercial use or uses would be as locationally unsustainable as a residential one.
30. That said, it would depend entirely on what business or businesses were located at the appeal site as some would generate more journeys than others. One would therefore have to know what was to be located there to be able to make a meaningful comparison. I am also mindful of the fact that the site is limited in terms of the size of business or businesses that could operate from it. Leaning me towards concluding that five dwellings could potentially generate more journeys than small commercial operation. In any case, one could argue that an employment use would be more beneficial to the rural economy in the longer term than a development of private dwellings. This could, if one were balancing factors of harm vs benefit, be worthy of some weight
31. There is mention in the written evidence of the increasing use of electric bikes and the fact that, over the next 10-15 years more people will use electric cars. Even if this is the case, I could not ascribe these matters more than moderate weight since one could not enforce a requirement for a future occupier to own either an electric bike or car, even if a condition was imposed to require the installation of charging points and other infrastructure. In any case, these matters do not, at least for the time being, have sufficient an effect on the fundamental principles of the spatial spread of development and specifically ensuring it is located close to services to reduce the need to travel and the reliance on the private car.
32. I note that the larger settlements I have referred to in my findings on the first main issue do have access to public transport but it remains that to get to that, occupiers would still likely have to rely on the use of the private car for the reasons I have given.
33. The appeal site is located opposite two grade II listed buildings. These being the barn and farmhouse at Dukes Farm. Intrinsicly linked to an agricultural past, the setting of these buildings is noticeably rural, with open and undeveloped fields stretching to the north and south. The proposed development would run against this but then it would represent the redevelopment of a site that, for the most part, is already developed and as such the existing situation in terms of the presence of built form would not change dramatically. In addition, the dwellings would be set well back from the road edge to prevent crowding of the buildings and allow them space to be appreciated for what they are. Indeed, their close inter relationship would not be impinged upon by what would be a noticeably separate development of detached dwellings where some landscaping could be provided on the road edge to reflect the prevailing rurality of the area and the setting of the buildings. I do not therefore see that the appeal scheme would adversely

affect the setting of the grade II listed buildings. Accordingly, there be no conflict with section 16 of the Framework in this regard.

34. The appellant has suggested there would be some benefits to the appeal scheme. Economically, the proposed development would support jobs in the construction industry. There would also be expenditure from future residents going forwards. However, I am mindful that the sustaining of employment would be short term and the expenditure of occupiers would, for the reasons I have set out above, be likely directed further afield. In addition, the scheme would lose an employment site which would have the potential to sustain jobs and generate money for the local economy in itself so there is something of a neutral effect here. Occupiers could help sustain the local public house, but this cannot be guaranteed and in any case I am not advised if the business is in immediate need of additional support to survive.
35. The provision for housing would be positive although I have not been advised as to there being a housing undersupply on the Council's part. Indeed, the Council's development plan is only two years old.
36. The appeal scheme would not give rise to any adverse effects in terms of the living conditions of neighbours, the safe use of the highway, ecology and a number of other matters. These are however a lack of harm as opposed to a benefit. With this and the above in mind, I could attach some weight to the benefits of the proposed development but not such that they would be sufficient to outweigh the harms and conflicts with the development plan that I have found, to which I attach substantial weight.

Conclusion

37. I have found in the appellant's favour with regard to the third main issue but this and the compliance with the development plan in that regard would amount to a lack of harm which, by definition, cannot be used to weigh against it. It would therefore be insufficient, in light of the other harms I have found, to make the proposed development acceptable. Harms that would result in multiple conflicts with the development plan. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

- Mr Stuart Hicks Appellant
- Ms Katrina Hulse BA (Hons) MA PgDipLaw MRTPI Agent
- Mr Stuart Wighton BA (Hons) BArch RIBA Architect

FOR THE LOCAL PLANNING AUTHORITY:

- Miss Eilis Edmonds MAURP BA (Hons) East Hertfordshire Council

INTERESTED PARTIES:

- Miss Karen Davis Local Resident
- Mr Brian Sullivan Local Resident



Appeal Decision

Site visit made on 2 September 2020

by **S Thomas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/J1915/D/19/3239359

8 Raffin Close, Datchworth, SG3 6RP

- 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 & Mrs Sanjay Patel & Hema Sheorain against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1097/HH, dated 6 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is ground floor front extension, and addition of one new rooflight on first floor existing side roof plane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the appellant's have submitted an Arboricultural Implications Assessment¹ to address the Council reason for refusal 2 in respect of a tree of amenity value. The evidence indicates this tree has subsequently had a Tree Preservation Order placed upon it. The Council has had the opportunity to comment on this. Accordingly, I do not consider any party would be prejudiced by me accepting this document and it has informed my decision on the appeal.
3. The Council's concerns relate to the ground floor extension. No objection has been raised to the proposed addition of one new rooflight and this is not a matter of dispute between the parties. I have assessed the appeal on that basis.

Main Issues

4. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) the effect of the proposal on the openness of the Green Belt;
 - (iii) the effect of the proposal on a protected tree; and

¹ Roavr Environmental – Arboricultural Implications Assessment – 8 Raffin Close

- (iv) 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

5. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Inappropriate Development

6. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The relevant development plan policy that deals with development in the Green Belt is Policy GBR1 of the East Hertfordshire District Plan (2018) (DP). This is consistent with the Framework.
7. The appeal property is a detached bungalow with a converted roofspace. Over time the property has benefitted from a number of extant additions including single storey rear extension, single storey front extension, raising the roof and front and rear dormers. Whilst a garage and conservatory were also added, these have been subsequently demolished. Nevertheless, these are not relevant as I am only assessing the impact of the appeal proposal, cumulatively with the extant increases to the size of the original property.
8. The appellants drawing² indicates the original footprint of the dwelling was 77.68m². A front extension of 18.8m² and a rear extension of 27.8m² were added to the property. Based on these figures this would result in an approximate 60% increase in the size of the original dwelling. The proposed ground floor extension would add a further 14.8m² (excluding the existing porch canopy of 9.2m²). This would lead to an approximate 79% increase over the size of the original dwelling which would be a substantial increase. In addition, the dormer windows would have added additional size to the property.
9. The cumulative impact of the extant extensions and that proposed in this appeal would lead to disproportionate additions to the size of the original building. Therefore, this would fail to accord with Paragraph 145 (C) of the Framework. Accordingly, the proposal would represent inappropriate development in the Green Belt which is by definition harmful to the Green Belt. The proposal would therefore also conflict with Policy GBR1 of the DP.

² Site Plan – Original extended footprint Drawing No 8RC-500 Rev 01

Openness

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
11. The appeal property is located within a pocket of residential development set amongst open fields. The appeal property has a generous undeveloped gravelled frontage. Whilst modest, the front extension would comprise two pitched roof elements and would introduce additional bulk and mass to the front of the property and increase the built form, thus having a spatial impact.
12. Whilst I note the property is located toward the end of Raffin Close and benefits from vegetation screening, the spacious frontages contribute to the openness of the Green Belt in this location. The additional bulk, albeit limited proposed to the front of the dwelling would be experienced visually from the street. As such, the front projection would impinge into the open frontage to the front of the property and lead to a reduction in visual openness.
13. Although the reduction in spatial and visual openness would be limited and localised, nevertheless, it would lead to limited harm to the openness of the Green Belt.

Protected Tree

14. The protected beech tree is a prominent feature of visual interest and forms part of a network of trees and landscaping that makes an important contribution to the local landscape character of the area.
15. The technical report provided by the appellants' demonstrate that the large beech tree (T5) already has restricted growth due to the presence of existing hard surfacing within the appeal site and the existence of the old conservatory base between the trunk and the proposals. Having considered the report and observed the relationship with the tree on site, I have no reason to take a different view. I am satisfied therefore that this report is sufficient to demonstrate no harm would occur to the tree.
16. For the reasons above, I do not find the proposal would cause harm to the protected Beech tree (T5). Therefore, the proposal would be consistent with Policy DES3 of the DP. Amongst other matters this policy seeks that development must demonstrate how they will protect landscape features which are of amenity value.

Other Considerations

17. I acknowledge the proposal would be of an acceptable design and would not result in harm to the character and appearance of the area. In this regard I note the letters of support from neighbours. However, I do not share the view that the ground floor extension would improve the appearance of the property and the street scene. I note the proposal would not result in harm to the protected tree. However, these matters would need to be acceptable in any event and therefore are not benefits in favour of the proposal. I therefore attach no weight to these issues in favour of the proposed development.

18. I have considered the personal circumstances of the appellants' in respect of the identified need for the extension. Whilst this is a benefit that weighs in favour of the proposal I am not persuaded otherwise that a more suitable means of reconfiguring or extending the property exists in a way that would achieve this aim rather than the need for a front extension. Accordingly, I only attach moderate weight to this benefit.
19. I recognise that there are neighbouring dwellings which have been extended. However, I do not have the full details of these extensions or the change in size compared to the original dwellings to compare to the appeal proposal. Similarly, the appellant refers to development approved in the local area which they state was on a larger scale than that proposed. Whilst this maybe the case, the full details of this are not before me and I cannot assess its relevance to the appeal before me. Accordingly, this does not weigh in favour of the proposed development.

Green Belt Balance

20. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the limited harm that this would cause to openness. However, the other considerations identified above attract only moderate weight in favour of the proposed development. Consequently, I find the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with Policy GBR1 of the DP and the Framework.

Conclusion

21. For the above reasons, the appeal is dismissed.

S Thomas

INSPECTOR

PLANNING APPEALS LODGED FEBRUARY AND MARCH 2021
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/19/2002/FUL	Demolition of a non-designated heritage asset. Erection of a two storey building containing 4, one bed apartments and 2, two bed apartments. To include 2 rear juliet balconies, creation of bin store, drying area, bike store and 10 designated parking spaces.	St Michael's Masonic Hall Springfield Court Bishops Stortford	Refused Delegated	04/02/2021	Written Representation
3/20/0487/LBC	The removal and replacement of wooden ground floor structure set at a new level. New partitions and doors, new staircase relocation of one toilet and added shower room.	1 Priory Street Ware SG12 0DA	Refused Delegated	10/02/2021	Written Representation
3/20/0713/FUL	The redevelopment of the site, including demolition of existing buildings and erection of 6 dwellings, associated 14 off-street car parking spaces and altered access and provision of informal open space.	Tree Heritage North Road Hertford SG13 8EQ	Refused Delegated	12/02/2021	Written Representation
3/20/0975/FUL	Erection of new detached stable block.	Jenningsbury Farm London Road Hertford SG13 7NS	Refused Delegated	12/02/2021	Written Representation
3/20/1074/HH	Removal of car port. Construction of two storey and single storey side extension. New first floor front window opening.	19 Gilston Lane Gilston Harlow CM20 2RF	Refused Delegated	09/02/2021	Fast Track
3/20/1443/FUL	Erection of a 3 bedroomed dwelling; relocation of garage; landscaping; parking and associated works	Land Adj The Cottage The Street Little Horstead SG9 0LZ	Refused Delegated	30/03/2021	Written Representation
3/20/1665/HH	Erection of detached glass house outbuilding.	Sweetdews Barn Sweet Dew Lane Allens Green Sawbridgeworth CM21 0LQ	Refused Delegated	09/02/2021	Fast Track
3/20/1794/OUT	Outline planning application for: Construction of 2 green energy efficient bungalows with garages and demolition of existing workshop - all matters reserved.	Land Adjacent To Twyford Orchard Pig Lane Bishops Stortford CM22 7PA	Refused Delegated	25/03/2021	Written Representation
3/20/1973/FUL	Demolition of double garage. Erection of new detached dwelling and outbuilding, along with associated landscaping.	34 Hertford Road Great Amwell Ware SG12 9RX	Refused Delegated	01/03/2021	Written Representation
3/20/2070/HH	Change of front elevation from render to brick.	26 New Road Hertford SG14 3JL	Refused Delegated	04/03/2021	Fast Track
3/20/2083/ARPN	Change of use of agricultural building to C3 (residential), to create three dwelling houses.	Barn At Meesden Bury Farm Meesden Buntingford SG9 0AY	Refused Delegated	01/03/2021	Written Representation
3/20/2103/CLXU	Use of a building incidental to the occupation of the dwelling house.	42 Church Road Little Berkhamsted Hertford SG13 8LY	Refused Delegated	16/03/2021	Written Representation
3/20/2169/HH	Works to detached garage, including: raising of roof height, to create first floor accommodation, addition of dormers, single storey extension and other external alterations, so to provide an annexe.	The Old Granary Green End Dane End SG12 0NX	Refused Delegated	10/03/2021	Fast Track
3/20/2311/HH	Erection of first floor front and side extensions	46 Chapel Lane Letty Green Hertford SG14 2PA	Refused Delegated	10/03/2021	Fast Track

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

This page is intentionally left blank

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Date
3/19/2099/FUL	Nick Reed	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	INPROG	Hearing	08/06/2021
3/19/1492/FUL	Eilis Edmonds	GreenleysSlough RoadAllens GreenSawbridgeworth CM21 0LR	Demolition of an existing barn, nissen huts and hard standing. Construction of five detached dwellings. Construction of associated access roads and landscaping.	INPROG	Public Inquiry	03/02/2021
3/19/2099/FUL	Nick Reed	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	VALID	Hearing	TBA
3/19/2202/FUL	Ashley Ransome	Kecksys FarmCambridge RoadSawbridgeworth CM21 9BZ	Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.	INPROG	Hearing	TBA
3/19/2226/FUL	Susie Defoe	Agricultural Land West Of Orchard RoadTewin	Siting of a mobile home for a temporary period of up to 2 years in connection with the husbandry of cattle herd.	INPROG	Hearing	TBA
3/20/1040/FUL	Eilis Edmonds	Land At Millfield LaneBury GreenLittle HadhamWare SG11 2ED	Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.	INPROG	Public Inquiry	TBA
X/20/0177/CND	Eilis Edmonds	Land Off Chapel LaneLittle Hadham	Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL	LODGED	Public Inquiry	TBA
3/20/0177/FUL	Eilis Edmonds	Wheelwrights FarmRowney LaneDane EndWare SG12 0JY	Change of use of land to a mixed use to use for the stabling/keeping of horses and as a residential caravan site for 4 Gypsy families, with a total of 6 caravans, including no more than 4 static caravans/mobile homes. Erection of 2 amenity buildings.	LODGED	Hearing	TBA
3/20/0983/FUL	Bruce O'Brien	Fishers FarmErmine StreetColliers EndWare SG11 1ER	Conversion of existing barn into 2 residential dwellings; demolition of modern agricultural buildings and their replacement with 4 detached and 2 semi-detached dwellings; associated garaging, parking, landscaping and new vehicle access.	VALID	Hearing	TBA
3/20/1006/LBC	Bruce O'Brien	Fishers FarmErmine StreetColliers EndWare SG11 1ER	Alteration and conversion of existing listed barn into 2 residential dwellings with associated parking and landscaping, with associated elevational alterations and internal alterations, to include creation of first floor and internal stairs, new internal walls inserted and new internal openings created.	VALID	Hearing	TBA

This page is intentionally left blank

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2020)

	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
<i>Total Applications Received</i>	143	298	488	706	873	1072	1300	1552	1759	1977	2303	2533

<i>Percentage achieved against Local and National Targets</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	<i>Major %</i>	Targets for Local Performance (set by East Herts)	National Targets (set by Government)
	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21			
Major %	100%	100%	100%	100%	100%	87%	77%	83%	85%	85%	87%	79%	<i>Major %</i>	60%	60%
Minor %	92%	93%	92%	92%	92%	92%	90%	89%	89%	90%	89%	88%	<i>Minor %</i>	80%	65%
Other %	92%	92%	90%	91%	92%	91%	92%	92%	91%	91%	91%	91%	<i>Other %</i>	90%	80%

<i>Appeals</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Total number of appeal decisions (Monthly)	4	6	3	5	2	14	13	18	8	13	13	9
Number Allowed against our refusal (Monthly)	1	2	1	3	1	6	3	6	3	6	1	5

Total number of appeal decisions (Cumulative)	4	10	13	18	20	34	47	65	73	86	99	108
Number Allowed against our refusal (Cumulative)	1	3	4	7	8	14	17	23	26	32	33	38

This page is intentionally left blank