



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 2 NOVEMBER 2022
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor Bob Deering (Chairman)
Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando,
I Kemp, S Newton, T Page, C Redfern, P Ruffles and T Stowe (Vice-
Chairman)

Substitutes

Conservative Group:	Councillors S Bull, A Huggins and S Rutland- Barsby
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 Democratic Services 7 hours before the meeting)*

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- 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;
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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 10 August 2022 (Pages 6 - 17)

To confirm the Minutes of the meeting of the Committee held on Wednesday 10 August 2022.

5. Planning Applications for Consideration by the Committee (Pages 18 - 21)

(A) 3/21/2615/FUL - A) and B) 3/21/2616/LBC Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use: change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five 1 bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking and landscaping at 27 - 29 High Street, Ware, Hertfordshire, SG12 9BQ (Pages 22 - 86)

Recommended for Approval.

6. Items for Reporting and Noting (Pages 87 - 182)

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

(B) Planning Appeals Lodged.

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

(D) Planning Statistics.

7. 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.

Agenda Item 4

DM

DM

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 10 AUGUST 2022, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors R Buckmaster, B Crystall,
R Fernando, S Newton, T Page, C Redfern,
P Ruffles and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Goodeve and
J Wyllie

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Fiona Dunning	- Principal Planning Officer
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Damian Ogbonnaya	- Principal Solicitor
Karen Page	- The Service Manager (Development Management and Enforcement)

ALSO IN ATTENDANCE:

Sarah Hearn - Hertfordshire Highways
Mark Youngman - Hertfordshire Highways

124 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews, Beckett and Kemp. It was noted that Councillors Huggins, Dumont and Rutland-Barsby were substituting for Councillors Andrews, Beckett and Kemp respectively.

125 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

126 DECLARATIONS OF INTEREST

There were no declarations of interests.

127 MINUTES - 13 JULY 2022

Councillor Newton proposed and Councillor Page seconded, a motion that the Minutes of the meeting held on 13 July 2022 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 13 July 2022, be confirmed as a correct record and signed by the Chairman.

- 128 3/22/0510/REM - RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 3/21/1749/VAR (APPROVED UNDER OUTLINE PLANNING 3/18/2253/OUT) FOR E(G)(II), E(G)(III), B2 AND B8 USES INCLUDING SERVICING, LANDSCAPING, MEANS OF ENCLOSURE AND ASSOCIATED WORKS AND INFRASTRUCTURE AT LAND AT BISHOP'S STORTFORD SOUTH (BISH5) (PARCEL D, ST JAMES' PARK)
-

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/22/0510/REM, planning permission be granted subject to the conditions detailed in the report and the late representations summary with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions.

The Principal Planning Officer presented an extract of the adopted masterplan framework that was adopted by Full Council in July 2018. She presented a series of plans and elevation drawings and said that the adopted masterplan included details of the proposed access off St James' Way.

The Principal Planning Officer set out the background to the hybrid planning permission which included fill and outline planning permission. She summarised how the reserved matters application fitted into that hybrid scheme and advised that the reserved matters application included details of layout, scale, appearance and landscaping.

The Principal Planning Officer said that the principle for the development had been established by the hybrid planning permission and this matter should not be revisited by Members.

Members were advised that the green space landscaped area was not part of the reserved matters application but was covered by a proposed condition to ensure that the landscaped areas to the north, east and south were in place prior to first occupation.

The Principal Planning Officer said that the site was 3.4 hectares and this was in accordance with the hybrid planning permission of up to 4 hectares and the proposed building heights were also in accordance with the hybrid planning permission and parameter plans approved by the hybrid planning permission.

The Principal Planning Officer spoke at length in respect of the proposed strategic landscaping and provided detailed information in respect of two further reserved matters applications that were yet to be determined.

Members were advised that proposed condition 3 detailed in the late representation summary was to ensure that the landscaping was in place and was substantially completed prior to the development on the employment site being occupied.

The Principal Planning Officer said that a new proposed condition 10 specifically related to the landscaping on the site itself. Members were advised that condition 4 had been amended in respect of the

specific roads for HGVs moving to and from the site. She said that condition 9 set out noise requirements for the site and condition 11 set out details of proposed route plans.

The Principal Planning Officer detailed the contents of the late representations summary.

Mr Arnott addressed the Committee in objection to the application. Mr Pritchard spoke for the application. Councillor Wyllie addressed the Committee as the local ward Member.

The Principal Planning Officer said that the hybrid application was for up to four hectares of B1, B2 and B8 land uses and the reserved matters scheme was compliant with those uses and was also compliant with the policies that were in place.

The Service Manager (Development Management and Enforcement) said that the outline application had not placed a cap on the floor space for each type of use. She said that the reserved matters were compliant with the uses that had been applied for under the hybrid application. The principle of the development was not under consideration as part of the reserved matters.

Mr Youngman, Hertfordshire Highways, said that rigorous testing and extensive modelling had been carried out for the most realistic worst case scenario in respect of the transport assessments that had been submitted. He said that the proposed reduced traffic movements of 918 cars and 104 HGV movements and

Hertfordshire Highways were supportive of mixed use developments with sustainable transport measures.

Mr Youngman said that there was good access to an A class road and the new roundabout on St James' Way had been subjected to a stage three road safety audit. He said that Highways Officers had worked with the Planning Officers in respect of proposed condition 4 regarding a delivery and servicing management plan to be agreed to ensure that all HGVs travelled up the A1184 and then used the A120 to access either the M11 or the A10.

Mr Youngman spoke at length in respect to the TRIPs database and passenger car units. He said that there were unknowns and the Highways Authority had made reasonable assumptions and they were comfortable with the modelling and the recommendation.

The Principal Planning Officer said that the proposed condition 4 was as robust as possible and a stipulation of the condition set out a requirement of the service plan in terms of how the landowner would communicate the provisions and responsibilities of the servicing of the delivery plan to future occupiers.

The Principal Planning Officer said that Officers did not consider that they had the ability to restrict by condition the hours of the reserved matters scheme as there had not been any change to what had been approved by the outline hybrid application. She said an additional noise condition had been proposed that stipulated that details should be submitted prior to occupation and a further assessment was to be carried

out in terms of how the impact on neighbours could be addressed once full occupation was undertaken.

Councillor Page commented on how the traffic management plan operation was to be enforced. Councillor R Buckmaster expressed concerns in respect of the wording of condition 4 in terms of HGVs using the A1184 and A120 to and from the M11 and the A10. She stated that the A1184 ran through Sawbridgeworth and Spellbrook and expressed a concern that the condition would be directing all vehicular traffic to go through Sawbridgeworth and Spellbrook.

Mr Youngman said that he would have no objection to the words going north being added to the section of condition 4 that referred to the A1184. He said that road names had not been used as St James' Way changed names before the bypass reached the A120.

The Service Manager (Development Management and Enforcement) said that the NPPF was clear that the highways impacts would have to be severe to refuse an application in respect of highways. Hertfordshire Highways had not concluded that the impact would be severe and Planning Officers could ask to view the logs that were to be kept in respect of the routes being used by HGVs. Members were reminded that the planning authority could write to occupiers to remind them to comply with the conditions.

Councillor Huggins asked why more physical restrictions were not being proposed to stop HGVs

travelling the way Members were concerned that some of them would do in breach of condition 4.

The Legal Officer gave advice to the Committee and Councillor Huggins in respect of a point of order he had raised regarding a question that had been provided to him by the local ward Member. Councillor Huggins read out the question in respect of why Highways Officers had not considered the existing condition 19 to manage traffic and control HGVs.

Mr Youngman said that the outline permission for the overall development covered traffic monitoring and the triggers for the parcels of land had not yet been met. He said that Highways Officers did not feel that a deed of variation of the Section 106 agreement was necessary. Members were advised that a weight restriction on the B1383 Thorley Street would be a severe measure that would be difficult for the police to enforce without this road being downgraded.

Councillor R Buckmaster expressed a concern that the highest 15 metre element of the development would be on a junction where the land was several metres above the road. She said that this would be an overbearing and overpowering element of development next to the A1184.

Councillor R Buckmaster expressed concerns about the log to be kept of HGV movements and also in respect of respect of congestion. She commented on the enforcement of conditions and in particular who would be enforcing them.

The Legal Officer said that conditions were enforceable by breach of condition notices. He explained the possible outcomes of non-compliance with breach of condition notices and non-compliance with court judgements.

Councillor Huggins said that there should be protections for the outside of the buildings in respect of ventilation equipment, heat pumps and air conditioning. He asked what could be done to protect the very nice architecture of the outside faces of the proposed development.

The Service Manager (Development Management and Enforcement) said that a condition could be applied requiring the applicant to submit details regarding future installations of equipment to the outside of the building.

Councillor Crystall recognised the sustainability of the proposed development and he referred in particular to the proposed solar panels. He referred to landscaping and said that there was no mention of biodiversity net gain.

Councillor Crystall asked if bird, bat and swift boxes could be installed on the north side of the northern most building facing the open space. The Principal Planning Officer confirmed that the provision of bird, bat and swift boxes could be covered by the conditions. She said that the proposed landscaping would increase biodiversity and explained that the matter of biodiversity net gain could not be addressed by the reserved matters application.

Councillor Fernando proposed and Councillor Rutland-Barsby seconded, a motion that reserved matters application 3/22/0510/REM be granted planning permission, subject to the conditions detailed in the report and the late representations summary with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions, subject to the following:

- The wording of condition 4 be amended to stipulate that the HGV routing register is to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way and Bishop's Park Way;
- a condition be added covering the installation of bird, bat and swift boxes; and
- a condition be added covering the appearance of ventilation equipment, heat pumps and air conditioning units.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) in respect of reserved matters application 3/22/0510/REM, planning permission be granted subject to the conditions detailed in the report and the late representations summary; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions, subject to the following:

- The wording of condition 4 be amended to stipulate that the HGV routing register is to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way and Bishop's Park Way;
- a condition be added covering the installation of bird, bat and swift boxes; and
- a condition be added covering the appearance of ventilation equipment, heat pumps and air conditioning units.

129 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (D) Planning Statistics.

130 URGENT BUSINESS

There was no urgent business.

The meeting closed at 20:56

Chairman
Date

Agenda Item 5

East Herts Council Report

Development Management Committee

Date of Meeting: 2 November 2022

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 are available online. 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 view the full range of plans online 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:
<https://publicaccess.eastherts.gov.uk/online-applications/>

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
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Agenda Item 5a

3/21/2615/FUL

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 2nd November 2022

Application Number	3/21/2615/FUL
Proposal	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping
Location	27 - 29 High Street Ware Hertfordshire SG12 9BQ
Parish	Ware Town Council
Ward	Ware - Christchurch

Date of Registration of Application	18 th October 2021
Target Determination Date	17 th January 2022
Reason for Committee Report	Major & S106
Case Officer	Diane Verona

RECOMMENDATION

That planning permission is **GRANTED**, subject the conditions set out at the end of this report and subject to a S106 legal agreement.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event that a legal agreement (to the satisfaction of the LPA) is not completed within 3 months of the committee's decision.

1.0 Summary of Proposal and Main Issues

1.1 This is a full planning application which seeks planning permission for the part demolition of buildings and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping

1.2 The main considerations in the determination of the application are:

- Whether the proposed uses are acceptable principle.
- Whether the proposed development is acceptable within a Conservation Area and to Grade II Listed Buildings.
- Whether there is adequate provision of affordable housing.
- Whether the proposed development will provide satisfactory arrangements for pedestrian and vehicular access, a satisfactory level of car and cycle parking and has an acceptable impact on the local highway network.
- Whether the proposed development will provide an appropriate layout (which adequately addresses climate change), scale and appearance (including landscaping) and satisfactorily addresses flood risk and biodiversity net gain requirements.
- Whether the proposed development would have an acceptable impact on neighbouring amenity and provide a sufficient level of amenity for future occupiers.

- Whether overall, this is a sustainable form of development that is appropriate at this site, having regard to policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021.

2.0 Site Description

- 2.1 The application site is located on the south side of the High Street in Ware town centre and is fronted at No.29 by a brick three storey former bank building dating from the C19th, and at no.27 by an older stuccoed two storey bank building with a clay tile pitched roof. The buildings at Nos. 27 and 29 High Street date back to the late C16th - early C17th, with C18th and C20th alterations.
- 2.2 The associated area to the rear of the site together with the barn to the rear of No. 27 High Street are curtilage listed and approximately C18th in date. Both buildings feature gated alleyways leading from the street to the properties to the rear.
- 2.3 The alleyway between the buildings leads to the site interior, which is currently partly covered in hardstanding and has been in use as a car park, with an area of rough scrub to the rear of the site, running down to the north bank of the River Lea.
- 2.4 The site also includes the alleyway to the east of no. 27, which gives access to a small informal parking area. There are two buildings to the south of the red line ownership boundary, which have a right of access over the land. The site at the rear is bounded by brick garden walls, with two/three storey cottages and mixed use buildings to both sides.
- 2.5 The site also lies within the Ware Conservation Area and there are a number of other properties in the High Street that are listed buildings. The application site itself comprises three listed buildings, Nos. 27 & 29 fronting the High Street and the barn to the rear of 27 and all three are Grade II listed.

3.0 Planning History (Recent)

Application Number	Proposal	Decision
3/21/2616/LBC	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g) (i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; refurbishment and redecoration of internal walls and floors, windows and entrance ways; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping.	Awaiting determination (also reported to 2 nd November DMC)

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 2021 (NPPF) as set out below.

4.2

Main Issue	NPPF	East Herts District Plan
Principle of Development	Chapter 2, 4, 6, 11	INT1, DPS1, DPS2, DEL1, DES1, ED1
Layout, Scale, Appearance, Landscaping	Chapter 8, 11, 12, 15	DES1, DES3, DES4, DES5, NE3, HA1, HA4, HA7, HOU1, HOU7
Highway Impacts	Chapter 9	TRA1, TRA2, TRA3,
Impact on Amenity	Chapter 4, 12	DES2, DES3, DES4, EQ1, EQ2, EQ3, EQ4

Energy, Sustainability and Drainage	Chapter 14	CC1, CC2, WAT5, WAT6
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 EHDC Conservation and Urban Design: No objection subject to conditions and informatives.
- 5.2 EHDC Environmental Health (Noise): No objection subject to conditions and informatives
- 5.3 EHDC Environmental Health (Air and Land): No objection subject to conditions and informatives
- 5.4 Environment Agency: No objection, subject to an informatives to address flood risk.
- 5.5 HCC Fire and Rescue Service: No objection subject to a condition that requires the developer to install a fire hydrant.
- 5.6 HCC Growth and Infrastructure: has advised that they will be seeking non – transport financial contributions as shown in Section 10 of this report
- 5.7 HCC Highway Authority: No objection, subject to conditions and informatives
- 5.8 HCC Lead Local Flood Authority: No objection subject to confirmation of fluvial flood levels which can be secured by condition.
- 5.9 EHDC Archaeology: No objection subject to condition

5.10 HCC Ecology: No objections subject to conditions

5.11 Thames Water: No objection subject to conditions and informative

5.12 East of England Ambulance Service NHS Trust (EEAST): No objections subject to financial contributions as shown in Section 10

5.13 NHS England and East and North Herts Clinical Commissioning Group: No objections subject to financial contributions as shown in Section 10

5.14 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations.

6.1 None received

7.0 Summary of Other Representations

7.1 118 neighbouring properties have been consulted by letter. The application has been publicised by site notice and press advert. 6 letters have been received in response: 6 objecting.

7.2 The 6 letters of objections raised the following issues:-

- Proposed three storey buildings will block our light. We only have windows on one side of the house the three story building will block our light to our sky light and our solar panels will not work we paid a lot of money for these. I also think 17 properties are far too many causing more traffic in our already busy high street.
- We would like to take the opportunity to advise that this proposal be considered along with the recent proposal to develop the area immediately to the West of George Walk. Both proposals place windows directly overlooking our property and also provide further reductions in terms of natural light and privacy

whilst also increasing disturbance in terms of noise and vibration.

- Whilst the drawings contain some details it is difficult to understand the proposals pertaining directly to Drake Cottage as there is no direct correlated section. That said the inference is to construct a new 3 storey dwelling immediately adjacent to our property after first demolishing a reinforced concrete structure (Vault?). We would like to understand the methodology and mitigation measures to ensure no damage or disturbance to Drake Cottage before, during or after this activity.
- Once demolished the new property will be constructed. We would like to understand the methodology and mitigation measures to ensure no damage or disturbance to Drake Cottage before, during and after the construction (particularly as the foundation proposals are not shown). Furthermore, it is important to understand that Drake Cottage is of single brick construction to the adjacent elevation. This became apparent through previous un-agreed intrusive works from the owner of the same plot, who structurally damaged our property. As you would expect, we are very nervous of any works which may cause further issues.
- The detail appears to show the proposed dwelling with traditional brick construction with an `air7 gap` to Drake Cottage. This is somehow covered with a lined plywood (walkable) gutter between Drake cottage and the proposed dwelling. I fail to see how this can be effectively installed without installing a flashing into Drake Cottage which will cause additional damage to Drake Cottage (see italics above). How is this walkway to be secured to ensure no unwanted access and potential security breaches to Drake Cottage (rooflight, roof etc.)? How is this gutter to be maintained to ensure no restrictions to the drainage and potential damp issues which may damage Drake Cottage (see italics above as the construction renders it more susceptible than normal? How is this space not to become home for unwanted vermin?

- The rooflight is the only means of light for Drake Cottage on the Eastern elevation. All other windows are on the Western elevation. Any restriction of light will therefore have huge implications to the light levels in the property. Placing a taller building immediately to the East will undoubtedly result in reduced lighting levels not only to the roof light but also George Walk and the West elevation. In addition, and whilst it may be a minor issue, the satellite signal will be blocked by the proposed dwellings.
- The proposals indicate a bin store, bike store etc partially bordering Drake Cottage. Due to the proximity of the river and high street there already exists a rodent problem. How is this bin store to be managed and secured to ensure that the problem isn't exasperated and that obnoxious odours do not cause unwanted nuisance?
- On a more general view. Whilst it's in a developer's interest to maximise the profitability it does appear that the proposals are very congested. In terms of buildings, people and vehicles. How do the proposals fit into the larger environmental, traffic, infrastructure plans? Currently the town centre is subject to considerable congestion issues and the drainage (both foul and surface water) are regularly found wanting in terms of capacity and suitability. Effectively paving over a natural free draining landscape isn't exactly in keeping with `sustained urban drainage`. There appears to be only one parking space for each 3/4-bedroom dwelling, is this realistic? It is highly likely that any residents will have more than 1 vehicle which will result in additional parking issues as they `hunt` for additional space. Putting pressure on a strained system and potentially having direct consequences/interface with adjacent properties and parking (i.e., George Walk).
- Furthermore, the increase in traffic, noise and light pollution will undoubtedly have a negative impact on Drake Cottage and will as such, negatively impact the quality of life for the occupants

not only through the construction phase but also on a more permanent basis. Finally, this proposal was never received through the mailbox of Drake Cottage but advised through a neighbour.

8.0 Consideration of Issues

Principle

- 8.1 The application site lies within the built up area of Ware and Policy WARE1 states that *'Ware will accommodate: (a) at least 1,000 homes to the North and East of Ware, as set out in Policy WARE2; and (b) a proportion of the overall windfall allowance for the District'*.
- 8.2 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. In this regard, preference is given to sites within the urban areas of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. As this is a site in Ware and in a sustainable location on the High Street, the proposal accords with policy DPS2.
- 8.3 The site is also located with the Ware Town Centre designation and within both a Primary Shopping Area and Primary Shopping Frontage. In these areas, retailing proposals are encouraged to support the vitality and viability of the Centre and retail uses (previously falling under Use Class A1) should be retained. The proposal includes commercial uses on the ground floor to meet this requirement and the uses historically on the site did not fall within Use Class A1 and so there would be no loss of retailing. As the site is primarily located behind the High Street frontage, residential uses are appropriate in this location as well.

Housing Mix and Affordable Housing

8.4 Policy HOU1 sets out the Council's approach to housing mix and policy HOU3 sets out its approach to affordable housing. They state, in summary, that proposals should provide a mix of sizes of units to support the provision of mixed and balanced communities, and that affordable housing should be provided on "major" schemes (those over 10 units), unless a viability assessment indicates that the scheme cannot support this provision.

8.5 A total of 17 residential units are proposed; the breakdown of which is outlined below:-

100% Market housing

Type	Number	% Provided
One bed flat	5	29.41
Two bed flat	4	23.53
Three bed house	7	41.17
Four bed house	1	5.88
Total	17	

8.6 8 dwelling houses and 9 flats are proposed with a range of dwelling sizes from 1 and 2 bedroom flats to 3 and 4 bedroom houses. This is considered to be an appropriate mix for a scheme of this nature.

8.7 The proposal provides no affordable housing and a Financial Viability Assessment has been provided which sets out the expected costs and revenues to the scheme and justifies the nil provision.

8.8 The provision of affordable housing is an important policy requirement and an element of the "planning balance" which needs to be arrived at on schemes. The District has a significant waiting list of people needing accommodation and schemes should be making their contribution to them. The District Plan was adopted following a rigorous assessment of affordable housing need and whether the policies contained in the plan were appropriate to ensure that this could be met, without bringing the overall delivery of the plan in to question or stymieing growth and development. The Plan was

therefore adopted, with a requirement for 40% affordable housing on major sites, but with an acknowledgement that some sites may not be able to meet this and so in those instances a viability assessment could be provided.

- 8.9 Officers consider that it is a reasonable position that this scheme provides no affordable housing. The proposal is extensively a conversion of a historic building, which has significant additional costs associated with it, whilst in some cases units would attract a sub-optimal market value due to their arrangements and need to preserve the historic fabric. The new build elements of the scheme would not have these constraints, but the project needs to be considered as a whole from a viability perspective and some issues, such as more complex construction on a tight site, apply to both elements of the scheme.
- 8.10 In assessing the overall viability of the scheme, regard needs to be had to the financial contributions which the scheme will require, which are in the order of approximately £450,000 (and are detailed at the end of the report). Officers therefore are satisfied that the scheme cannot support the provision of affordable housing.
- 8.11 Consideration has been given to whether an “upwards only” financial review mechanism (where the viability of the scheme is re-assessed prior to commencement of development) should be used. This mechanism would allow for the viability to be re-tested when the scheme is commenced and affordable housing secured at a later date if the scheme can support it then. This is included in the recommendation.

Design layout, heritage, character and appearance

- 8.12 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the Council to give special regard to the desirability of preserving Listed buildings, their settings and historic interest. Section 72 places a similar duty to have special regard

to the desirability of preserving or enhancing the character of a Conservation Area. Paragraph 130 of the NPPF seeks development that will function well and add to the quality of the area, are visually attractive and include appropriate landscaping.

- 8.5 Policy DES4 of the District Plan advises that development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness.
- 8.6 Policy HA1 of the District Plan advises that development proposals should preserve and where appropriate enhance the historic environment of East Herts.
- 8.7 Policy HA4 of the District Plan advises that new development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise.
- 8.8 Policy HA7 of the District Plan advises that the Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation. II. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where: (a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and (b) The proposal respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric.
- 8.9 The proposal seeks to convert the first floors of the existing listed buildings at Nos 27 and 29 High Street from office use to residential in addition to the existing second floor flat at No. 29 High Street.
- 8.10 The ground and basement floors of Nos 27 and 29 will be refurbished to provide three commercial units with a total of 7 residential units at first and second floor levels.

- 8.11 The Listed buildings are on the site of medieval burgage plots. Both were originally built as Public Houses and are of significant heritage interest, having a well-documented history and contained traditional and historic building fabric, materials and means of construction. No. 27 contains 17th Century wall paintings with 18th Century mouldings and panelling. The yard areas were also historically developed as maltings. The rear extension at 29 High Street was added in the 1960's and is proposed to be demolished and the historic roof reinstated to create additional accommodation in the roof space at second floor level. The existing side extension will be rebuilt to provide improved circulation within.
- 8.12 A total of 8 new two storey dwellings with roof space accommodation are proposed to the rear of the site together with a further 2 residential units within the existing barn to the rear of 27 High Street resulting a total of 17 residential units and 3 commercial units.
- 8.13 The Council's Conservation and Urban Design officer requested a number of amendments to the original scheme which have now been addressed and changes made.
- 8.14 Revised plans have been submitted which include a reduced area of demolition to the first floor interior of 27 High Street which is now acceptable.
- 8.15 The kitchen layout in Unit 9 within 29 High street has been re arranged so that wall paintings which were found in the building can be retained. They would now remain visible behind a protective screen which is considered to be the best approach to preserve their interest.
- 8.16 With regards to the internal alterations and works to the Listed buildings, the scheme is now considered to have significant benefits in terms of bringing heritage assets into a long-term use. Additionally, some of the alterations would improve the appearance of the Listed Buildings to the High Street. Whilst alterations to the internal layout would cause some loss of historic fabric, this has been minimised and the key areas of significance retained. As such, the proposal causes

minimal harm to the heritage assets, which is considered to be less than substantial and is outweighed by the public benefits, including bringing these buildings into a long-term use. A condition is recommended, following the advice from the County Council's archaeological advisor, for the buildings to be fully recorded prior to works as well as requiring ground investigations.

- 8.17 To the east of the site, three mews houses are proposed which would be attached to the south end of the barn at No. 27. Their scale is appropriate for extensions to the rear of these historic buildings. The roof design has been changed from a mansard to a pitch which is now acceptable.
- 8.18 To the west of the site, five mews houses are proposed behind No. 29 High Street. They are two storeys with further accommodation in a mansard roof which contains dormer windows and recessed terraces.
- 8.19 Previous advice stated that the design of this block of mews houses was very uniform in appearance and a more organic form was recommended which reflected the shape of the site. The revised design responds to this advice and breaks up the roof into smaller sections and there is now some variation in height. These changes are welcomed.
- 8.20 The cycle storage has been relocated and is now in an acceptable location.

Transport considerations

- 9.4 Chapter 9 of the NPPF seeks to promote sustainable transport; this includes ensuring that opportunities to promote walking, cycling and public transport use are identified and pursued.
- 9.5 Paragraph 105 of the NPPF encourages the location of significant development in locations that either are or can be made sustainable through limiting the need to travel. Paragraph 110 of the NPPF requires, amongst other things, that consideration is given to ensuring that safe and suitable access to the site can be achieved

for all users and that any significant impact from the development on the transport network (capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree.

- 9.6 Paragraph 111 of the NPPF advises that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development would be severe.
- 9.7 The proposal would see the reuse of an existing access which forms part of the historic buildings on the site. This would give on to a shared area providing parking and pedestrian access to dwellings and a communal amenity area at the rear of the site. A separate access for one parking space, again using an existing access point, is proposed for the commercial use. The access width and visibility where entering on to the highway via the pavement do not accord with modern standards in terms of visibility splays. The Highway Authority had previously recommended refusal due to concerns regarding the access serving this site being too narrow and pedestrian safety concerns. To address these concerns the applicant submitted additional information, including that the access can currently lawfully be used and serves a commercial parking area for more vehicles. Discussions were also held as to whether any form of controls were required on the access in terms of a private traffic light system or similar.
- 9.8 Following these discussions, the Highway Authority removed their objection, but on the condition that the main access only serves 8 parking spaces and 1 disabled parking bay on this site, and that additional details are submitted showing these parking spaces and measures to stop extra parking on this site. A condition has been recommended to secure this.
- 9.9 A different surface has been recommended on the footway and access entrance on the High Street to highlight the access and make pedestrians more aware of the access, details of the acceptable surfacing needs to be agreed with the Highway Authority. This follows a similar approach used elsewhere on High Street and so would need

to be of a similar appearance to what is on the other accesses on the High Street, a condition has also been recommended for this. The applicant has submitted a construction management plan and the Highway Authority has provided some comments on this CMP however, the applicant will need to submit their CMP for approval by the Highway Authority before work starts on site, a condition has been recommended to secure this.

- 9.10 The Highways Authority has assessed the additional access and information submitted and recommends permission be granted subject to conditions and highway informatives.

Neighbour amenity

- 9.11 The proposed mews houses along the west and east boundaries of the site would have some first floor windows facing towards the adjacent properties to the east and west. That said, these windows would serve non habitable rooms and could therefore be conditioned to be obscure glazed and non-opening below 1.7m to ensure no loss of privacy and prevent any element of overlooking.
- 9.12 The concerns raised in regard to parking, highway and pedestrian safety have been addressed by the Council's Highways officer and are set out above. Construction would inevitably have some impact on residential amenity but being only for a temporary period of time and, through the use of conditions relating to construction management, the impacts can be considered acceptable.
- 9.13 The properties in George Walk have roof lights and solar panels in and on their east roof slope facing towards the mews development on the western boundary of the application site. The proposed mews properties are two storeys in height with roof space accommodation. The roofscapes have been revised in response to Conservation and Urban Design advice in order to break up the roofs into smaller sections with a variation in height. This lessens the impact on the neighbouring properties to secure their access to natural light and sunlight to the roof lights and solar panels

9.14 It is considered that subject to the conditions proposed, this aspect of the development will not adversely affect the residential amenities of the occupants of surrounding properties and as such the proposal complies with Policy DES4 of the East Herts District Plan 2018.

Amenity of future occupiers

9.15 Various policies in the District Plan require that a satisfactory living environment is provided for future occupiers. Policy DES4 requires that schemes are well designed and meet the needs of future occupiers and policies EQ1 and 2 require that land contamination and noise pollution is acceptable.

9.16 The proposed commercial units are located at the front of the site, at the ground floor and basement, in the areas traditionally used for such functions. As such, they are well supported in policy terms and located so as to likely have the least impact on residential amenity. Conditions are recommended to ensure that a noise insulation strategy is submitted to minimise transmission from the commercial units to upper floor residential units. However, as this is a Listed building, the noise attenuation of this might be limited. Use Class E covers a range of uses and so, to minimise the potential to disturb residents, and to contribute to the vitality and viability of the Town Centre, it is proposed to limit the use of these areas to Use Classes E(c) and E(g)(i) – being commercial premises and offices, which are less likely to generate significant noise

9.17 The government has published, through its Technical Housing Standards, the “Nationally Described Space Standards” which set out internal space requirements for new residential units. The following table sets out an assessment against these:

Unit	Size	NDSS Requirement	Proposed Floorspace	Conversion/ New Build
E1	3b6p	108m ²	114m ²	New Build
E2	3b5p	99m ²	99m ²	New Build

E3	4p7p	121m ²	123m ²	New Build
W1-W5	3b6p	108m ²	102-122m ²	New Build
Plot 1	2b3p	70m ²	69m ²	Conversion
Plot 2	2b3p	70m ²	72m ²	Conversion
Plot 3	1b2p	39m ²	52m ²	Conversion
Plot 4	2b4p	70m ²	85m ²	Conversion
Plots 6 - 8	1b2p	39m ²	52m ² - 66m ²	Conversion
Plot 9	2b4p	79m ²	95.4m ²	Conversion

- 9.18 As can be seen, the majority of units meet and, in some instances, comfortably exceed the minimum required floorspace. Units W1 to W4 are all some 6m² smaller than the requirement. The units in this part of the scheme are new build but the massing of this area of the scheme has been deliberately kept to that shown on the drawings to be appropriate from a heritage perspective. On balance this is considered acceptable. One unit in the converted area is 1m² below the required area which is also considered acceptable on balance.
- 9.19 Beyond the proposed floor areas, all units are provided with acceptable light and outlook, with habitable rooms facing towards the front and rear, for the converted buildings and inwards looking within the site for those at the rear around the courtyard. To prevent unacceptable intra-overlooking between proposed units, windows have been recessed to have the maximum feasible separation distance.
- 9.20 Although there are only three individually allocated private amenity spaces for the new Mews houses there is a shared amenity space at the southern end of the site, bordering the River Lea frontage, which is considered to be adequate for the remaining 5 Mews properties.
- 9.21 A condition will be imposed to ensure that the new residential units comply with the building Regulations requirement M4 (2): category 2 – Accessible and Adaptable Dwellings. Similarly a condition is recommended relating to land contamination based on advice from Environmental Health.

Flood risk and drainage

- 9.22 Part of the site lies within Flood Zone 2 and part within Flood Zone 3 and so is at risk from the River Lea. The proposed commercial uses are considered “less vulnerable” in flooding terms and residential uses “more vulnerable”. These uses are considered acceptable in these flood zones where supported by a Flood Risk Assessment (FRA) which demonstrates that a development can be made safe. Measures in the submitted FRA are acceptable in principle, subject to conditions to secure the detail.
- 9.23 Regarding drainage, the conversion element of the scheme would drain into the existing network. Phase 2, the new build element of the development is proposed to discharge to the River Lea. The Lead Local Flood Authority recommends confirmation that the outfall is above the 1 in 30 year fluvial flood level. This would ensure the site can discharge freely up to and including the 1 in 30 year event.
- 9.24 In this regard, subject to the conditions suggested by the Lead Flood Authority and the Environment Agency, the proposal would not conflict with the NPPF or Policies WAT1 and WAT5 of the East Herts District Plan 2018

Trees

- 9.25 The application site contains 11 mature trees which, although not individually protected by Tree Preservation Orders, are protected due to the fact that they lie within the Ware Conservation Area. The proposal will involve the provision of appropriate landscaping on the site to improve the appearance of the development and to ensure that appropriate visual screening is provided to the nearest residential properties that abut the site.
- 9.26 There are 8 existing trees within the application site and 4 of these are to be removed with four retained and it is considered that there is no overall unacceptable arboricultural impact provided the advice and recommendations in the submitted Arboricultural Impact Assessment are followed and adhered to.

9.27 The landscape officer raises no objection to this development on either landscape or arboricultural grounds subject to the submission of landscaping details which could secure the replacement of the removed trees elsewhere. These are matters that can be addressed by condition. The application complies with Policy DES2 and DES3 of the District Plan.

Ecology and Biodiversity

9.28 The Council's Ecology officer has assessed the proposal and recommended that a condition be attached requiring the submission of a Landscape and Biodiversity Plan. The plan will need to detail how biodiversity will be incorporated within the development scheme. This report should be informed by the recommendation made within the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Consulting Ltd. July 2021) and should include details of appropriate habitat improvements, enhancements, management and creation schemes.

9.29 Subject to the above, the development complies with Policy NE3 of the District Plan.

Air Quality

9.30 Policy EQ4 requires that all developments include measures to minimise air quality impact with reference to the design, construction and operation of developments.

9.31 The proposal will result in the partial demolition of the existing buildings at the site. Whilst no objection is raised to this aspect of the scheme, planning conditions have been suggested by the Environmental Health Service to ensure that a dust management plan is prepared and a Construction Environmental Management Plan is submitted for approval prior to the commencement of any demolition works.

Climate Change and sustainability

- 9.32 Paragraph 154 of the NPPF and Policy CC1 of the District Plan requires that development proposals introduce measures that address climate change.
- 9.33 Proposals should be designed in an energy efficient way that results in a reduction in carbon emissions. This will ensure that highest standards of sustainable design and construction are achieved.
- 9.34 The application has been submitted together with an Energy Strategy which outlines how the proposed development seeks to achieve a CO2 emission reduction target of 31% using SAP12 carbon factors when compared to Building Regulations compliant building. These are the standards that are set out in the District Plan which generally seek to achieve standards above the Building Control Regulations. Various other sustainability measures are outlined above in other sections within the Energy Strategy on flood risk, air quality, trees and ecology.
- 9.35 In conclusion, the Council's Ecology officer is satisfied that, subject to a condition to secure the measures proposed, the proposal is in accordance with Policy CC1 of the East Herts Local District Plan 2018.

Response to third party comments

Responses to the comments have been addressed within the body of this report.

10. Legal Agreement

- 10.1 The following planning obligations are sought to support/mitigate the impacts of the development proposed:
- "Upward only" financial review mechanism to secure an analysis of scheme viability near to commencement of development so as secure affordable housing (or contribution in lieu of affordable housing) should the scheme's viability improve

- Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI 1Q2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions
- Primary Education towards the new 2fe primary school within the WARE2 development (£89,445 index linked to BCIS 1Q2020)
- Secondary Education towards the new secondary school provision up to 8fe within the WARE2 development (£87,158 index linked to BCIS 1Q2020)
- Special Educational Needs and Disabilities (SEND) towards the new east severe learning difficulty (SLD) school (£13,762 index linked to BCIS 1Q2020)
- Library Service towards increasing the capacity of Ware Library or its future re-provision (£1,382, index linked to BCIS 1Q2020)
- Youth Service towards increasing the capacity of Ware Young People's Centre or its future re-provision (£1,588 index linked to BCIS 1Q2020)
- Waste Service towards the expansion at Ware Recycling Centre (£3,644 index linked to BCIS 1Q2020)
- East and North Hertfordshire Clinical Commissioning Group towards the expansion of Dolphin House Surgery in Ware (£21,964.00)
- East of England Ambulance Service £4,131 towards healthcare and emergency ambulance service provision
- Allotments - £2,830
- Bowls - £3,854
- Children's Play and Provision for Young People - £34,355

- Fitness Gyms - £4,070
- Natural and Semi Natural Green Space - £6,640
- Outdoor Tennis - £2,640
- Parks and Gardens and Amenity Green Space - £15,772
- Recycling - £1,292
- Sports Halls - £9,158
- Studio Space – £1,681
- Swimming Pool - £9,366
- Village and Community Centres - £11,086
- Sustainable transport measures contribution to be calculated as follows:

In accordance with HCC Guide to Developer Infrastructure Contributions (2021), contributions will be sought per dwelling (£6,826 per dwelling).

$17 \times £6,826 = £116,042$ index linked by SPONS to May 2016

- This contribution is to be set aside towards any of the following South East GTP schemes in Ware:
- PR44 Wayfinding - Ware railway station to bus stops - Improve wayfinding/signage between Ware railway station and the station bus stops
- PR45 Station Road pedestrian crossing improvements- Improve pedestrian crossing facilities on Station Road

- SM46 Bus connectivity to Ware station- Improve bus access to Ware railway station
- PR47 Cycle parking - Improve cycle parking provision at key locations in Ware to promote cycling uptake. Key locations include the town centre, station activity centres and large employment sites
- SM48 Electric vehicle charging points - Help enable the improved provision of electric vehicle
- charging points at key locations in Ware to promote an uptake in electric vehicle use
- PR49 Promote available sustainable travel options in Ware - Promote the available public transport services and active travel routes in Ware to encourage an uptake in sustainable travel
- PR53 Bus stop improvements in Ware- Upgrade bus stop facilities to improve safety and access to bus services in Ware
- PR54 Real time information at bus stops in Ware- Provide real time information at public transport stops in Ware to facilitate better journey planning and reliability
- PR55 Wayfinding - Improve the wayfinding between key locations in Ware, particularly for walking, cycling and public transport routes (IC23)

11. Planning Balance/Conclusion

11.1 A key objective of the planning system is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.

11.2 The proposed scheme has been fully assessed in relation to its impact on heritage assets and the Council's Conservation officer has concluded that proposal will result in minor changes to the front of

the listed buildings which will improve their appearance. There will be some change to the interior of both listed buildings and the attached barn through the conversion of the flats and town houses however, the key areas of significance will be preserved. The construction of the mews houses to the rear of the site is in keeping with the historic character of the area. The design is a traditional form but with contemporary detailing. This will sit sensitively within the context of the adjacent listed buildings and the wider conservation area. Consequently, the proposal would cause less than substantial harm to both the listed buildings and their setting.

- 11.3 The proposal will result in the provision of an additional 17 residential units within an area assigned for residential development, as well as appropriate ground floor uses. The lack of provision of affordable housing is acceptable in this case and outweighed by the scheme bringing back in to use Listed buildings.
- 11.4 The proposed use will result in an increase in vehicle numbers and movements at the site as the number of designated vehicle parking spaces will increase and the frequency with which the site is accessed will also increase. The increase in vehicular movements at and around the site has been assessed and it is considered that it will not adversely affect the free flow of traffic
- 11.5 In relation to other matters the proposal is not considered to adversely affect residential amenity, will adequately deal with climate change in the design aspects of the scheme and will result in an uplift in ecological and landscape enhancement and will not increase the risk of flooding.
- 11.6 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

Recommendation

- 11.7 That planning permission is **GRANTED** subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report
- 11.8 That delegated authority is granted to the Head of Planning and Building Control to finalise the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the committee's decision.

Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans and documents listed at the end of this Decision Notice.

Reason:

To ensure the development is carried out in accordance with the approved plans, drawings, documents and specifications.

3. Prior to the first occupation of the development, all access/footway improvements as shown on in principle plan drawing number SK07 Rev A identified in Appendix A Updated Access Arrangements of the Stage 1 RSA – Designers Response – Rev A 27-29 High Street, Ware, dated 9th May 2022 and shall be constructed and completed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason:

In the interest of pedestrian highway safety

4. Prior to the first occupation of the development details of the proposed onsite parking and the provision of 8 car parking spaces, cycle parking and turning areas (including measures to prevent parking in turning areas) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The

approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate car, cycle parking and turning area 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 Hertfordshire's Local Transport Plan.

5. Prior to the occupation of the development hereby permitted, details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs), the energy sources and the strategy/management plan for supply for all houses and any other points that may also be installed shall be 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 thereafter.

Reason:

To ensure construction of a satisfactory development and to promote sustainable development in accordance with Hertfordshire's Local Transport Plan

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a/. photographic condition survey of public carriageways, verges and footways in the vicinity of the site,
- b/. routing of construction vehicles to/from the site,
- c/. access arrangements to the site (inclusive of signage),
- d/. programme of works (Work programme and/or timescale for each phase of the demolition, excavation and construction works),
- e/. the estimated number, type and routing of construction vehicle per day/week;

- f/. traffic management requirements (including details of any vehicle holding area, details of the vehicle call up procedure),
- g/. construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas),
- g/. siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway,
- h/. timing of construction activities (including delivery times and removal of waste) and to network peak times,
- i/. provision of sufficient contractors, staff and visitors on-site parking prior to commencement of construction activities,
- j/. details of measures to protect pedestrians and other highway users from construction activities on the highway,
- k/. coordination with other development projects in the vicinity,
- l/. details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent,
- m/. 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.

Reason:

To minimise the impact of construction works on public highway

7. The noise levels in rooms and the external amenity areas at the development hereby approved shall meet the amenity standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' for internal rooms and external amenity areas. Construction methods and materials to achieve this shall be implemented prior to first occupation of the development and thereafter be permanently retained. A post completion noise assessment shall be carried out to confirm compliance with the sound criteria and any additional steps to mitigate noise and achieve the BS 8233 criteria shall be taken, as necessary. Approved details shall be implemented prior to first 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.

8. In connection with all site preparation, demolition, construction, conversion 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.

9. 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.

10. Prior to the commencement of works of demolition on site, a destructive asbestos survey by a specialist asbestos contractor of the building to be demolished shall be undertaken and if any asbestos containing materials are discovered, or subsequently discovered during the course of the 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.

11. All 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

12. Prior to the commencement of the development hereby approved, a finalised Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The demolition and construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of site security, lighting and hoarding
 - f) Management of traffic to reduce congestion and protect pedestrians
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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

Reason

In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy DES4 Design of Development, Policy EQ2 Noise Pollution and Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

13. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

14. All gas-fired boilers shall meet a minimum standard of <40 mgNO_x/kWh

Reason

In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

15. The development hereby permitted 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.

16. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide working near our assets to ensure your workings will be in line with the necessary processes you need to follow if your are considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

17. The ground floor areas shown on the approved drawings as being for commercial use shall only be used within Use Class E(c) and Use Class E(g)(i).

Reason: In the interests of residential amenity and the vitality of the Town Centre.

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

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policy HA3 of the East Herts Local District Plan.

19. Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected 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 amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

20. Prior to the commencement of relevant works, the external materials of construction for the development hereby permitted shall 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 amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

21. Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details 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

To ensure safety and satisfactory appearance in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

22. 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 including trees, planting plans, schedules of plants including replacement trees, 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.

23. 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 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.

24. Prior to commencement of any above ground works, a Landscape and Biodiversity Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan should be informed by the recommendation made with in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Consulting Ltd. July 2021) and include details of appropriate habitat improvements, enhancements, management and creation schemes. The plan shall be submitted to the LPA to demonstrate best endeavours to meet the expectations of the NPPF in achieving overall net gain for biodiversity. Development shall proceed in accordance with the approved LEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure compliance with Policies DES3 and NE3 of the East Herts Local District Plan 2018

25. Development of the new dwellings to the rear of 27 and 29 High Street shall be carried out so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (as amended) (category 2 - accessible and adaptable dwellings) are satisfied. The conversions of the Listed 27 and 29 High Street shall be carried out so that the requirements of M4(1) "Visitable dwellings" shall be met.

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.

26. Bat and Bird boxes shall be installed on the northeast and northwest corners of the Barn to the rear of No.27 prior to the first occupation of this building and retained as such thereafter.

Reason

In accordance with Policy NE3 of the East Herts Local Plan and to conserve and enhance biodiversity in accordance with NPPF.

27. Prior to commencement of Phase 2 of the proposed development, which is to discharge into the River Lea, the applicant should submit information to show that the outfall is above the 1 in 30 year fluvial flood level.

Reason

To ensure that the site can discharge freely up to and including the 1 in 30 year event. If the outfall is below the 1 in 30 year fluvial flood level there is a risk of the system becoming flood-locked and unable to discharge which may result in flooding on site during the 1 in 30 year storm

28. The proposed window openings facing towards adjacent properties to the east and west shall be fitted with obscured glass to a minimum degree of obscurity level and non-opening below 1.7m and shall be permanently retained in that condition.

Reason

To ensure compliance with Policy DES4 of the East Herts Local District Plan 2018

Plans

Plan Ref	Version	Received
20-107-001	P3	18.10.2021
20-107-005	P4	18.10.2021
20-107-010	P3	18.10.2021
20-107-011	P4	18.10.2021
20-107-012	P3	18.10.2021
20-107-013	P3	18.10.2021
20-107-014	P3	18.10.2021
20-107-020	P3	18.10.2021
20-107-021	P3	18.10.2021
20-107-022	P4	18.10.2021
20-107-025	P2	18.10.2021
20-107-026	P1	18.10.2021
20-107-027	P3	18.10.2021
20-107-028	P2	18.10,2021
20-107-029	P2	18.10.2021
20-107-031	P2	18.10.2021

20-107-032	P2	18.10.2021
20-107-040	P2	18.10.2021
20-107-041	P4	18.10.2021
20-107-042	P4	18.10.2021
20-107-043	P4	18.10.2021
20-107-044	P6	21.09.2022
20-107-045	P5	18.10.2021
20-107-046	P5	18.10.2021
20-107-049	P2	18.10.2021
20-107-052	P9	05.10.2022
20-107-053	P7	05.10.2022
20-107-100	P9	18.10.2021
20-107-101	P11	05.10.2022
20-107-102	P10	21.09.2022
20-107-103	P11	05.10.2022
20-107-104	P9	05.10.2022
20-107-110	P4	18.10.2021
20-107-111	P7	05.10.2022
20-107-112	P7	21.09.2022
20-107-113	P4	18.10.2021
20-107-114	P4	18.10.2021
20-107-115	P3	18.10.2021
20-107-116	P2	18.10.2021
20-107-117	P4	11.08.2022
20-107-118	P2	18.10.2021
20-107-119	P5	05.10.2022
20-107-120	P4	11.08.2022
20-107-121	P5	05.10.2022
20-107-122	P3	11.08.2022
20-107-400	P4	18.10.2021
20-107-401	P4	05.10.2022
20-107-402	P4	18.10.2021
20-107-403	P3	18.10.2021
20-107-404	P4	18.10.2021
20-107-405	P5	05.10.2022
20-107-406	P4	05.10.2022
20-107-407	P5	05.10.2022
20-107-408	P5	05.10.2022

20-107-409	P3	11.08.2022
20-107-410	P3	11.08.2022
20-107-500	P7	05.10.2022
20-107-501	P5	05.10.2022
20-107-510	P2	18.10.2021
20-107-511	P2	18.10.2021
20-107-512	P3	18.10.2021
20-107-513	P3	18.10.2021
20-107-520	P4	05.10.2022
20-107-521	P3	11.08.2022
20-107-600	P1	18.10.2021
20-107-601	P1	18.10.2021
20-107-602	P1	18.10.2021
20-107-603	P1	18.10.2021
20-107-604	P1	18.10.2021
20-107-901	P4	06.10.2022
20-107-910	P1	18.10.2021
20-107-911	P1	18.10.2021
20-107-912	P1	18.10.2021
20-107-913	P1	18.10.2021

Informatives

1. Other legislation (01OL1)

2. Construction Standards

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 all highway works. The construction of highway 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

3. 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:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

4. Parking and storage of materials

The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site and the use of such areas must not interfere with the use of 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> or by telephoning 0300 1234047

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

management/highways-development-management.aspx or by telephoning 0300 1234047.

6. Section 106 Planning Obligations

Planning permission to be granted subject to the applicant entering into a Section 106 agreement to secure a sustainable transport measures contribution to be calculated as follows:

In accordance with HCC Guide to Developer Infrastructure Contributions (2021), contributions will be sought per dwelling (£6,826 per dwelling).
 $17 \times £6,826 = £116,042$ index linked by SPONS to May 2016

The contribution is to be set aside towards any of the following South East GTP schemes in Ware: PR44 Wayfinding - Ware railway station to bus stops - Improve wayfinding/signage between Ware railway station and the station bus stops

PR45 Station Road pedestrian crossing improvements- Improve pedestrian crossing facilities on Station Road

SM46 Bus connectivity to Ware station- Improve bus access to Ware railway station

PR47 Cycle parking - Improve cycle parking provision at key locations in Ware to promote cycling uptake. Key locations include the town centre, station activity centres and large employment sites

SM48 Electric vehicle charging points - Help enable the improved provision of electric vehicle charging points at key locations in Ware to promote an uptake in electric vehicle use

PR49 Promote available sustainable travel options in Ware - Promote the available public transport services and active travel routes in Ware to encourage an uptake in sustainable travel

PR53 Bus stop improvements in Ware- Upgrade bus stop facilities to improve safety and access to bus services in Ware

PR54 Real time information at bus stops in Ware- Provide real time information at public transport stops in Ware to facilitate better journey planning and reliability

PR55 Wayfinding - Improve the wayfinding between key locations in Ware, particularly for walking, cycling and public transport routes (IC23)

7. Electric Vehicle Charging Points

Electric vehicle charging point specification for domestic installations cable and circuitry ratings should be of an adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco Developments).

- o A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point future connection to an external charging point.

- o The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7. Additional guidance on charge point installation is available from the Office for Zero Emission Vehicles at <https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles>.

8. Noise and Vibration Control

During any site preparation, demolition and construction phase the guidance in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' should be adhered to.

9. Flood Risk Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer

Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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**Residential Development**

Residential density	92 habitable rooms/Ha (Low)	
	Bed Rooms	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	5
	2	4
Number of new house units	3	7
	4	1
Total		17

Housing Tenures

Private	Affordable Rent	Intermediate	Notes
17	0	0	N/A

Background Papers

The application submission and all relevant papers are published on the Council's website and can be made available by arrangement at the Council's offices in Hertford.

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 2nd November 2022

Application Number	3/21/2616/LBC
Proposal	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping
Location	27 - 29 High Street Ware Hertfordshire SG12 9BQ
Parish	Ware Town Council
Ward	Ware - Christchurch

Date of Registration of Application	18 th October 2021
Target Determination Date	17 th January 2022 (ETA***)
Reason for Committee Report	Major & S106
Case Officer	Diane Verona

That planning permission is **GRANTED**, subject the conditions set out at the end of this report and subject to a S106 legal agreement.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event that a legal

agreement (to the satisfaction of the LPA) is not completed within 3 months of the committee's decision.

1.0 **Summary of Proposal and Main Issues**

- 1.1 The proposal is for the carrying out of works in part of the Nos 27 and 29 High Street, which are Grade II Listed Building, falling within the Ware – Christchurch ward.
- 1.2 The ground floors at both Nos. 27 and 29 have previously been extensively stripped out in conjunction with the bank use and retain no historic fabric with the exception of the ceiling joists. The refurbishment proposals will create three commercial units across the two buildings, one in No. 27 and two in the more altered No. 29. The historic beams in No. 27 are to be retained
- 1.3 Alterations are proposed to the rear of No. 29 to improve access to the commercial unit which will include external steps and a platform lift for wheelchair access. It is noted that these alterations will be within the part of the building that has previously been altered in the 1960's

Residential conversion of No. 27 (Upper Floors)

- 1.4 It is proposed to convert the first floor at the front of No 27 and the first and second floors at the rear to residential accommodation. There is an existing second floor flat at No 27.
- 1.5 The most significant change as part of the proposals is the insertion of a lightweight internal lining in the first floor panelled room at No 27. The discovery of what is apparently a very complete suite of c.1600 wall paintings under the present white paint means that the panelling is of far greater sensitivity than was previously recognised. Given the complexity of exposing and conserving the paintings and the difficulties in ensuring their long-term maintenance in a residential flat,

“preservation in situ” behind a false wall would be the best option.

- 1.6 The modern stairs will be removed and replaced with a more sympathetic arrangement serving the rear maisonette, and some other modern partitions. There will also be some minor interventions into historic fabric to facilitate the residential arrangement
- 1.7 A link will be created at first floor level between Nos 27 and 29 to allow access to the shared core in the rebuilt modern part of No 29 will result in a minor degree of lateral conversion between the two buildings. The wall proposed to be pierced is Victorian, and the construction of a shared core in a modern part of No 29 will obviate the need for new stairs in the historic part of either building.

Residential conversion of No. 29 (Upper Floors)

- 1.8 The upper floors at No 29 have been more altered than those at No 27 and at the rear, the building has been largely rebuilt. The replacement rear extension reinstates the original pitched roof line, which will be more sympathetic to the original building than the present flat roof. The element proposed to be demolished at No 29 is largely modern.
- 1.9 The creation of a link at first floor level between Nos 27 and 29 to allow access to the shared core in the rebuilt modern part of No 29 will result in a minor degree of lateral conversion between the two buildings but, with the exception of a small amount of Victorian brickwork, this intervention is all in modern fabric.
- 1.10 Some of the modern windows to the rear will be replaced with timber double glazed windows together with the insertion of secondary glazing behind the historic windows at the front.

Conversion of attached barn

- 1.11 The conversion of the attached barn at No. 27 will involve some interventions into the historic fabric on both floors and on the façade. This is less significant than the main part of the listed building, having been added later to serve industrial or storage uses.

Construction of new mews houses

- 1.12 A terrace of three mews houses attached to the south end of the barn at No 27 and an additional terrace of five mews behind No 29 are proposed. The eastern terrace is part two, part two and a half storeys, and the western terrace is two and a half storeys with accommodation in a mansard.
- 1.13 The main issue for consideration is the impact on the Listed Buildings and their significance as a designated heritage asset. For the reasons set out below, it is considered appropriate to grant Listed Building Consent as there would be no significant harm to the heritage assets.

2.0 Site Description

- 2.0 Nos 27 and 29 are Grade II Listed and lie within Ware Conservation Area and the built up area of Ware High Street.

- 2.1 The list description for the Nos 27 and 29 High Street states:

27 High Street and attached rear outshoot and barn Inn and attached outbuildings, now bank. Late C16/early C17, with C18 and C20 alterations. Timber-framed, rusticated stucco, early C19 refronting old tiled roof edged with Welsh slates. Left hand bay of structure, beyond carriageway, now included with No.25

(qv). EXTERIOR: two storeys, plinth, plat band at first floor level. Four first floor sash windows with glazing bars, flush-set with exposed boxes. Carriageway on left of ground floor, mid C20 ground floor window with glazing bars, entrance on right up four stone steps; eight fielded panelled door, with rectangular fanlight, moulded architrave surround with consoles and open pediment above. Long rear outshoot, timber-framed, masonry lined stucco over brick (east), plaster moulded bressumer above first floor windows, and moulded eaves cornice (west). Beyond is barn, timber-framed with red brick ground floor, weatherboarding above and old tiled roof.

INTERIOR of No.27 contains moulded early C18 wood cornices and C17 panelling, some reset, on first floor. This is painted white but in 2021 evidence was found for what appears to be a complete suite of contemporary c.1600 wall paintings on at least two walls. Roof over front block of clasped purlin construction with windbracing and collars. The roof over 2 the rear outshoot has purlins housed in heavy section principal rafters curved near base, and supported on a substantial plate which does not coincide with the external wall.

HISTORICAL NOTE: the site has been identified with historic inns of Ware. It adjoins, and may have been used at times, by The George Inn. In 1599 it is recorded that The Horn Inn stood next to The George Inn, and in C18 and C19 was known as The White House Inn.

29 High Street House, now bank. c1833 with late C19 and mid C20 alterations. Red brick front, parapet with stone coping, Welsh slated roof. Slight setback to left, with carriageway under elliptical arch, with twin leaf gates. 3 storeys, plinth, broad painted plat bands at floor levels. 1:4 sash windows with glazing bars, in reveals under rubbed flat arches. 5 stone steps up to door, C19 wrought-iron railings. 6 fielded panelled door and fanlight with radiating glazing bars in arched panelled reveal, surround with Tuscan Doric pilasters, entablature with triglyph frieze and modillions. Modern,

3/21/2616/LBC

mid C20 multi-paned ground floor windows. Large mid C20 banking hall at rear, not of special interest.

HISTORICAL NOTE: this building occupies the historic site of The George Inn, recorded in 1490, and for several centuries one of the principal inns of the town. Housed 'The Great Bed of Ware' in early C18, and visited by Isaak Walton, mentioned in The Compleat Angler. Acquired by Robert Sworder, and c1833 demolished, and the present house built for John Sworder.

3.0 Planning History (Recent)

Application Number	Proposal	Decision	Date
3/21/2615/FUL	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g) (i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; refurbishment and redecoration of internal walls and floors, windows and entrance ways; creation of five one bedroom apartments and	Awaiting determination	

	<p>two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping.</p>		
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5.0 Main Policy Issues

- 5.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2021 (NPPF) as set out below.

Key Issue	NPPF	District Plan
Whether the impact on the designated Heritage Asset is acceptable	Chapter 16	HA1, HA4, HA7

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

6.0 Summary of Consultee Responses

6.1 EHDC Conservation and Urban Design: No objection subject to conditions

6.2 Historic England: were consulted and wished to make no comments.

6.3 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

7.0 Town/Parish Council Representations.

7.1 Ware Town Council made no comments on the application

8.0 Other Representations

8.1 None received.

9.0 Summary of Other Representation

9.1 None received.

10.0 Consideration of Issues

10.1 Being an application for Listed Building Consent, the only matter for consideration is the impact of the proposed works on the Listed Building. Paragraph 195 of the NPPF states that the particular significance of a heritage asset and the impact of proposals on it should be identified and assessed. Great weight should be put on the asset's conservation and any harm to the asset's significance should require clear and convincing justification. Substantial harm to significance should be exceptional and should generally be refused unless stringent

tests can be met. Less than substantial harm can be outweighed by public benefits resulting from a proposal.

- 10.2 Policy HA1 of the East Herts District Plan 2018 states that development proposals should preserve and, where appropriate, enhance the historic environment of East Herts.
- 10.3 Policy HA7 of the East Herts District Plan 2018 states that the Council will seek opportunities to enhance and sustain Listed Buildings and that proposals for extensions or alterations will only be permitted where there would be no adverse impact and the scale, design, materials and finishes of the existing building are respected.
- 10.4 The rear part of No. 29 was rebuilt in the 1960s and is an unsympathetic flat roof extension. It has no historic value, and the demolition is therefore acceptable
- 10.5 This will be replaced with a more sympathetic gable ended extension in red brick. This is in keeping with the historic form and approximately reinstates the mass of the 19th century extension. The design has a traditional form but with some contemporary detailing, including the windows which are proposed to be aluminium. As the extension would be clearly identifiable as a modern addition to the original building and is situated to the rear and away from key public viewpoints, this approach is considered to be acceptable.

- 10.6 Initially the application stated that the historic rear elevation of No. 29 would be insulated and re-faced with new brick cladding however, as this was considered to be unacceptable, revised plans were submitted to address this concern.
- 10.7 The proposed works to the front of both Listed Buildings are minimal and include the removal of concrete bollards and infilling unsympathetic 1960's vents. These works will improve the appearance of the building and are acceptable
- 10.8 The ground floor refurbishments of Nos. 27 and 29 have previously been extensively stripped out in conjunction with their former use as banks and retain no historic fabric other than ceiling joists which indicate an underbuilt jetty at the front of No. 27. The ceiling joists will not be affected by the proposed works and the refurbishment of the ground floors for commercial use is acceptable
- 10.9 No. 29 High Street has is much altered house and was later used as a bank. The majority of its significance is in the front façade. The interior retains little historic fabric. The proposals to convert the first and second floors to residential accommodation are therefore acceptable.
- 10.10 No. 27 High Street has a much higher degree of historic fabric on the upper floors. Historically, the upper floors of the building would have been used for residential accommodation, and therefore the proposal to convert the first and second floor to residential accommodation is acceptable, subject to a suitable design and revised plans reflect this and are now acceptable.
- 10.11 The most significant part of the building is the first floor panelled room. The discovery of circa 1600 wall paintings under white paint means that the panelling is of far greater sensitivity

than was previously recognised. A preliminary wall painting report has been undertaken by specialist Conservators of Wall Paintings. The evidence available suggests that this was a high-status interior with an extensive, good quality, original paint scheme surviving in reasonably good condition across the timber panelling which is a rare and significant find.

10.12 Due to the financial costs associated with the full restoration of the wall paintings, a false wall is proposed to preserve them in situ. While it is disappointing that the wall paintings are not to be fully revealed and left open, it is understood the reasons why this is not currently feasible and therefore false walls with glazed opening(s) revealing a section (or sections) of the panelling and its early painted scheme is acceptable

10.13 The gaps around the false walls should be suitably large enough to allow ventilation to prevent moisture build up behind. It is important that the glazed panels should be removable to allow for cleaning. During a recent site visit, the location of the glazed openings was discussed and indicatively agreed would include four panels where paint has already flaked off or been removed. The detailed design of this could be secured by condition.

10.14 There are some interventions into historic fabric to facilitate the residential arrangement, including new openings into the historic timber frame. On the first floor where a new opening is proposed while an adjacent existing opening is proposed to be blocked up the existing opening should be used. Revised plans have been submitted to address this issue.

10.15 A new first floor link is proposed between No. 27 and 29 to allow access to a shared staircase. This requires a new opening in a Victorian wall. On balance, this is considered to be the best approach to facilitate the conversion of the building while minimising the structural works and the loss of historic fabric.

- 10.16 Existing windows on the front elevation of both buildings will be retained and refurbished. Some of the windows are historic while others have modern joinery. A full schedule of repair work could be secured by condition.
- 10.17 Secondary glazing is proposed on the front windows of both buildings. The principle of secondary glazing is acceptable. Internal photographs should be submitted to show the marked location of where the secondary glazing will be installed. The design of the secondary glazing should follow a vertical sliding sash arrangement and further information is required to confirm that the meeting rail of the secondary glazing will be in the same position as the original windows. Confirmation of the colour of the frames is also required. These details can be secured by condition.
- 10.18 The application proposes to replace non-original windows on the rear elevation with double glazed units similar in appearance to existing. All window replacements on the historic core of the building should remain single glazed. Where new windows are considered to be acceptable, the detailed design can be secured by condition.
- 10.19 On the rear roof slope of No. 29, a conservation style automatic opening roof window is proposed for fire safety. This is acceptable however, the detailed design of the window can be secured by condition.
- 10.20 A number of vent tile are proposed on the rear roof slope. These should be located on the lower part of the roof where they are more likely to be discreet. The detailed design of these could be secured by condition.
- 10.21 The attached barn at the rear of No. 27 is modern red brick on the ground floor, with stained weather boarding on the upper storey and a tiled roof. The Heritage Assessment sets out that the ground floor partitions in the barn are modern brick. The

barn has historic interest as a surviving industrial building reflecting the use of the site for malting. There will be some interventions into historic fabric on both floors. New openings are proposed on the ground and first floor. The new first floor openings reflect the existing openings. The openings on the ground floor should reflect the scale and proportions of the openings on the first floor. Revised plans to introduce full height windows on the barn elevation have been submitted to address this issue

10.22 The proposed new mews development follows the historic development form as shown on historic plans and photos. Similar developments can be seen elsewhere in the conservation area and therefore the principle of the proposed mews houses is acceptable

10.23 To the east of the site, three mews houses are proposed which would be attached to the south end of the barn at No. 27. The design takes a contemporary approach and is acceptable. The mews houses are the same height as the barn but step up in height towards the river.

10.24 The original submission showed the roof as being part pitched and part mansard. Mansard roofs are not reflective of historic buildings in the area and would negatively impact on views of the site from the river. A more traditional pitched roof is required. A revised design has been submitted showing a change to design of west mews block roof to introduce some variation in levels. The roofs of plots W1, W2 and W3 have been slightly lowered, and of plots W4 and W5 slightly raised, with a gable wall at the change in level. The mansard roof form is retained to avoid loss of accommodation in the roof. The design of the east mews block roof has been altered to remove the mansard element and introduce a simple pitch. The eaves height of Plots E2 and E3 has been slightly reduced to mitigate increase in ridge height. These amendments are considered to address the previous concerns of the conservation officer.

10.25 As such the proposal is considered to meet the requirements of HA7 of the East Herts District Plan 2018 and do not result in harm to the heritage asset.

10.26 To ensure that works are carried out in a suitable fashion, a number of conditions are recommended as set out in the conditions schedule below.

11.0 Planning Balance/Conclusion

11.1 The proposal is considered to respect and not harm the special interest of the Listed Buildings and so it is recommended that Listed Building Consent should be granted

Conditions

1 The works to which this consent relates shall be begun no later than the expiration of three years beginning with the date on which this consent is granted.

Reason

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

2 The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason

To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3 Notwithstanding the consent hereby granted, none of the timbers forming the structural frame of the building shall be cut, removed or otherwise altered without the prior consent in writing of the Local Planning Authority.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 4 Prior to any building works being first commenced, detailed drawings showing the new and/or replacement timber frame, together with specific dimensions and details of the timber and the method of jointing or connecting the timber which it is proposed to install, shall be submitted to and approved in writing by the Local Planning Authority. If timber other than new semi-seasoned oak is proposed this shall be specifically agreed in writing by the Local Planning Authority. Thereafter the development should be implemented in accordance with the approved details.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 5 Prior to any building works being first commenced, detailed drawings of the new and/or replacement window(s) including a section of the glazing bars and frame moulding (if applicable), which it is proposed to install, clearly showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill detail 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 6 Prior to any building works being first commenced, detailed drawings including sections, showing the new and/or replacement door(s) which it is proposed to install, together

with a detailed description or specification, 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 7 Prior to any building works being first commenced, detailed drawings showing the new internal plasterwork and a full specification 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 8 Prior to any building works being first commenced, detailed drawings showing the new brickwork and a precise specification and description of the brick - or a sample of 4 bricks to provide a representative range of the colour and texture of the brick - together with a specification of the mortar mix, pointing profile and finish, jointing width and the bond of the brickwork, 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. Where required, a sample panel of the brickwork using the bond, mortar and jointing/pointing proposed, shall be provided and retained during building works as a reference for the new brickwork.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 9 Prior to any building works being first commenced, detailed and specification of the new weatherboarding - showing the dimensions and profile and a description of the stain or paint finish to the weatherboarding - 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 10 All new or replacement rain water goods shall be in black painted cast iron.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 11 Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018

- 12 Prior to any works being commenced, a detailed design of the false wall and glazed openings associated with the panelling in the first floor room of No. 27 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

To ensure the historic and architectural character of the

building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 13 Prior to any works being commenced, a detailed specification the restoration of the wall paintings to be revealed associated with the glazed openings 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 14 Prior to any works being commenced, a schedule of repair work for the refurbishment of windows 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 15 Prior to any works being commenced, a detailed design of secondary glazing including the location of where the secondary glazing will be installed, the location of the meeting rail and the colour and material of the frames 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 16 Prior to any works being commenced, a detailed design of

3/21/2616/LBC

rooflight to the rear roof slope of No.29 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 17 Prior to any works being commenced, a detailed design and location of vent tiles to the rear roof slope of No.29 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

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

Informatives

- 1 01OL1 Other Legislation
- 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 consent should be granted.

Plans

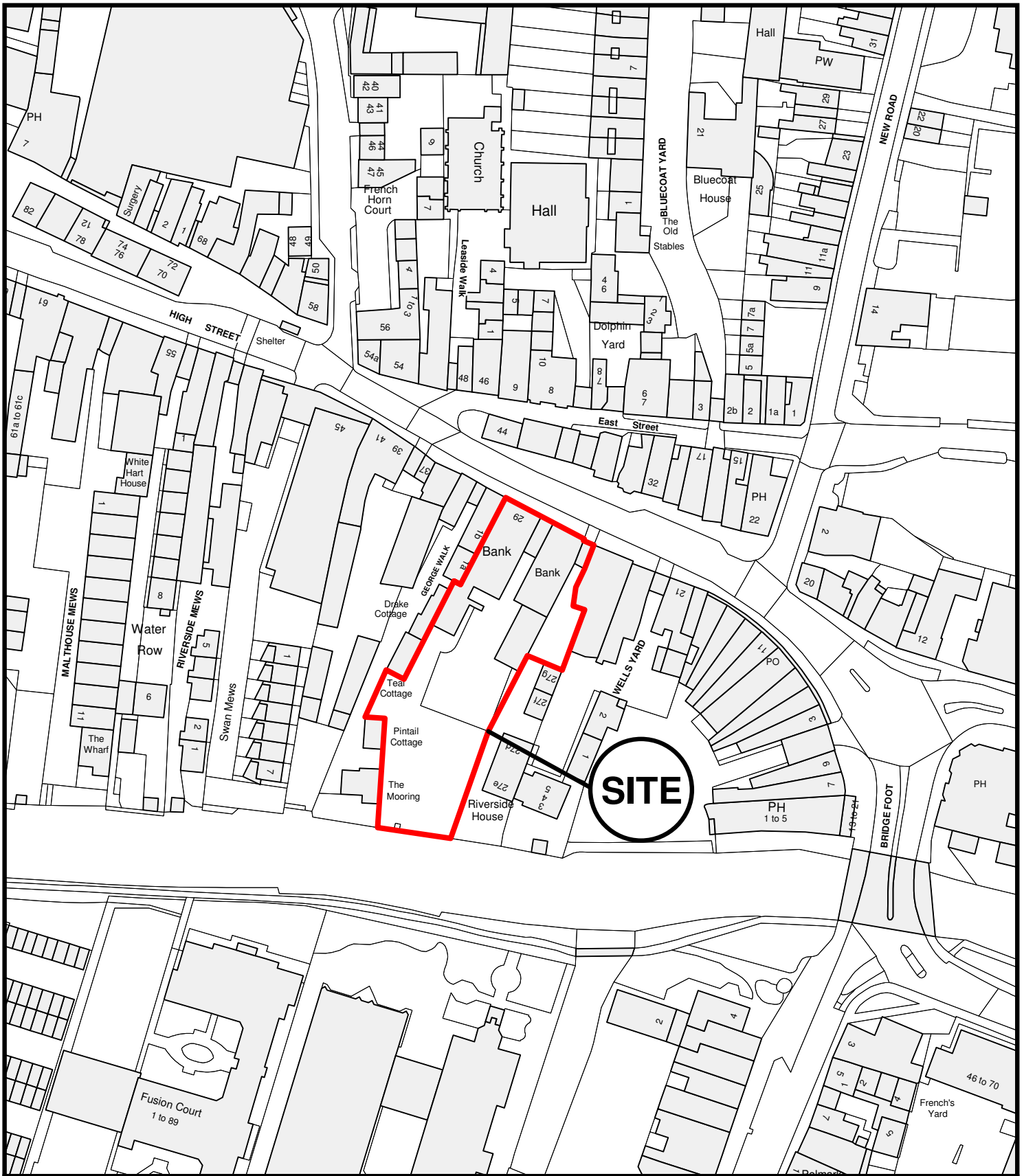
Plan Ref	Version	Received
20-107-001	P3	18.10.2021
20-107-005	P4	18.10.2021
20-107-010	P3	18.10.2021
20-107-011	P4	18.10.2021
20-107-012	P3	18.10.2021
20-107-013	P3	18.10.2021

20-107-014	P3	18.10.2021
20-107-020	P3	18.10.2021
20-107-021	P3	18.10.2021
20-107-022	P4	18.10.2021
20-107-025	P2	18.10.2021
20-107-026	P1	18.10.2021
20-107-027	P3	18.10.2021
20-107-028	P2	18.10.2021
20-107-029	P2	18.10.2021
20-107-031	P2	18.10.2021
20-107-032	P2	18.10.2021
20-107-040	P2	18.10.2021
20-107-041	P4	18.10.2021
20-107-042	P4	18.10.2021
20-107-043	P4	18.10.2021
20-107-044	P6	21.09.2022
20-107-045	P5	18.10.2021
20-107-046	P5	18.10.2021
20-107-049	P2	18.10.2021
20-107-052	P9	05.10.2022
20-107-053	P7	05.10.2022
20-107-100	P9	18.10.2021
20-107-101	P11	05.10.2022
20-107-102	P10	21.09.2022
20-107-103	P11	05.10.2022
20-107-104	P9	05.10.2022
20-107-110	P4	18.10.2021
20-107-111	P7	05.10.2022
20-107-112	P7	21.09.2022
20-107-113	P4	18.10.2021
20-107-114	P4	18.10.2021
20-107-400	P4	18.10.2021
20-107-401	P4	05.10.2022
20-107-402	P4	18.10.2021
20-107-403	P3	18.10.2021
20-107-404	P4	18.10.2021

20-107-500	P7	05.10.2022
20-107-501	P5	05.10.2022
20-107-510	P2	18.10.2021
20-107-511	P2	18.10.2021
20-107-512	P3	18.10.2021
20-107-513	P3	18.10.2021
20-107-600	P1	18.10.2021
20-107-601	P1	18.10.2021
20-107-602	P1	18.10.2021
20-107-603	P1	18.10.2021
20-107-604	P1	18.10.2021
20-107-901	P4	06.10.2022
20-107-910	P1	18.10.2021
20-107-911	P1	18.10.2021
20-107-912	P1	18.10.2021
20-107-913	P1	18.10.2021

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.



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 Tel: 01279 655261

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Address: 27 - 29 High Street, Ware, SG12 9BQ
Reference: 3/21/2615/FUL & 3/21/2616/LBC
Scale: 1:1250
O.S Sheet: TL3514
Date of Print: 20 October 2022

**EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
JULY 2022**

Application Number	3/20/2498/OUT
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To The CottageHay StreetBraughingWareHertfordshireSG11 2RG
Appellant	Mr Christopher Cook
Proposal	Outline permission for 1 detached self-build dwelling - all matters reserved except for access.
Appeal Decision	Dismissed

Application Number	3/20/2623/HH
Decsn	Refused
Level of Decision	Delegated
Address	Elm CottageHare StreetBuntingfordHertfordshireSG9 0EA
Appellant	Mr D Mason
Proposal	Demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive.
Appeal Decision	Allowed

Application Number	3/21/0387/HH
Decsn	Refused
Level of Decision	Delegated
Address	27 Birch GreenHertfordHertfordshireSG14 2LR
Appellant	Mr Mark Hutton
Proposal	Part retrospective application for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window.
Appeal Decision	Allowed

Application Number	3/21/0549/HH
Decsn	Refused
Level of Decision	Delegated
Address	Dowers1 Cherry Green BarnsCherry GreenWestmillBuntingfordHertfordshireSG9 9NQ
Appellant	Mr Paul Brown
Proposal	New red brick wall to replace existing fence on north east boundary.
Appeal Decision	Allowed

Application Number	3/21/1041/FUL
Decsn	ND
Level of Decision	DEL
Address	27 Bell StreetSawbridgeworthHertfordshireCM21 9AR
Appellant	Mr Peter Bennett
Proposal	Single storey detached outbuilding, lowering ground level of rear terrace, installation of connecting pergolas and new rear sliding doors to replace existing window.
Appeal Decision	Allowed

Application Number	3/21/1970/HH
Decsn	Refused
Level of Decision	Delegated
Address	18 Park AvenueBishops StortfordHertfordshireCM23 3EZ
Appellant	Mr And Mrs Aiden Charles
Proposal	First floor side extension
Appeal Decision	Dismissed

Application Number	3/21/2498/HH
Decsn	Refused
Level of Decision	Delegated
Address	The GooseMoor GreenArdeleyStevenageHertfordshireSG2 7AT
Appellant	Mackervoy
Proposal	Proposed residential annex (ancillary).
Appeal Decision	Allowed

Application Number	3/21/2648/HH
Decsn	Refused
Level of Decision	Delegated
Address	7 The Bungalow Hay Street Braughing Ware Hertfordshire SG11 2RJ
Appellant	Mr Tom Strachan
Proposal	Raising of roof ridge, two storey rear extension and addition of two front dormers. All elevations re-clad with shiplap. Creation of rear terrace, external steps and fencing. Replacement windows and doors, new ground floor side door and new front windows added to porch.
Appeal Decision	Dismissed

Application Number	3/21/2751/HH
Decsn	Refused
Level of Decision	Delegated
Address	16 Revels Road Hertford Hertfordshire SG14 3JU
Appellant	Mr And Mrs I. Reynolds
Proposal	First Floor side extension.
Appeal Decision	Dismissed

Application Number	3/21/2991/ADV
Decsn	Refused
Level of Decision	Delegated
Address	The Waterside Inn Bridge Foot Ware Hertfordshire SG12 9DW
Appellant	Mr Jack Robson
Proposal	2 externally illuminated fascia signs and 2 externally illuminated projecting signs
Appeal Decision	Allowed

Application Number	3/22/0059/HH
Decsn	Refused
Level of Decision	Delegated
Address	28 Fordwich Hill Hertford Hertfordshire SG14 2BQ
Appellant	Mr Robert Smith
Proposal	Erection of two storey rear and side extension and first floor rear extension.
Appeal Decision	Allowed

Application Number	3/22/0114/HH
Decsn	Refused
Level of Decision	Delegated
Address	19 Mayflower Gardens Bishops Stortford Hertfordshire CM23 4PA
Appellant	Mrs Debbie Marriott
Proposal	Single storey side and rear extension with link infill extension and raising pitched roof of existing garage.
Appeal Decision	Allowed

Application Number	3/22/0130/HH
Decsn	Refused
Level of Decision	Delegated
Address	41 Star Street Ware Hertfordshire SG12 7AA
Appellant	Mr Anthony Woodward
Proposal	Loft conversion with rear dormer window and two front roof lights, construction of two-storey side extension and single storey rear extension.
Appeal Decision	Dismissed

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 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/J1915/W/21/3280237

Land adjacent to The Cottage, Hay Street, Braughing, SG11 2RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Christopher Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2498/OUT, dated 12 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is one detached self build dwelling with all matters reserved apart from access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is for outline planning permission with all matters reserved apart from means of access.

Main issues

3. The appeal scheme raises the following issues:
 - The location of the proposed development,
 - The effect of the proposal on landscape character, and
 - Whether or not the appeal scheme fulfils the requirements of a self build project as defined by the Self Build and Custom Housebuilding Act 2015.

Reasons

Location

4. The appeal site lies in Hay Street, a hamlet which is around 0.5-1 kilometre north of the centre of Braughing, a Group 1 village defined in Policy VILL1 which includes a limited range of services. Hay Street comprises ribbon development along a classified 'B road'. It has no services and is defined as a Class 3 village, defined by Policy VILL3 in the Local Plan, where infill development would only be allowed if included in a Neighbourhood Plan. The site is not included in the Braughing Neighbourhood Plan (BNP).
5. The Cottage is a 2 storey dwelling located on the east side of Hay Street with an Annex in the rear garden. The appeal scheme would be for a separate dwelling located in the side garden occupied in part by sheds.

6. Policies GBR2 and VILL3 seek to reinforce the existing settlement pattern with new development being concentrated in a hierarchy of centres and the protection of rural areas which are not designated Green Belt.
7. The proposed scheme would be contrary to these policies and would not fall within the exceptions identified. The appellant questions what he considers is the arbitrary nature of settlement boundaries and the fact that the site would lie only around 500metres from the settlement boundary with Braughing. However, the site lies on a narrow unlit lane without footways and would not be conducive to walking or cycling. It does not lie on a bus route. For these reasons the location would not offer a genuine choice of transport modes and its development would encourage reliance on private transport contrary to both local policies and those included in the National Planning Policy Framework, (the Framework).
8. For these reasons, I conclude that the appeal scheme is not in a sustainable location and conflicts with Policies GBR2 and VILL3 of the East Herts District Plan 2018.

Landscape character and appearance

9. The site is largely hidden from the adjacent highway by a thick hedge which lies on the back edge of a narrow grassed road verge at the front of the appeal site. The Design and Access statement states that the proposed access would avoid the loss of part of the existing hedge; this marks a contrast from a previous scheme.
10. Policies GBR2 and DES3 together, seek the protection of the countryside as a valued resource which may have landscape and biodiversity value. It is not part of the Council's case that the hedge has important biodiversity value.
11. Given that the scheme would not involve any part of the hedge being removed there would be no adverse impact on the landscape character of the area. For this reason, the appeal scheme dose not conflict with Policy GBR2 and DES3.

Self build homes

12. The difference between the main parties on this issue is whether the appeal scheme falls within the provisions of the Self Build and Custom Housebuilding Act 2015 (the Act) and the implications of this for Policy HOU8.
13. Policy HOU8 is specific on how the provisions of the Act are to be interpreted. This would allow for the inclusion of self build plots as part of major development proposals. This is to ensure that suitably serviced plots would be available for the development of this important form of housing. Other criteria included in the Policy reinforce the Council's support for Neighbourhood Planning.
14. I understand that the appellant is on a register of persons who would be contacted as land is released for this form of development. However, the appeal site is not a 'suitably serviced plot' within the meaning of the Act.
15. For these reasons, I conclude that the appeal scheme conflicts with Policy HOU8 of the Local Plan.

Conclusions

16. I find that the appeal scheme conflicts with Policies GBR2, VILL3 and HOU8. Whilst the appellant identifies the site as a 'windfall' site which could contribute to the Council's housing supply its development also conflicts with the policies of the BNP.
17. I acknowledge the appeal decisions¹ submitted with the appeal where my Inspector colleagues allowed appeals for housing falling within the definition of housing included in the Act. However, the full details of these sites is not before me. The appeal before me does not fall within the meaning of the Act.
18. Whilst I understand that the proposed access arrangements have been revised from a previous scheme², it is the principle of development on this site which is the determining issue in this appeal which conflicts with adopted policy.
19. I have had regard to the support of the Parish Council for this scheme but this does not outweigh the conflict with the policies of the Development Plan including those contained in the BNP.
20. For the above reasons, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

¹ APP/W0530/W/19/3230103, APP/G2435/W/18/3214451 & APP/H1480/W/19/3241879

² 3/19/1802/OUT



Appeal Decision

Site visit made on 15 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2022

Appeal Ref: APP/J1915/W/21/3274513

Elm Cottage, Hare Street, Buntingford, SG9 0EA

- 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 Mason against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2623/HH, dated 22 December 2020, was refused by notice dated 25 February 2021.
 - The development proposed is demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive at Elm Cottage, Hare Street, Buntingford SG9 0EA, in accordance with the terms of the application, Ref 3/20/2623/HH, dated 22 December 2020, subject to the attached schedule of conditions.

Procedural Matters

2. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the application was submitted by Mr D Mason, but the appeal was lodged by Mrs Deborah Mason. The applicant has subsequently provided confirmation that the appeal would be pursued by him, so it will continue in the original name of the applicant. I have therefore considered the appeal on this basis.
3. The appellant has submitted an amended plan in support of the appeal (Drawing No 14034-P004-B). While it appears that this was sent to the Council during the determination period of the planning application, it was not the scheme determined by the Council. Having regard to the Wheatcroft principles (Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]), I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. The appellant has submitted letters of support from neighbouring occupiers, which appear to refer to the alternative scheme, but this is not certain. In the interests of fairness and natural justice, I consider that interested parties would be prejudiced were I to consider the amended plan. My findings therefore relate to the scheme as determined by the Council.
4. The appeal relates to development proposed within the rear garden of Elm Cottage, a Grade II listed building, so it falls within the setting of the property. I must therefore exercise my statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This 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.

5. The description of development in the banner heading does not include any alterations to the dwelling. However, the application drawings refer to the erection of a replacement oak post supporting the existing porch and a timber boarded infill to its eastern side. It does not appear that an application was made for listed building consent. My consideration of the appeal does not extend to section 16(2) of the Act, which relates to the grant of listed building consent for works to alter the listed building, including those that do not require planning permission and are therefore outside the scope of this appeal.

Main Issues

6. The Council did not raise any concerns with regard to the proposed entrance gates and alterations to the drive. The main issues are therefore the effect of the proposed garage and studio outbuilding on:
 - the character and appearance of the site and its surroundings, including the setting of the Grade II listed building, known as Elm Cottage.
 - the living conditions of the occupiers of Blossom House, with specific regard to sunlight within and outlook from its garden.

Reasons

Character and Appearance

7. The listed building is of 18th Century or earlier origins. It is a timber-framed cottage clad in stuccoed render and horizontal weatherboarding, with a steeply-pitched thatch roof to the front and side and a pantile roof at the rear. As far as it is relevant to the appeal before me, the significance of the listed building lies in its architectural and historic interest as an 18th Century or earlier timber-framed house. Particularly the ornate form of its thatch roof and how this assimilates with the architectural detailing of its windows and external cladding of the timber frame.
8. The cottage also draws significance from its setting, including how it is experienced from its rear garden and the views available from the house and the street, especially given the close proximity of the building to the footway. The existing detached garage at the side of the property and the prominent nature of parking in its foreground have altered the way in which the cottage is appreciated within its setting, including reduced space around it. However, the front and side elevations of the house remain prominent within the street and the architectural form and detailing to its rear remain prominent within its extensive rear garden. New homes south of the cottage have also altered its setting, but they are arranged in a linear pattern, consistent with the established grain of development in Hare Street and do not inhibit the appreciation of the property in its surroundings.
9. The high quality of the architecture of the cottage, its prominent position at the street frontage, and the visibility of its grounds also make key contributions to the character and appearance of Hare Street.

10. The proposed outbuilding would be sensitively sited to the side and further down the slope of the rear garden, appreciably larger than the garage it would replace, but notably smaller than the cottage, and clad in a sympathetic palette of materials. Hence, the listed building would remain the dominant structure, in size and stature, within the site and outlook would be preserved over its garden. The proposal would also be appreciable as a later addition to the site.
11. Although the proposed gates would maintain some closure of views into the rear garden, the removal of the garage and siting of the outbuilding would increase the space around the property. This would improve the way in which the listed building is experienced from within its setting. The outbuilding would also not be any more prominent than the existing garage and would be similar in appearance to it.
12. Given my appraisal of the effect of existing development around the listed building, I have given very limited weight to the Council's assertion that the setting of the house has been compromised, especially as this could fetter the consideration of other proposals within the site or nearby. Nevertheless, for the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the site and its surroundings, and it would preserve the setting of the listed building. Hence, the proposal would satisfy the requirements of the Act, and accord with the design and heritage aims of Policies DES4, HA1, HA7, HOU11 and VILL2 of the East Herts District Plan 2018 (DP).

Living Conditions

13. The long side of the proposed outbuilding would be positioned at the boundary with Blossom House, the neighbouring dwelling to the south. The eaves and the highest part of the pitched roof of the structure would be somewhat taller than the boundary fence which currently separates the gardens of the properties. Due to its position at the boundary, the proposal would be conspicuous from the garden of Blossom House, but its height and scale would not appear oppressive or lead to a harmful sense of enclosure, particularly as it would predominantly be the roof of the structure that would be above the height of the existing boundary fence and this would slope away from the boundary. Furthermore, given the orientation of the site, it is also unlikely that the proposal would lead to overshadowing of the garden of Blossom House.
14. For these reasons, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of Blossom House, with specific regard to sunlight within and outlook from its garden. Hence, the proposal would accord with the aims of DP Policies DES4 and VILL2.

Other Matters

15. The proposed gates and alterations to the driveway of the property would be of a sympathetic design and utilise a carefully considered palette of materials. As such, they would not be harmful to the character or appearance of the site and its surroundings, including the setting of Elm Cottage. I note that the Council arrived at a similar conclusion.
16. Immediately to the north of the appeal property is Oak Cottage, a Grade II* listed building. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal

with this designated asset, its setting will be preserved and the proposal will not detract from it. The Council also did not raise any concerns in this regard.

17. Part of the proposed outbuilding would overhang the boundary of Blossom House, but an appellant does not have to own a site to seek planning permission and notice has been served on the owner of that property, who appears to have no objection to the proposal. There is also no evidence that any problems could not be adequately dealt with under legislation covering private legal rights and landownership.
18. The Officer Report outlines that the proposal did not demonstrate compliance with DP Policies CC1 and CC2, which deal with climate change adaptation and mitigation, but such matters could be addressed by planning condition. As such I wrote to the main parties to seek wording for a condition. In response the Council confirmed it has taken an internal officer-level position to not require such conditions on householder applications. However, in the absence of a formal policy position to adopt such an approach, it would be necessary for me to ensure that the development meets the requirements of the policies, so I sought comment on an alternative wording and did not receive any objections from the main parties to its content.

Conditions

19. In addition to the standard time limit for the appeal, in the interests of clarity I have specified the approved plans. Furthermore, in the interests of preserving the setting of the listed building, a condition for the specifications and samples of materials is necessary, but I have altered the condition suggested by the Council as such details could be agreed prior to their use on site. As outlined above, the Officer Report refers to the need for the development to comply with climate change adaptation and mitigation policies of the DP. These details are necessary prior to above ground construction of the outbuilding.
20. The Officer Report also refers to surface water drainage and the Council identified that the method of drainage from the proposal would meet the requirements of DP Policy WAT5. There is no substantive evidence before me to lead me to a different conclusion. The planning condition suggested by the Council would therefore be unnecessary in its current form, but I have amended it to ensure the drainage scheme shown on the application drawing is implemented prior to the building first being brought into use.

Conclusion

21. For the reasons given above, I conclude that the appeal should succeed.

Paul Thompson

INSPECTOR

Schedule of 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 plan: 14034-P004-A.

- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.
- 4) Prior to the above ground construction of any part of the development hereby permitted, details of climate change adaptation and mitigation measures shall be submitted to and approved in writing by the local planning authority. The details shall include measures to:
 - minimise the overheating in summer and reduce the need for heating in winter;
 - minimise on-site carbon dioxide emissions;
 - minimise the energy embodied in construction materials, through re-use, recycling and the use of sustainable materials and local sourcing; and
 - integrate green infrastructure, such as tree or other planting;

The development shall be constructed in accordance with the approved details and retained as such thereafter.

- 5) Prior to the outbuilding hereby permitted first being brought into use, drainage works shall have been completed in accordance with the details shown on the approved plan.

End of Schedule



Appeal Decision

Site visit made on 29 June 2022

by **S D Castle BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: **APP/J1915/D/21/3276136**

27 Birch Green, Hertford SG14 2LR

- 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 Mark Hutton against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0387/HH, dated 15 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is part retrospective application for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window at 27 Birch Green, Hertford SG14 2LR, in accordance with the terms of the application, Ref 3/21/0387/HH, dated 15 February 2021, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

- P102 (Location and Block Plans)
- P100 A (Driveway & Proposed Floor Plans)
- P101 (Proposed Elevations)
- P102 (Proposed Boundary Plan & Elevations)
- P103 (Proposed First Floor Plan & Roof Plan)

- 2) The exterior of the development hereby approved shall be constructed in accordance with the details of the materials specified on the approved plans and the submitted application form.

Preliminary Matters

2. During the application process a revised description was agreed between the appellant and Council. That revised agreed description was used by the Council on their decision notice and I have taken the description of development in the banner heading above from the decision notice.

3. Subsequent to the appeal being lodged, the Council has granted planning permission¹ on the site for, 'Part retention of a single storey infill extension with rooflights. External elevation changes, including 1st floor front bay window replaced with new window and erection of a boundary wall, fence and entrance gates.' This recently approved permission reflects that the Council's objection to the appeal scheme, as set out in their refusal reason, relates solely to the proposed car port.
4. At the time my site visit, development of a single storey infill extension, external changes, and erection of boundary wall and entrance gates were already substantially progressed. As such, I have proceeded on the basis that planning permission is sought on a part retrospective basis. There are some minor differences between what has been built thus far and the appeal scheme. I note that these minor differences appear to have been regularised by the extant permission recently granted.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area and the host dwelling.

Reasons

6. The appeal relates to a 2-storey detached dwelling set back from the highway behind an attractive area of public landscaping. The appeal property is predominantly only glimpsed in public views, primarily down the shared access track from the highway, due to the extensive vegetation and tree screening present on the landscaped area. In contrast to the dwellings opposite the site on the western side of the highway, no 27 does not form part of a wider planned development. It does not, therefore, form part of a distinct building line or grouping of similarly designed dwellings. Instead, the site forms part of an informal pattern of development, dominated by the surrounding landscaping.
7. The carport would be situated to the front of the dwelling, at the south-east corner of the site. Whilst outbuildings to the front of dwellings can harmfully dominate the important principal façade of their host dwellings, that would not be the case in this instance given the carport would be significantly below the height of the adjacent garage. There would be very limited visibility of the carport from public vantage points given its small scale, the site's setback from the highway, and the surrounding vegetation. Considering the informal arrangement of surrounding built form, the carport's forward projection would not be detrimental to any established building line or pattern of development. Facing materials of timber cladding and tiles to match the existing garage would enable the structure to visually assimilate with the host dwelling and its surroundings. Moreover, the subordinate appearance of the carport, in combination with the retained space to the front of the dwelling, would prevent the site appearing cramped.
8. I therefore conclude that the proposed development would have an acceptable effect upon the character and appearance of the area and the host dwelling. Consequently, I find the proposal to comply with Policies DES4 and HOU11 of the East Herts District Plan 2018. These policies, taken together, amongst

¹ LPA ref: 3/21/1470/HH

other things, require development to be of a size, scale, mass, form, siting, design, and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Furthermore, the proposal would accord with paragraph 130 of the National Planning Policy Framework which requires development to be sympathetic to local character.

Other Matters

9. I have had regard to the concerns relating to the effect of the development on the living conditions of the occupiers of no 29, including through the loss of light and outlook. These matters are identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters. The eastern elevation of the carport would be low in height and the roof has a shallow pitch. I am not persuaded, therefore, that it would have an unacceptable effect on the living conditions on no 29, in terms of loss of light and outlook, given the existing boundary treatment between the properties.
10. I have also had regard to concerns relating to the accuracy of the boundaries as indicated on the submitted plans. Ownership issues are, however, a private matter between the relevant parties and not within my jurisdiction. Granting planning permission would not negate or supersede any private legal rights relating to land ownership.

Conditions

11. As the development is part retrospective, a commencement condition is not required. In order to provide certainty as to what has been permitted, I have imposed a condition specifying the relevant drawings. In the interests of the character and appearance of the area, it is necessary to control the external materials of the development.

Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, the proposal would comply with the development plan when taken as a whole.
13. The appeal is therefore allowed.

S D Castle

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3292856

Dowers, 1 Cherry Green Barns, Cherry Green, Westmill, SG9 9NQ

- 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 Paul Brown against the decision of East Herts Council.
 - The application Ref 3/21/0549/HH, dated 3 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a new 1.5m high red brick wall to replace existing fence on north-east boundary.
-

Decision

1. The appeal is allowed and planning permission is granted for a new 1.5m high red brick wall to replace existing fence on north-east boundary at Dowers, 1 Cherry Tree Barns, Cherry Green, Westmill, SG9 9NQ in accordance with the terms of the application Ref 3/21/0549/HH, dated 3 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: 2003-01; 2003-02; 2003-04; and 2003-04 (Rev A).
 - 3) The wall hereby approved shall be constructed of red brick to match that used on parts of the existing dwelling and outbuildings.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings, including the effect on the setting of the host dwelling, Dowers.

Reasons

3. The appeal site is within a complex of dwellings that are situated in open countryside. The complex comprises barn conversions, together with the appeal property, which was a newly constructed dwelling built around 2003. The complex of buildings is adjacent to a listed building, Cherry Green Farmhouse and it forms part of the setting of the heritage asset.
4. Whilst the former barns are curtilage listed, the appellant points to the fact that as the appeal property is a relatively new dwelling, it is not curtilage listed as it

is not fixed to the principal building and was constructed after 1 July 1948. I have no reason to refute this.

5. The proposal is to construct a 1.5m high brick wall to replace an existing post and rail fence, which is infilled with wicker panels. The new wall would be positioned along the north-east boundary of the garden, with a small section returning along its south-eastern side.
6. The Council contends that the proposed wall would be harmful to the rural character of the wider farmstead and the setting of the appeal dwelling. It states that the development would conflict with Policies DES4 and HA1 of the adopted East Herts District Plan 2018 (DP). Amongst other things, these policies seek to achieve a high standard of design that reflects local character and distinctiveness and preserve and enhance the historic environment of East Herts. In my opinion, these policies are consistent with the provisions of the National Planning Policy Framework 2021 (The Framework).
7. In reaching my decision, I have taken into account the position of the appeal site in relation to the adjoining open countryside. However, the proposed brick wall would be a relatively minor form of development that would not be highly visible from outside of the site.
8. I also noted at my site visit that there are other brick walls within the complex of buildings and, in that regard, the proposal would not be out of context with the group of buildings in which it is located. Furthermore, there would be no impact on the setting of the principal listed building, Cherry Green Farmhouse, because of the separation distance and intervening buildings. Given that Dowers is a modern property with some small areas of brickwork used on the walls the proposed wall appear out of context or out of character with the appeal dwelling itself. Views into the site would also be retained because of the relatively low height of the proposed wall.
9. For the above reasons, I consider that the proposal would not be out of character with the area, nor would it have an adverse effect on the setting of any nearby buildings. Consequently, the proposal would not conflict with the provisions of the DP or with The Framework, as referred to above.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period in which to commence the development and listing the approved plans, I have also imposed a condition requiring that the bricks match those used on parts of the existing dwelling and outbuildings.
11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 12 July 2022

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/J1915/W/21/3278763

27 Bell Street, Sawbridgeworth, Herts CM21 9AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of decisions on an application for planning permission.
 - The appeal is made by Mr Peter Bennett against East Hertfordshire District Council.
 - The application Ref 3/21/1041/FUL (now 21/00069/NONDET), is dated 21 April 2021.
 - The development proposed is a single storey detached outbuilding, lowering of rear terrace and installation of connecting pergolas.
-

Preliminary matters

1. The application was made for planning permission and listed building consent. I have not been advised of whether a decision has been made on the application for listed building consent, ref 3/21/1042/LBC. The appeal is submitted against the failure to make a decision on the planning application alone and I have considered it accordingly.
2. Had it been in a position to make a decision, the Council would have refused planning permission on grounds of the effect on the living conditions of adjacent occupiers due to noise and disturbance. Local residents object on grounds of natural light, privacy and noise. I have considered these matters in the decision.

Decision

3. The appeal is allowed and planning permission is granted for a single storey detached outbuilding, lowering of rear terrace and installation of connecting pergolas at 27 Bell Street, Sawbridgeworth, Herts CM21 9AR in accordance with the terms of the application, Ref 3/21/1041/FUL, dated 21 April 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

4. Having regard to all the representations, the main issue is the effect of the proposed development on the living conditions of adjacent occupiers in terms of noise and disturbance, overlooking and natural light.

Reasons

The site and surroundings

5. The building is a 16/17th century house, listed Grade II, once converted to shop use before being used for financial services. Since closure of the bank, the building is now used as a café on the ground floor and the paved rear yard is

being used as an outdoor seating area. It lies in the main shopping street in Sawbridgeworth and is surrounded by residential properties including a development of small flats for the elderly and other retail uses. The proposal involves erecting a building in the rear yard for seating.

Noise and disturbance

6. A narrow passageway separates The Gables retirement housing from the wall and fence at the back of the outdoor seating area. At present, customers of the café sit at tables near the boundary and would be easily heard by residents of the nearest 2 flats through their windows facing south. The appellant has erected an interwoven fencing panel on top of the wall but this would have virtually no effect on noise transmission. I consider that this situation would be very different from when the yard at the rear of the bank was unused and it is unsurprising that residents feel the need to close windows facing the yard from time to time. Even then, noise from customers would be a constant murmur heard through west facing windows of the same flats. Residents using the external terrace behind the west wall of the flats would hear customers of the café and the noise would be hard to avoid.
7. The drawings for the proposed detached outbuilding indicate a solid wall on 3 sides and an impervious roof facing The Gables. The appellants indicate that these would have an acoustic value to mitigate the effect of customers talking but provide no details. I consider that it would be possible to impose a condition requiring a certain level of construction density or acoustic insulation and providing this is done, the level of noise from the number of customers in the building along with those that could occupy the outside space is unlikely to have an unacceptable effect on living standards. Any customers sitting outside in periods of fine weather in normal opening hours, indulging in normal conversation, would be far enough away to avoid unacceptable nuisance. In considering this matter I have had regard to the status of Bell Street as a Secondary Shopping Frontage in the 2018 East Herts District Plan, where a mix of uses is expected and considered desirable. Residents of such areas where housing is situated adjacent to retail activities have the benefit of easy access to services but may notice a degree of noise from time to time from pubs, restaurants and cafés. A condition is imposed to limit the hours of use of the rear area. If a high and unacceptable level of noise occurred at any hour, local occupiers would have recourse to the Environmental Health Department of the Council in the usual way.

Privacy

8. The existing brick wall at the rear of the yard separating the appeal property from The Gables has been raised with interwoven fencing panels to a height of around 1720 millimetres (mm) above the outdoor seating area. This is insufficient to prevent some curious customers, if they wished to, from being able to look over into the secondary window of a living area of a single ground floor flat. Another window is glazed with obscured glass. The proposed scheme would address this issue by lowering the ground level and erecting a building across the plot, preventing any overlooking. I do not consider that the level of intervisibility between the terrace of the flat and the remaining outdoor area of the café would pose any issues.
9. Neighbouring occupiers' concerns on privacy relate to the present situation but also run in harness with concerns about daylight. It is clear that raising the

fence element has proportionally reduced the amount of daylight reaching the ground floor windows.

Natural light

10. Turning to natural light, I am conscious that the window in question is very near the west end of the fence and also receives some natural daylight over the boundary at No. 25. Recognising that there has been a change in the boundary height and the way this has been perceived by some occupiers of The Gables, I do not find that the levels of daylight and sunlight have been unacceptably compromised. In a dense area of development such as this with conflicting uses, a level of compromise is necessary.
11. The proposed scheme would involve a significant reduction of ground levels in the yard and the edge of the roof would be no higher than the existing fence. A condition can be imposed to ensure the roof would not exceed this height. In these circumstances, whilst there would be a change, it has not been shown that the living conditions of occupiers of The Gables would be altered to the extent that there would be a conflict with planning guidance or policy.

Conclusion

12. I have taken account of all the other matters raised including the planning application process and the images shown on the application drawings, but find nothing to outweigh my conclusion that the proposed building would be acceptable in planning terms. The stability of the brick wall during the works is not a planning matter but one which should be discussed between the parties and their respective surveyors.
13. Conditions are imposed to control the external materials and to ensure that an archaeological investigation takes place. The hours of operation of the rear building need to be controlled and use of speakers and amplification equipment avoided for the benefit of local residents. The height of the rear edge of the roof is controlled in accordance with the application drawings to prevent any further impact on natural light. The walls and roof need to meet a minimum acoustic standard and this is anticipated by the appellant. The figure of 43dB (A) is used as there are common forms of construction deemed to meet this standard. Given the proposed use, the location and noise rating of any future extract fans or air conditioning units need to be controlled. Finally, the development needs to be constructed in accordance with the approved drawings, for the avoidance of doubt.
14. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 9 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 00/101 Floor plans; 10/101 Sections; 30/100 Detail at north boundary.
- 3) Prior to any building works being commenced details of the external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
- 4) No permanent or temporary sound amplification or speaker systems shall be installed in the proposed detached outbuilding or in the external space.
- 5) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 6) The development hereby approved shall not be used for the sale and consumption of food and beverages outside the hours of 0830 - 2000 hours Sunday to Thursday and 0830 - 2200 hours on Fridays, Saturdays and Bank Holidays.
- 7) In accordance with drawing ref 30/100, the height of the top of the edge of the roof at the rear of the extension shall not exceed the height of the existing wall and fence panel forming a boundary to The Gables.
- 8) No plant, extract fans or air conditioning units shall be installed in the building without details being submitted to and approved in writing by the Local Planning Authority. Any such equipment shall be installed in accordance with the approved details.
- 9) The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 43 dB(A), with windows shut and other means of ventilation provided. The sound insulation works shall be completed before the use of the building begins and retained thereafter.



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3296701

18 Park Avenue, Bishops Stortford, CM23 3EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Charles against the decision of East Herts District Council.
 - The application Ref 3/21/1970/HH, dated 23 July 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a first-floor side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a semi-detached dwelling, which is situated in a residential area, comprising of houses that are mixed in terms of their scale, age and appearance. The appeal property is set back from the highway and the existence of trees and other vegetation along this section of Park Avenue provide a verdant and leafy character to the streetscene.
4. The proposal is to construct a first-floor side extension that would enable the upstairs accommodation to be enlarged and reorganised to provide a larger bedroom at the front with an en-suite and a relocated bathroom. The extension would be constructed close to the shared side boundary with the neighbouring dwelling at number 16 Park Avenue, which (according to the Council) was itself extended at first-floor level in the mid 1970's. The extension at number 16 is built up to the side boundary with the appeal property. However, the Council points out that it pre-dates the current District Plan.
5. Policy DES4 of the adopted East Herts District Plan (DP) requires (amongst other things) new development to be of a high standard of design that respects the character of the area. In addition, Policy HOU11, which specifically relates to house extensions, states that extensions should generally appear as being subservient to the main dwelling and that side extensions at first-floor level should ensure that appropriate space is left between the flank wall of the extension and the common curtilage with the neighbouring property. It states that the separation distance of 1 metre should be the minimum.

6. A requirement for high quality design is also embodied in Policy HDP2 of the Bishops Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley (NP). I consider that the policies of the DP and the NP are consistent with the provisions of The National Planning Policy Framework 2021 (The Framework), which also requires planning policies and decisions to add to the overall quality of the area, be visually attractive and sympathetic to local character.
7. In reaching my decision, I have taken into account the mixed character and appearance of the area and I observed at my site visit the variety of spacings between the sides of dwellings at first-floor level. Nevertheless, gaps between dwellings at first-floor level are a positive and important part of the area's character. I also noted that the recent first-floor extension at number 20 Park Avenue, which has been referenced by the parties, has retained a gap of 1 metre, or thereabouts, between the wall of the extension and the side boundary of the plot.
8. I have also given weight to the fact that the proposed extension would obscure the plain blank rear wall of an existing rear/side extension on the appeal property. However, in my opinion, the proposed extension would create an unacceptable terracing effect that would be harmful to the appearance of this part of the streetscene. Therefore, the proposal would conflict with the provisions of the Development Plan and with The Framework, as referred to above.

Conclusion

9. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022.

Appeal Ref: APP/J1915/D/22/3297249

The Goose, Moor Green, Ardeley, SG2 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Mackervoy against the decision of East Herts Council.
 - The application Ref 3/21/2498/HH, dated 30 September 2021, was refused by notice dated 15 March 2022.
 - The development proposed is a residential annex (ancillary).
-

Decision

1. The appeal is allowed and planning permission is granted for a residential annex (ancillary) at The Goose, Moor Green, Ardeley, SG2 7AT in accordance with the terms of the application, Ref 3/21/2498/HH, dated 30 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Numbers: 001-P02; 002-P02; 010-P02; 100-P01; 110-P01; 200-P01; 210-P01; 220-P01; and 300-P01.
 - 3) The building shall be used only as a residential annexe ancillary to the dwelling and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Main Issue

2. The main issue is whether the position of the proposed annex is well related to the main dwelling.

Reasons

3. The Goose is a detached dwelling, which is situated within a cluster of other dwellings and buildings in, what is otherwise, open countryside. The property also includes land at the rear which is used as domestic garden, stables and garaging. It also includes a riding enclosure.
4. The appeal proposal is to construct a residential annex on an area to the rear of the existing stables and garaging. The building would be single-storey and would contain bedroom, workspace and storage areas. Materials to be used on the external faces of the building would be black timber clad walls and a black

- metal roof. In terms of the building's design and appearance, I consider it to be sympathetic to its surroundings and it would not be harmful to the character or appearance of the area.
5. The Council considers that the proposed annex would not be well related to the existing dwelling, because it would not be within the curtilage of the property and because of the separation distance between the annex and the main dwelling. Consequently, the Council's decision notice states that the proposal would conflict with Policy HOU13 of the Esat Herts District Plan 2018 (DP). This policy allows for the development of residential annexes provided (amongst other things) they are close to and well related to the main dwelling. In addition, Policy HOU11 of the DP provides detailed design criteria for assessing outbuildings.
 6. The appellants point to the Council Officer's report, which concludes that the annex would be acceptable in terms of its design and appearance and effect on the character of the area. In terms of its position, the appellants consider that the annex would be within the curtilage of the dwelling and that it would be conveniently located in terms of the proposed separation distance.
 7. Whether the land is within the curtilage of the dwelling or not is debateable. There is no authoritative definition of the term and it should not be confused with the use of land as a garden. It is generally accepted however that for land to fall within the curtilage of a dwelling, it should serve the dwelling in some reasonably necessary or useful manner. The size of the land can also be a factor, but as with many planning matters, it is a case of fact and degree.
 8. In this case, it is not a matter for me to formally determine whether the appeal site forms part of the residential curtilage, as this would normally be the subject of a lawful development certificate application. However, during my site visit, I observed that the land in question was connected to the dwelling in terms of its use and appearance, notwithstanding the intervening small post and rail fencing, track and some planting.
 9. In terms of the separation distance between the proposed annex and the dwelling, the appellants state that this would be around 20m. In their opinion, they do not consider it to be excessive and it is comparable to the distance between the dwelling and the existing garages. Whilst the existing garages are closer, I am not persuaded that the Council's concerns are justified, as it would only be a short and relatively easy walk between the house and the proposed annex. It would also be clearly visible from the dwelling itself.
 10. For the above reasons, I consider that the position of the proposed annex would be well related to the existing dwelling and, in that regard, it accords with Policy HOU13 of the DP.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. In addition to the condition relating to the standard 3-year time period in which to commence the development, I have also attached a condition that restricts the use of the building to a residential annex. This is necessary to ensure that other uses are controlled in the interests of the amenities of the occupants of nearby dwellings.
12. A condition specifying the approved plans is also imposed.

Other Matter

13. The appellants' grounds of appeal also refer to delays and communication issues with the Council. These matters are addressed in the decision on the appellants' application for costs.

Conclusion

14. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR



Costs Decision

Site visit made on 14 June 2022

by Ian McHugh Dip TP MRTPI

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

Decision date: 08 July 2022.

Costs application in relation to Appeal Ref: APP/J1915/D/22/3297249 The Goose, Moor Green, Ardeley, SG2 7AT

- 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 and Mrs MacKervoy for a full award of costs against East Herts Council.
 - The appeal was against the refusal planning permission for a residential annex (ancillary).
-

Decision

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

Reasons

2. The Planning Practice Guidance 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. Unreasonable behaviour can be procedural or substantive.
3. In this case, the appellants submit that the Council has acted unreasonably on both procedural and substantive grounds. They point to the Council failing to determine the planning application within 8 weeks without offering to extend this period. In addition, the appellants contend that the Council's decision was unreasonable, as they consider that the proposal was in accordance with the Council's planning policies.
4. The Council has stated that it does not agree with the application for costs, although no substantive reasoning for this opinion has been provided.
5. With regard to the determination period, I note that the application was registered by the Council on 30 September 2021 and the decision notice was not issued until 15 March 2022. The appellants state that during this period, the Council failed to communicate and that it did not work positively or proactively with them or with their agent.
6. I accept that the length of time taken to determine the application was an unduly long period. However, it would have been open to the appellants to appeal against non-determination. I have no information as to why such an appeal was not lodged.
7. Turning to the reason for the Council's decision. I have found the proposal to be acceptable, although, in my opinion, it was not clear cut. As with many planning decisions, the interpretation of planning policy and guidance can be

subjective and the outcome can often depend on the opinion of the decision maker. In this case, I have no evidence to conclude that the Council acted unreasonably in its interpretation of the Development Plan and its assessment of the proposal.

Conclusion

8. For the reasons given above, I therefore find that an appeal was unavoidable and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3294741

7 The Bungalow, Hay Street, Braughing, SG11 2RJ

- 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 T Strachan against the decision of East Herts Council.
 - The application Ref 3/21/2648/HH, dated 8 October 2021, was refused by notice dated 16 February 2022.
 - The development proposed is a two storey and first floor rear extension. Two front dormers. Recladding with shiplap. Rear terrace, external steps and fencing. Replacement windows and doors. New ground floor side door and new front windows added to porch.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the appeal property and the surrounding area; and the effect on the living conditions of the occupants of neighbouring property, with particular regard to outlook, natural light and privacy.

Reasons

Character and Appearance

3. The appeal property is an existing bungalow, which is situated within a stretch of ribbon development that backs onto open countryside. The property is currently vacant and it is evident that it requires repair and refurbishment. It has been extended previously with a number of ground and first floor additions at the rear. These previous additions are of no architectural merit and although they are not clearly visible from the public domain, they have a negative effect on the appearance of the dwelling. I also observed during my site visit that a number of properties along this stretch of Hay Street have been altered and extended. These include the neighbouring properties on either side at numbers 6 and 8 Hay Street.
4. The proposal would involve extensive works, as described in the heading above. These would include increasing the roof height of the property and constructing a large rear extension that would cover the full width of the property. Two dormers would also be added on the front facing elevation. I also noted during my site visit that there are dormers on other properties

- nearby and, in that regard, the principle of constructing these features would be acceptable.
5. However, overall the bulk and mass of the extensions, would appear out of scale and harmful to the character and appearance of the appeal property and its immediate surroundings.
 6. Policies DES4 and HOU11 of the East Herts District Plan 2018 (DP) seek, amongst other things, to ensure that the design of new development is of high quality and should respect or improve the character of the site and surrounding area. This is reflected in Policy 2 of the Braughing Area Neighbourhood Plan (NP). Policy HOU11 of the DP also requires extensions to appear as a subservient addition to the existing building.
 7. Whilst I agree that a degree of modernisation and remodelling would enhance the appearance of the property and improve the living conditions for future occupants, I consider the overall scale to be excessive and unacceptably harmful to the dwelling and its immediate surroundings. In addition, although the crown roof would not be highly visible in the streetscene, it would not be sympathetic to the character or appearance of the dwelling. Accordingly, the proposal would conflict with the relevant policies of the DP and the NP, as referred to above.

Living Conditions

8. The Council contends that the proposal would have an adverse effect on the living conditions of the occupants of numbers 6 and 8 Hay Street in terms of their outlook, natural light and privacy. Policy DES4 of the DP states that development proposals should avoid significant detrimental impacts on the amenities of occupiers of neighbouring properties.
9. Although the proposed extensions would be inset from the two shared side boundaries, the proposal, when viewed from both neighbouring dwellings and their gardens, would be overly dominant and oppressive. This would be particularly the case in relation to number 8 Hay Street. Furthermore, the proposed full width floor to ceiling windows on the rear elevation would present a strong perception of being overlooked, which would make the rear gardens of the neighbouring dwellings less enjoyable places in which to be. This concern would also apply to the raised patio at the rear, which would also be at higher level.
10. For the above reasons, I find that the proposal would have an unacceptably harmful effect on the living conditions of the occupants of the neighbouring dwellings. Therefore, the proposal would conflict with Policy DES4 of the DP.

Conclusion

11. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3297449

16 Revels Road, Hertford, SG14 3JU

- 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 I Reynolds against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2751/HH, dated 26 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the erection of a first-floor extension above part of the existing single-storey side accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the wider street scene.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling within a residential area comprising mostly semi-detached properties of some variety, but with many of an equivalent age, type and appearance to No 16 and its attached neighbour at No 18. Despite the variety between some, and alterations and changes to many properties over time, including the appeal property, I found there to be a pleasing cohesion to the character of the area that remains dominant and which is derived through a general sense of uniformity in scale and appearance between individual house types and complementary use of materials.
4. No 16 occupies a triangular-shaped corner plot with a wide frontage to Revels Road and little depth to the rear garden. It has been significantly altered beyond its original form with a single-storey side extension that wraps around the front elevation to incorporate an entrance porch, and a recently completed hip-to-gable change with a 'box-like' dormer covering the majority of the rear roof slope which I understand was completed as permitted development without the express need to obtain planning permission from the Council. Due

to its slightly elevated levels relative to the road and its openly exposed side elevation, the property appears fairly prominent within the street scene. As a semi-detached pair, Nos 16 and 18 stand out as different to the architecture immediately surrounding along this part of Revels Road, but they are not disassociated with the wider estate which includes many properties that are of similar age and style, including 40 Parker Avenue which is in very close proximity and visual association, all of which contribute to the area's character.

5. The proposal would add a first-floor extension to the side over the existing extension and recessed marginally behind the front elevation and significantly so behind the rear elevation, with a hipped roof over.
6. The extensions that have already been completed at the appeal property undeniably unbalance the appearance of this semi-detached pair, with No 18 retaining its original form. However, especially when seen head-on from Revels Road, they maintain a reasonably acceptable sense of proportion and scale that enables the building to appear comfortable within its surroundings.
7. The first-floor side extension would add noticeable bulk to the existing building in a form that in my assessment would appear poorly executed and with little respect shown to the scale, appearance or architectural composition of the original, which I find would appear distorted and out of proportion. Whilst I accept that the extension would display a degree of subservience to the host dwelling, it would contribute to an amalgam of additions that would show little harmony with each other. The result would be a dwelling lacking in cohesion and one that would be out of keeping and harmful to the established character and appearance of the area. As such, there would be conflict with part (a) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018 insofar as it requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and with Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout in order to reflect and promote local distinctiveness.
8. I have noted and seen for myself the examples given by the appellants where other similar properties in the area have been extended to the side. Those at 9 and 43 Parker Avenue both have hipped roof side additions, but when seen in the round, they both respect the architectural form of the original building by matching the roof style and appearing as extensions that are well-related to the host dwelling. The same is true at Nos 1 and 4 Revels Road. Although I accept that the proportions of the dwellings have been enlarged in each of these cases, the resulting discordant and incohesive combined form of the extensions at No 16 would result in a building demonstrably out of keeping.
9. I appreciate the appellants' efforts to try to overcome the reasons for refusal of an earlier proposed scheme, which was appealed and dismissed in October 2020 (appeal ref: APP/J1915/D/20/3255457), and I recognise that part of the works that were considered at that time have now been lawfully implemented. However, this does not alter my findings that the proposed side extension would add to the property in a manner that would be harmful to its character and appearance and the wider street scene. The appellants' need to provide

additional accommodation to support their family is noted but this need does not outweigh the harm that I have identified.

Conclusion

10. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR

Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2022

Appeal Ref: APP/J1915/Z/22/3295873

The Waterside Inn, Bridge Foot, Ware, SG12 9DW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by _____, Stonegate Pub Company against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2991/ADV, dated 30 November 2021, was refused by notice dated 8 March 2022.
 - The advertisement proposed is 2 sets of externally illuminated fascia text and 2 externally illuminated projection signs.
-

Decision

1. The appeal is allowed and consent for the display of the 2 sets of externally illuminated fascia text and 2 externally illuminated projection signs as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. At the time of my visit, I saw that the installation of the signage was complete. I visited the site twice on 22 June 2022, first during the afternoon, arriving approximately 1400hrs during daylight, and second arriving approximately 2200hrs during darkness when the premises were open and the signage was illuminated.
3. The application was explicitly made for the display of 2 externally illuminated fascia signs and 2 externally illuminated projecting signs. These were all clearly identified on the application drawings and identifiable in-situ on the premises.

Main Issue

4. The Council has raised no concern regarding the effect of the advertisements on public safety. I have no reason to disagree. The main issue therefore is the effect of the advertisements on the visual amenity of the area.

Reasons

5. The appeal property is a large and fairly imposing Public House that occupies a prominent corner location. It faces a 3-limb roundabout junction where High Street, Bridge Foot, and Star Street meet. The property is set immediately to the back edge of the pavement and on a splay at the junction with return frontages to both Bridge Foot and Star Street. It is located on the fringes of

Ware Town Centre and within the Ware Conservation Area (CA). The adopted *Ware Conservation Area Appraisal and Management Plan (2016)* places the site within *Identity Area 1* which is principally the historic core of the town. I saw this to be a typically vibrant town centre location comprising a mix of building types and uses, many of historical and architectural interest. Shopfront and commercial property adverts are plenty, including a variety that I saw to be illuminated during the hours of darkness. In addition, and similar to the appeal property, I saw that some buildings in the locality and within the CA, were floodlit.

6. The appeal signage comprises two identical sets arranged on each of the building's main facades. They include the name of the public house sign-written onto the rendered wall of the building and externally illuminated from above by a steel trough fitted with low energy LEDs, and a projecting sign hanging from a steel frame with vinyl letters and images attached to both sides of an aluminium panel and lit from above with two steel troughs to each side and also fitted with low energy LEDs.
7. The Council has stated that the fonts, colours, style, and design of the signage is acceptable. I do not disagree. They are fairly typical and traditional for a public house premises, are of muted colours and form, and of sizes that are in scale and proportion to the building and its setting. I also found the means of the illumination to be discreet and non-intrusive.
8. During my evening visit I saw a contrast between the pure white tone of the floodlighting that is used on the building compared with that for the advertisements, which appeared softer. However, my impression was that this arrangement merely gave the signage a light sepia effect that was unobtrusive and complementary to the floodlighting and the glow emanating from the internally lit bar and restaurant area through the extensive floor to ceiling glazing at ground floor level, especially along the frontage facing Bridge Foot. I found this to be neither discordant nor out of keeping within this vibrant town centre location.
9. The building sits dominant to the side of the roundabout it faces towards. There is a terrace of listed buildings (Nos 12-20) nearby to the north side of High Street and extending away from the roundabout junction with Bridge Foot and Star Street. However, I am satisfied that the setting of these is unaffected by the advertisements which I find has no harmful effect upon the amenity of the area. It follows therefore that the character and appearance of the CA is also preserved.
10. I have considered Policies DES6 and HA6 of the East Herts District Plan 2018 (EHDP), which deal with advertisements and signs and advertisements in CAs respectively. I have also had regard to EHDP Policies HA1 and HA4 which deal with proposals affecting designated heritage assets and CAs respectively. Amongst other things they all seek to protect amenity and so are considered to be material in this case. The signage would be compliant with the criteria listed in Policy HA6 for reasons explained above. Moreover, I have concluded that the proposal would not harm amenity, including the character and appearance of the CA or the setting of nearby listed buildings. The proposal therefore does not conflict with these policies. I have not been directed within the officer's report to any specific conflict with the Council's *Retail Frontages: Design & Signage SPD October 2019*, their *Emerging Ware Neighbourhood Plan 2021-2033*, or Historic England's advice for external lighting of historic buildings.

11.Paragraph 136 of the National Planning Policy Framework 2021 advises that the visual quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along Bridge Foot, High Street and Star Street, I am satisfied that the advertisements do not appear poorly sited or poorly designed within the street scene. Consequently, for the reasons given, I conclude that, subject to the five standard conditions set out in the Regulations, the display of the advertisements is not harmful to amenity. The appeal therefore succeeds.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3298924 28 Fordwich Hill, Hertford, SG14 2BQ

- 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 R Smith against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0059/HH, dated 12 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a two-storey rear and side extension and first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear and side extension and first floor rear extension at 28 Fordwich Hill, Hertford, SG14 2BQ in accordance with the terms of the application, Ref 3/22/0059/HH, dated 12 January 2022, 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: Drg No NH/962/01, NH/962/02, NH/962/03, NH/962/04, NH/962/05 and NH/962/06.
 - 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 proposal on the character and appearance of 28 Fordwich Hill and the wider street scene.

Reasons

3. The appeal property is a two-storey semi-detached dwelling (not detached as stated within the Council's planning officer's report) and sits within a sub-urban residential cul-de-sac comprising detached and semi-detached properties of

- similar age but with mixed appearances, many having been extended or altered in a variety of ways beyond their original forms.
4. The proposal comprises two parts. The Council has no objection to a first-floor rear extension that is proposed immediately adjoining the attached neighbouring property at No 26. I have no reason to disagree as it would merely project an existing rear facing gable deeper and mimic a similar extension to the attached property.
 5. The second part of the proposal would replace an existing two-storey hipped roof projection that spans the outside part of the property's rear elevation with a deeper two-storey extension which would extend sideways and wrap around part of the dwelling's side elevation. The side projection would be recessed behind the property's front elevation by around 4.2m with its flank set away from the side boundary with No 30 by around 1m. It would have a hipped roof facing Fordwich Hill and an eaves height slightly lower than the two-storey eaves height to the side of the original dwelling.
 6. Part (b) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018 (EHDP) states that side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property and that as a general rule a space of 1m will be the minimum acceptable in order to safeguard the character and appearance of the street scene and prevent a visually damaging 'terracing' effect. The appeal proposal would achieve the minimum separation that is required by Policy HOU11. Moreover, although No 30 is built right up to the common side boundary, I saw that this degree of spacing would reflect the separation distances between many other properties along the length of both sides to Fordwich Hill, in some instances those gaps appearing to be original and in others where properties have been extended to the sides. The side extension would not appear cramped within the street scene, despite the eaves' overhangs of both properties, which I accept would narrow the gap to a degree when seen at that level, but not in a form that would be alien to the locality, or which I find would be visually harmful.
 7. I recognise that there would be variation between the eaves and first floor window heights of the extension when compared with the original property. However, this is as a consequence of keeping the side extension appropriately subservient, and given its deep recess, I am not persuaded that this would appear incongruous or poorly related to the existing when viewed from Fordwich Hill. I therefore find no conflict with part (a) of Policy HOU11 insofar as it requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and for them to generally appear subservient to the dwelling.
 8. Overall, I am satisfied that the extensions would display the standard of design necessary to respect the character of the existing dwelling and the wider street scene. As such there would be no conflict with the overall requirements of Policy HOU11 or with EHDP Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout to reflect and promote local distinctiveness.

Conditions

9. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.

Conclusion

10. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3297738

19 Mayflower Gardens, Bishops Stortford, CM23 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs D Marriott against the decision of East Herts Council.
 - The application Ref 3/22/0114/HH, dated 19 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is a single storey rear extension, infill extension and removal of garage roof with a new pitched roof.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension with link infill extension and raising pitched roof of existing garage at 19 Mayflower Gardens, Bishops Stortford, CM23 4PA in accordance with the terms of the application, Ref 3/22/0114/HH, dated 19 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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; Drawing Number - D210203/1; and Drawing Number - D210203/2 D.
 - 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.

Procedural Matter

2. The description of the development used in the banner heading above is taken from the planning application form. However, I have noted that the description given in the both Council's decision notice and appeal form is slightly different. In my opinion, these give a clearer description of the proposal and, therefore, I have used this wording in my formal decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and the streetscene.

Reasons

4. The appeal property is a detached dwelling with a detached double garage, which is situated within a modern housing development. The property is positioned on a corner plot and it is relatively prominent in the streetscene. Dwellings in the vicinity of the site vary in terms of their size and design. I also noted during my site visit that garages within the estate vary with some being integral, some attached and others detached. However, I note that the Council points to garages nearby being either detached or integral.
5. The proposal is to infill the existing space between the garage and the side wall of the dwelling, raise the height of the garage and construct an extension at the rear of the garage linked to the dwelling. The proposal has been submitted to try and overcome the Council's refusal of a previous application for a larger and taller extension that would have resulted in the extended garage being two storeys in height.
6. The Council considers that the appeal proposal would be a bulky and unsympathetic addition to the host dwelling, which would be visually intrusive in the streetscene. It also points to it being out of character with other garaging nearby which are mainly detached or integral. As such, the Council states that the proposal would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 (DP) and with Policy HDP2 of the Bishops Stortford's Neighbourhood Plan for Silverleys and Meads (NP). Amongst other things, these policies generally seek to ensure that the design of extensions are of a high standard and appropriate to their surroundings in terms of scale, mass, form and siting.
7. Although the proposed garage extension would be clearly visible when viewed from the front and side, I do not agree that it would appear out of scale or visually harmful. Notwithstanding the fact that it would be attached to the dwelling, it would appear subservient because of its lower roof height when viewed from the front. The roof of the garage would also slope upwards away from the dwelling, thereby retaining a gap between the ridge of the garage roof and the side wall the house at first-floor level. I accept that there would be added bulk when viewed from the side and that this would be visible in the streetscene. However, much of this view would be screened or softened by existing planting.
8. In my opinion, the proposal would not be unacceptably harmful to the character and appearance of either the dwelling or the streetscene. Accordingly, there would be no conflict with the relevant policies of the DP and the NP, as referred to above.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period for the commencement of the development and specifying the approved plans, I have also imposed a condition that requires the use of external materials to match the existing dwelling. This is necessary to ensure a satisfactory external appearance.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR

Appeal Decision

Site visit made on 22 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1915/D/22/3298531

41 Star Street, Ware, SG12 7AA

- 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 Anthony Woodward against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0130/HH, dated 21 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is described as '*Construction of two-storey side extension and single-storey rear extension*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description that I have used in the banner heading above, the Council's decision notice also includes reference to a loft conversion and rear dormer window. This is clearly shown on the planning application drawings as part of the proposed works. Furthermore, the appeal form includes reference to a loft conversion with rear dormer window as part of the details for the proposed development. I have therefore considered the appeal on this basis.
3. The application form gives the date of the application as '21/0/22'. This is clearly an error and I note the certificate of ownership which accompanied the application was dated '21/01/22' and that the decision notice states that the application was received on 21 January. I am satisfied that the application was made on that date and have recorded it as so.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the existing building and the wider street scene.

Reasons

5. The appeal property is a modest sized, two-storey semi-detached dwelling located within a predominantly residential area on the fringes of Ware town
-

centre. Although there are mixed residences in the area, including contemporary flatted developments and terraced houses both opposite and adjacent at Star Holme Court, the appeal property and its attached neighbour at No 39 is one of three similar, adjoining semi-detached pairs that occupy an arced arrangement which turns around the corner where Clements Street joins Star Street. Nos 39 and 41 squarely face Star Street. No 43 and No 1 Clements Street are orientated obliquely facing the road junction, and Nos 2 and 3 squarely face Clements Street. Therefore, whilst Nos 39 and 41 appear to be an isolated example of a unique house style when approaching along Star Street from the west, they are clearly seen to be associated with the others when seen from other viewpoints and part of a reasonably harmonious group, despite some notable changes over time to some of these properties.

6. As a pair, in common with the other similar properties, Nos 39 and 41 share a two-storey forward facing gable with the boundary between both at the apex, and with narrow recessed wings to each side under a hipped roof. To the rear, the original form of the building had a shared and centrally positioned shallow, two-storey projection under a flat roof. No 39 has been extended to the front side and rear, such that there is an imbalance between the pair at ground floor level. Nevertheless, there remains a symmetry to the building at first floor and roof levels that ensures it maintains its proportions and harmony in its setting, and its associations with its contemporaries.
7. The proposal would include extending No 41 sideways with a two-storey extension that would follow the front and rear building lines of the existing side wing. The roof form would be changed from a hip end to a gable, and a 'box-like' dormer would be added to the rear roof slope and spanning almost its entire width. I do not share the appellant's view that the recessed position of the existing side wing would enable the new side extension to appear subservient. The balanced proportions, appearance, and simple form of the existing building would be lost, with the modest size of the side wing engulfed as part of a much wider side element and with an entirely different roof profile. The failure of the two-storey side extension to appear as a subservient addition and of a size, form and design that would be appropriate to the character, appearance and setting of the existing dwelling would directly conflict with part (a) of Policy HOU11 *Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages* of the East Herts District Plan 2018.
8. The dormer extension would dominate the existing rear roof slope. Not only would it significantly alter the roof profile of the building when seen from the rear and in open views from Clements Street, but it would be heavily dependent upon the new side extension to accommodate a large part of its size. By failing to be of just modest proportions and respectful of the design and character of the original dwelling and its surroundings, this part of the proposal would also conflict with part (d) of Policy HOU11.
9. Overall, I find that the proposed side extension, loft conversion and rear dormer window would fail to display the standard of design necessary to respect the character of the existing dwelling and the wider street scene. As such there would be conflict with the overall requirements of Policy HOU11 and with EHDP Policy DES4 *Design of Development* which requires all development to be of a high standard of design and layout to reflect and promote local

distinctiveness. I have noted the need to make provision for a larger family living space but this need does not outweigh the harm that I have identified. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John D Allan

INSPECTOR

EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
AUGUST 2022

Application Number	3/21/2092/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land At 17 Highfield RoadHertfordHertfordshireSG13 8BH
Appellant	S & H Chapps and Rockwell Homes Ltd
Proposal	Construction of 1 detached house with garage and parking, including new vehicle access.
Appeal Decision	Dismissed

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 25 July 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/J1915/W/21/3285620

Land at 17 Highfield Road, Hertford SG13 8BH

- 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 S & H Chapps and Rockwell Homes Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2092/FUL, dated 6 August 2021, was refused by notice dated 29 September 2021.
 - The development proposed is construction of detached house with garage and parking, including access arrangements on land adjacent.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of Hertford Conservation Area and non-designated heritage assets.

Reasons

3. The appeal site is located within the Hertford Conservation Area (the CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of this the CA is, in part, derived from the prevalence of traditionally designed properties, generally sited within mature landscaped sites containing large, established trees. Whilst there are variations in the character of individual streets within this part of the CA, within each there is a strong consistency in terms of scale, form and layout.
4. The site is situated on a corner plot at the junction of Highfield Road where properties are closer to the road and Morgan's Road where there is a generous set back. While there is some variation between different streets, within each, and along the same side of the road as the appeal site there is a strong consistency to the scale, form, layout and spacing. Mature landscaping within both the street and plots also gives a verdant appearance to these streets. Existing landscaping and trees filters views of the built form located behind, although less so from Highfield Road due to the lower boundary treatments and higher tree canopies.
5. Nevertheless, the steady rhythm of properties and spaciousness of the streetscene that the wide plots and set back positions provide along the same side of these roads as the appeal site is obvious from surrounding streets.

While not identified in the CA appraisal as a 'green finger' or important open space, the absence of development and landscaping at the appeal site, which is particularly prominent given its corner location, contributes positively to the verdant open character and appearance of the area. It also serves as a valuable neutral focal point within this part of the CA, providing an interface between two streets of differing character.

6. The proposed development would occupy a large part of the open space that currently exists beyond the existing boundary treatments, largely within an existing lawn area, and would be set slightly forward of some properties on Morgan's Road, in particular those located closest to the appeal site. It would also result in the loss of a section of the existing boundary wall on Highfield Road.
7. Despite existing vegetation being retained, the new dwelling would be visible from Highfield Road, and from the approach from Bullock Lane. It would also, despite the existing boundary wall and vegetation, be visible to a lesser extent from Morgan's Road through filtered views. Although the design of the property would draw on aspects of those nearby, the location of the proposed development within this space, would, as a result of its siting, scale and form, erode the sense of visual neutrality that the appeal site currently possesses.
8. Furthermore, the presence of a smaller dwelling compared with those around it, situated within what would constitute a relatively small plot when viewed in the context of those adjacent, in close proximity to its neighbours, and forward of the building line of Morgan's Road, would not only be at odds with the strong character that is currently evident in surrounding streets, but also lead to the loss of the sense of visual cohesion and buffering that the site currently exhibits. Accordingly, the proposed development would result in less than substantial harm to the character of the CA.
9. There are a number of non-designated heritage assets (NDHAs) in the vicinity of the site, including nearby residential properties, the boundary wall at the appeal site, and the letterbox contained therein.
10. The significance of the boundary wall derives, in part, from its age, height, prominence and the manner in which it wraps around the site in a continuous manner. The letter box further highlights the prominence and importance of this corner plot as a point of interface. Part of the boundary wall at the appeal site would be lost in order facilitate the provision of access, however the letter box would remain directly unaffected.
11. Although other boundary walls within the area are punctuated by driveway openings, the proposed development would result in harm to the existing boundary wall, as the continuity of this boundary treatment would be eroded. The effect on the existing letter box would be neutral, with it being retained in its current location and physically unaffected by the development. There would also be harm to the setting of nearby properties, including the neighbouring Queens Hill House, which is an NDHA, as a result of the erosion of the positive character of the site as an undeveloped area, and the way in which the proposed development would address the established building line of Morgan's Road. This would amount to moderate harm to the NDHAs.
12. I therefore conclude that the proposed development would fail to preserve the character or appearance of the CA and NDHAs. Accordingly, the development

would be contrary to Policies HOU11, DES2, DES3, DES4, HA1 and HA4 of the East Herts District Plan 2018 which seek to ensure that new developments conserve, enhance or strengthen the distinctiveness of the local landscape and its features; that developments be of a high standard of design and layout to reflect local distinctiveness; that development preserve and, where appropriate, enhance the historic environment, including the special interest of Conservation Area; and be appropriate to the character, appearance and setting of the surrounding area.

Other Matters

13. I am satisfied that the proposed access would be safe, having regard to the level of visibility within the street, and the low traffic speeds that I was able to observe at the time of my site visit. I also acknowledge that the introduction of the driveway could lead to a reduction in inconsiderate parking close to a junction, which would be a benefit of the proposed development.
14. Even if I were to agree that the scheme would not harm the living conditions of occupiers of neighbouring properties, or future occupiers of the proposed development, and would provide adequate mitigation with regards to energy efficiency, these would be a neutral factors and would not weigh in favour of the scheme.
15. The National Planning Policy Framework ('the Framework') advocates the support of development that makes efficient use of land, however this is not unqualified, and amongst other matters also requires consideration of the desirability of maintaining the character of the area within which new development is proposed to be located. Having found harm to the character and appearance of the CA, I do not afford this factor weight in favour of the proposed development.

Conclusion

16. The harm the proposed development would cause to the significance of the CA would be less than substantial. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The provision of a single dwelling would make a positive, albeit very modest contribution towards boosting housing supply. This would, in turn, provide employment during construction, although this would be time limited. There would also be other social and economic benefits to Hertford and the wider area, in terms of economic activity and supporting local services. These would however also be limited by the scale of the proposed development. I also acknowledge that the proposed development could potentially remove an opportunity for inconsiderate parking on Highfield Road, and this would also be a minor benefit of the proposal.
18. It is stated that the proposed development would also facilitate repairs to the remaining boundary wall in the form of repointing and replacement coping where required. It was evident at the time of my visit that although the wall was not in poor condition, that this work would likely be beneficial to the longevity of the overall structure. Notwithstanding this, the proposed repairs

would not appear to be directly reliant on the proposed development being carried out and could be undertaken at any time as part of a regular maintenance regime. Accordingly, I afford this benefit only very limited weight.

19. The proposal would have a negative effect on the significance of a designated heritage asset and the Framework states that great weight should be given to the conservation of the asset. The public benefit identified would not outweigh this harm, nor the harm to non-designated heritage assets. Moreover, the proposal would also result in moderate harm to NDHAs within the vicinity of the appeal site. The benefits of the proposed development do not outweigh this.
20. For the reasons given above, I conclude that the appeal is dismissed.

C Harding

INSPECTOR

EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
SEPTEMBER 2022

Application Number	3/21/0777/FUL
Decsn	Refused
Level of Decision	Delegated
Address	1 BullfieldsSawbridgeworthHertfordshireCM21 9DB
Appellant	Mr S Allan
Proposal	Demolition of dwellinghouse. Erection of 4no. 2 bed flats with dedicated refuse and cycle storage provision, parking provision for 4 vehicles and associated outside amenity space
Appeal Decision	Allowed

Application Number	3/21/1364/HH
Decsn	Refused
Level of Decision	Delegated
Address	Sprangewell CentrePoles LaneThundridgeWareHertfordshireSG12 0SQ
Appellant	Simon Constance
Proposal	Remove flat roofed porch and replace with enclosed porch.
Appeal Decision	Dismissed

Application Number	3/21/1365/LBC
Decsn	Refused
Level of Decision	Delegated
Address	Sprangewell CentrePoles LaneThundridgeWareHertfordshireSG12 0SQ
Appellant	Simon Constance
Proposal	Remove flat roofed porch and replace with enclosed porch. Internal alterations to remove sliding door and frame and block up opening, insert new door and replace the acro prop supporting the steel joist in the cellar.
Appeal Decision	Dismissed

Application Number	3/21/1803/HH
Decsn	Non Determination
Level of Decision	
Address	33 Wellington StreetHertfordHertfordshireSG14 3AN
Appellant	Mr Simon Hart
Proposal	Proposed loft conversion with rear dormer windows and roof light to front elevation, new window to porch, existing garage/store expanded and converted to living space. Formation of an open plan kitchen and dining area at ground floor level. Alterations to fenestrations, new door on south eastern elevation to newly formed store, and existing garage doors replaced.
Appeal Decision	Allowed

Application Number	3/21/2145/TEL
Decsn	Refused
Level of Decision	Delegated
Address	Wadesmill Road(Junction With Kings Hill And Bryce Close)WareHertfordshireSG12 0RD
Appellant	CK Hutchison Networks (UK) Ltd
Proposal	Proposed telecommunications installation: 18.0 metre phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
Appeal Decision	Allowed

Application Number	3/21/2474/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To 1 Coltsfoot LaneDatchworthHertfordshireSG3 6SB
Appellant	Mr David Brown
Proposal	Proposed new 5 bedroomed dwelling with integral double garage and alterations to existing access on former garden land to 1 Coltsfoot Lane, situated between 1 and 7 Coltsfoot Lane.
Appeal Decision	Allowed

Application Number	3/21/2754/HH
Decsn	Refused
Level of Decision	Delegated
Address	Legges CottageFanhams Hall RoadWaresideWareHertfordshireSG12 7SD
Appellant	Mr D Birchenough
Proposal	Timber framed storage sheds with open bays and a clay tiled roof (retrospective).
Appeal Decision	Dismissed

Application Number	3/21/3029/HH
Decsn	Refused
Level of Decision	Delegated
Address	88 And 89 Pye CornerGilstonHertfordshireCM20 2RD
Appellant	Mr Nick Alexander And Mark Orson
Proposal	Extend roof and add first floor to existing garage outbuilding for use as home office (on upper level), roof hips changed to gable ends, new timber cladding wall finish, addition of rooflights
Appeal Decision	Withdrawn

Application Number	3/21/3073/HH
Decsn	Refused
Level of Decision	Delegated
Address	4 The OrchardTonwellWareHertfordshireSG12 0HR
Appellant	Mr Chonnor Dowd
Proposal	Erection of single storey detached double garage.
Appeal Decision	Dismissed

Application Number	3/22/0076/HH
Decsn	Refused
Level of Decision	Delegated
Address	AndorSlough RoadAllens GreenSawbridgeworthHertfordshireCM21 0LR
Appellant	Mr Tony Burches
Proposal	Removal of rear conservatory. Proposed loft conversion and extension, Two storey rear extension, single storey side/rear extension and insertion of front rooflight.
Appeal Decision	Dismissed

Application Number	3/22/0171/HH
Decsn	Refused
Level of Decision	Delegated
Address	47 Cambridge RoadSawbridgeworthHertfordshireCM21 9JP
Appellant	Mr Steve Caudle
Proposal	Construction of 3 crown roof dormers. Insertion of 4 roof light windows to side elevations.
Appeal Decision	Dismissed

Application Number	3/22/0300/HH
Decsn	Refused
Level of Decision	Delegated
Address	7 Ellison CloseHunsdonHertfordshireSG12 8FG
Appellant	Steve Lynch
Proposal	Single storey rear extension, first floor side extension, partial garage conversion and 1 new ground floor side window opening.
Appeal Decision	Allowed

Application Number	X/21/0150/CND
Decsn	Non Determination
Level of Decision	
Address	Land At Bishops Stortford North, Bishops StortfordHertfordshire
Appellant	N/A
Proposal	Discharge condition 1b (Phasing Plan) attached to 3/13/0804/OP
Appeal Decision	Allowed

Background Papers

Correspondence at Essential Reference Paper 'A'

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



Appeal Decision

Site visit made on 9 August 2022

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/J1915/W/21/3289434

1 Bullfields, Sawbridgeworth CM21 9DB

- 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 S Allan against the decision of East Herts Council.
- The application Ref 3/21/0777/FUL, dated 23 March 2021, was refused by notice dated 27 August 2021.
- The proposed development is demolition of existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space in accordance with the terms of application ref: 3/21/0777/FUL dated 23 March 2021 and subject to the conditions set out in the Annex attached to this decision.

Main Issue

2. The main issue is the effect on the character and appearance of the street scene and wider area including the adjoining Sawbridgeworth Conservation Area.

Reasons

3. The appeal site lies at the southern end of Bullfields close to its junction with Station Road. It is long and narrow in shape with a single storey detached dwelling located at the far western end set back some distance from the road frontage behind parking and garden areas.
4. Bullfields is predominantly residential although the appeal site is adjoined to the north by a funeral directors premises. To the south the adjoining properties front Station Road, which contains a mixture of properties and uses. Nos. 15 and 17 comprise a pair of listed semi-detached cottages; these are adjoined by the fire station which is located to the south of the appeal site, adjoining about two thirds of the common boundary. The remaining boundary to the west is adjoined by garden areas, with a social club, which also fronts Station Road, to the southwest. These properties to the south of the site lie on higher ground. Residential properties in Walnut Tree Crescent lie to the north and northwest.
5. The Sawbridgeworth Conservation Area boundary is contiguous with part of the southern boundary of the appeal site and incorporates the listed cottages on

the corner of Station Road and Bullfields as well as the adjoining fire station yard. That part of the conservation area within the vicinity of the appeal site is of varied character and appearance with predominantly smaller terraced properties along Station Road to the south of the appeal site with more variation in size and layout in the area around the junction with Bullfields which has a pleasant open green area on its eastern side.

6. The proposal would comprise a two storey building set back from the Bullfields road frontage behind a small parking area. The front section of the building would occupy most of the width of the site and would resemble a detached dwelling with a hipped roof. A narrower long, rear 'wing' set towards the southern boundary would extend a substantial depth towards the rear, western boundary of the site with garden areas to the rear and on the northern side of the rear wing.
7. The adjoining funeral directors comprises a substantial one storey building with low eaves and front gable end facing the road and side dormers within a steeply sloping pitched roof. The proposal would be sited further back into the site behind the notional 'building line' formed by the funeral directors building and the adjoining properties further to the north. It would also be sited much further back from the Bullfields frontage in relation to the listed cottage to the south, the side elevation of which abuts the pavement edge along Bullfields. It would be only marginally higher than the ridge height of the funeral directors building and at a lower level than the properties to the south. As such, despite its full two storey height, the proposed building would not appear overly prominent in the street scene of Bullfields nor would it appear dominating in relation to surrounding buildings.
8. Whilst the bulk and depth of the building extending towards the rear of the site would be visible from Bullfields it would be more readily apparent in views from Station Road where it would be visible above the rear boundary fence of the adjoining fire station. There is a large open forecourt area to the side of the buildings on the fire station site through which the upper side elevation of the existing funeral directors building can be seen.
9. Given that the proposed building would be at the same level as the funeral directors, only the upper level and roof would be likely to be visible above the fence which marks the rear boundary of the fire station site. It would be quite close to this boundary such that there would be no space for any planting. Whilst this side wall with hipped roof over would present a lengthy elevation in this view, it would be partly 'hidden' behind the building on the fire station site and the articulated roof form, with lower central 'link' element, would provide some interest and assist in reducing the visual impact of the building. Given these factors and that it would be set back some distance from the Station Road frontage it would not appear prominently in this street scene.
10. In terms of proximity to boundaries, whilst the building would be sited close to the southern boundary it would mostly adjoin the open areas to the rear of the fire station site. The distance to the other side boundary would be more generous, particularly to the rear of the site but not such as to result in any harmful impact on the street scene. The pattern and layout of adjoining buildings is varied with only small gaps maintained to the side boundaries of the bungalow to the north of the funeral directors, with the latter having wider gaps to side boundaries. The open area retained to the front of the appeal site

would allow for some tree planting to be introduced thus maintaining a feeling of openness in the streetscene and further planting to the rear would provide some screening in views from this aspect. In these circumstances I do not consider that the development would appear cramped within the street scene nor would it be an overdevelopment of the site.

11. Overall, for the above reasons, I consider that the proposed building would sit comfortably on the site and within the wider street scenes of both Bullfields and Station Road. It would not have a harmful impact on the character or appearance of the wider site surroundings. In addition, it would preserve the character and appearance of the adjoining Sawbridgeworth Conservation Area and the setting of the listed buildings at Nos. 15 and 17 Station Road. It would thereby accord with Policies DES4, HOU2 and HA4 of the East Herts District Plan (2018) (DP) which seek a high standard of design and layout that promotes local distinctiveness and makes best possible use of available land by respecting the character of the site and surrounding area. They also seek to ensure that development preserves or enhances the special interest, character and appearance of the area by amongst other things, respecting established layouts and patterns and be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area.
12. DP Policy HOU11 is cited in the Council's decision notice but as this relates to extensions and alterations to dwellings it seems to me that it is not relevant.
13. I also find no conflict with the policies of the National Planning Policy Framework (the Framework) that seek well designed places that function well and are sympathetic to local character. In terms of the impact on heritage assets, I find that no harm would arise and the significance of the heritage assets affected would be conserved in a manner appropriate to their significance.

Other Matters

14. The Council concluded that there would be no adverse impact on the living conditions of the occupiers of neighbouring properties. However, I note that the occupiers themselves remain concerned with regard to loss of privacy and light and the potential overbearing nature of the development. I have had regard to the information, including photos, provided in this respect and have taken into account the distances maintained and relationships that would arise as a result of the appeal proposal on my site visit. Whilst I did not enter any of these adjoining properties, I consider that there was sufficient information to assess the impact.
15. The proposed building would be located some distance to the south of the dwellings in Walnut Tree Crescent which lie to the north of the appeal site. In the case of No. 14, it would be separated from it by the funeral directors site albeit the rear part of the building would be visible from this and other properties. However, taking into account the separation distances and the relative position and orientation of the building on the appeal site itself, being to the south and set away from the northern and western boundaries, no significant overbearing impact or loss of light would be introduced. With regard to possible overlooking, I note that there would be first floor windows in the north and west elevations which would face towards these properties. However, taking into account the distance of the building from the site boundaries and the opportunity for some screen planting to be introduced,

together with the overall separation distances from these existing properties, I consider that there would be no unacceptable loss of privacy.

16. In relation to Nos. 15 & 17 Station Road, the proposed building would be set back into the site such that only oblique / angled views would be obtained from first floor windows. Whilst the building would be closer to these properties, the separation distance and would also be sufficient so as to avoid any unacceptable impact on outlook.
17. I therefore concur with the Council on this matter and consider that the living conditions of the occupiers of adjoining and nearby properties would not be harmfully impacted.
18. A number of residents have also expressed concern regarding the level of parking provision, particularly in the context of apparent high levels of on street parking in the vicinity of the site. However, I note that the proposed provision meets the Council's standards and I consider that it would be satisfactory bearing in mind the accessible location of the site.

Conclusions

19. The Council has suggested a number of conditions which I have reviewed taking into account the 'tests' set out in paragraphs 55 and 56 of the Framework. A condition to relate to the approved plans is necessary for the avoidance of doubt. Conditions to require details of materials and landscaping are necessary in the interests of the environment and to preserve the character of the conservation area.
20. A condition to secure the provision of suitable car and cycle parking, as well as bin storage areas, is necessary to ensure that the development is adequately served in this regard and does not impact unacceptably on the highway. Conditions are also suggested to ensure appropriate noise levels are maintained and the impact on air quality and use of natural resources within the development is minimised. These are necessary to provide a suitable living environment for the occupants and to ensure that the development responds appropriately to climate change in accordance with local and national policy.
21. A number of conditions are suggested relating to the construction phase of the development. These are necessary to minimise the impact of the development on the amenity of the surrounding area, but in the interests of clarity, I have amalgamated these requirements into a condition to require a construction management plan. A separate condition to control hours of construction works is appropriate and necessary in the interests of the amenity of neighbouring residential properties.
22. Subject to the above conditions, and for the reasons set out, I find that the proposal would accord with the development plan and there are no material considerations that indicate a decision otherwise.
23. I therefore conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR

Annex: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) This development hereby permitted shall be carried out in accordance with the following approved plans: location plan (1:1250); block plan (1:500); BAS223-101A (proposed site plan); BAS223-102 (proposed floor plans); BAS223-103 (proposed elevations); BAS223-104 (proposed elevations); BAS223-105 (proposed elevations); BAS223-106a (proposed floor / elevations); BAS223-107 (proposed floor / elevations).
- 3) Prior to commencement of the proposed development, a noise assessment shall be submitted to the Council for approval of external noise levels, including reflected and re-radiated noise, and details of the sound insulation of the building envelope and of acoustically attenuated mechanical ventilation as necessary to achieve the internal room and external space amenity noise standards in accordance with the criteria of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The approved details shall be implemented prior to occupation of the flat to which it relates and thereafter be permanently retained.
- 4) No above ground works shall commence until details to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 5) No above ground works shall commence until details / samples of the materials to be used in the external construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) No above ground works shall commence until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Planting plans (c) Schedules of plants, noting species, to include those to encourage wildlife, planting sizes and proposed numbers/densities where appropriate. The approved scheme shall be implemented within the first planting season following completion of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
- 7) None of the flats hereby permitted shall be occupied until the bicycle and bin / recycling storage facilities, parking spaces and vehicle manoeuvring areas clear of the public highway as indicated on the approved plan BAS233-101A have been provided. As part of that provision, the areas used by vehicles shall be surfaced in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include means to ensure that surface water from the site is intercepted and disposed of separately so that it does not discharge onto the highway. These areas shall thereafter be retained as such to serve the development.

- 8) No flat hereby permitted shall be occupied until an electric vehicle charging point has been provided to serve that unit in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 9) Site demolition, preparation and construction and all associated works, including the operation of plant or machinery, shall not take place before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 10) The construction of the development shall be undertaken in accordance with a construction management scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
 - a) Measures to ensure that vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway,
 - b) Details of person(s) and contact details to enable residents to make contact during construction works.
 - c) Details of how construction waste is to be contained on site and removed / disposed of.
- 11) The development hereby approved shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying each dwelling will not exceed 110 litres per person per day as measured in accordance with the latest methodology approved by the Secretary of State. The dwelling shall not be occupied unless the notice 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.
- 12) Any gas-fired boilers installed shall meet a minimum standard of <40 mgNO_x/kWh.



Appeal Decisions

Site visit made on 17 May 2022

by **Michael Boniface MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal A Ref: APP/J1915/W/21/3284616

Sprangewell Centre, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- 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 Simon Constance against the decision of East Hertfordshire District Council.
 - The application Ref. 3/21/1364/HH, dated 20 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is removal of the existing flat roofed porch and replacement with an enclosed porch.
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Appeal B Ref: APP/J1915/Y/21/3283908

Sprangewell Centre, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Simon Constance against the decision of East Hertfordshire District Council.
 - The application Ref. 3/21/1365/LBC, dated 20 May 2021, was refused by notice dated 30 July 2021.
 - The works proposed are removal of the existing flat roofed porch and replacement with an enclosed porch; and internal alterations to remove an existing sliding door and frame and block up opening, insert new door and replace Acrow prop supporting steel beam in the cellar.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal site is located within the Green Belt but the Council concludes that the proposal would not constitute inappropriate development in the terms of the National Planning Policy Framework (the Framework) and has found no conflict with Green Belt policies within the development plan. I have no reason to disagree.
4. As the proposal relates to a listed building I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. During my site visit I noted that the internal sliding door to the kitchen had been removed, the opening blocked, and a new door installed as shown on the

proposed plans. Notwithstanding this, I have considered the appeal on the basis of the plans submitted.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, Sprangewell Centre, Poles Lane, and any of the features of special architectural or historic interest that it possesses.

Reasons

7. Sprangewell Centre is listed at Grade II and forms the middle terrace of one of three dwellings within a large former house dating from the early C19 and incorporating a C17 building. The building is an impressive two storey white-painted brick building with pedimented stucco centre Dart framed by pilasters, topped by a large triangular pediment. It presents a high degree of symmetry despite its subdivision into three properties and some later alterations. All of this contributes to the buildings significant architectural and historic interest.
8. There is an existing porch canopy over the door serving Sprangewell Centre that appears to be a relatively modern and rather crude addition to the building, with its plywood and felt roof construction. That said, its simple supports make it a lightweight structure that obscures the existing building only to a limited extent. Whilst its removal would be a heritage benefit, I am not persuaded by the brief Heritage Statement submitted that this would justify the proposed enclosed porch. The proposed porch would detract from the strong symmetry and balance of the existing building and highlight the multiple entrances now serving the building.
9. A similar porch to that being sought has been constructed at Sprangewell West, but that structure is less prominent when viewed from the public realm, and in any case does not justify further harm to the listed building.
10. The relocation of a doorway to the kitchen within a modern stud partition wall and replacement of relatively modern kitchen units would have a neutral effect on the listed building. The submitted plans are clear that these works would not affect historic fabric and I am therefore satisfied that sufficient information has been provided to assess the proposal. The existing Acrow prop in the cellar is showing signs of corrosion and its replacement with a more permanent solution would protect the longevity of the listed building.
11. Overall, the harm to the listed building would be less than substantial in the terms of the National Planning Policy Framework (the Framework) but is nevertheless of considerable importance and weight. No public benefits have been identified that would outweigh this harm, notwithstanding that the existing insensitive porch would be removed and the replacement of an existing Acrow prop would be a beneficial measure in the long-term maintenance of the building.
12. The proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies HA1 and HA7 of the East Herts District Plan 2018, which seek to conserve heritage assets. As a result, the proposal would not be in accordance with the development plan.

Conclusion

13. In light of the above, the appeals are dismissed.

Michael Boniface

INSPECTOR



Appeal Decision

Site visit made on 30 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: **30 SEPTEMBER 2022**

Appeal Ref: APP/J1915/W/22/3290153 **33 Wellington Street, Hertford SG14 3AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Simon Hart against East Hertfordshire District Council.
 - The application Ref 3/21/1803/HH, is dated 6 July 2021.
 - The development proposed is a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations at 33 Wellington Street, Hertford SG14 3AN in accordance with the terms of the application, Ref 3/21/1803/HH, dated 6 July 2021, 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 plan: P01-SRH-2021.
 - 3) Prior to the commencement of development, full details of the external materials of construction for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the Hertford Conservation Area;
 - the effect of the development upon the living conditions of the occupiers of neighbouring dwellings; and
 - the effect of the development on the highway system.

Reasons

Character and appearance of the Conservation Area

3. The appeal site is located in the Hertford Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed dwelling, constructed from varying materials palettes arranged in broadly linear patterns.
4. The proposed development would include changes in the fenestration of the building and the removal of the garage door. Whilst this would change the appearance of the appellant's dwelling, this would be viewed alongside buildings in the surrounding area that are constructed to different appearances. Therefore, the development would not be incongruous in this regard.
5. There are several terraces of houses and semi-detached dwellings nearby that feature some variations in terms of material palettes. This creates a varied character. Therefore, the proposed development would not be discordant even though the appellant's dwelling would feature a different colour material when compared to the neighbouring dwelling.
6. The proposed development would include the provision of dormer windows. However, these would be sited on the rear roof slope. Therefore, the proposed development would not be readily viewable from the public viewpoints in the surrounding area. In addition, the dormer windows due to the separation distance would not be readily viewable from the neighbouring dwellings in Fanshawe Street.
7. Several of the surrounding dwellings feature front roof lights. In result, the proposal would not erode the overall character of the surrounding area. There are also a limited number of dormer windows in the surrounding area, which lessens the effects arising from the proposed development.
8. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conform with the requirements of Policies HA1; HA4; DES4; and HOU11 of the East Hertfordshire District Plan (2018) (the District Plan); and Policy HBH2 of the Bengeo Neighbourhood Area Plan (the Neighbourhood Plan).
9. Amongst other matters, these seek to ensure that new developments avoid unnecessary uniformity in external design; preserve and where appropriate enhance the historic environment; be of a scale, proportion, form, height, design, and overall character that accords with and complements the surrounding area; and reflect and promote local distinctiveness

Living conditions

10. The proposed development would feature dormer windows in the rear roof slope. The appeal site includes a relatively large garden to the rear. Similarly proportioned dwellings are located in the wider area, including the neighbouring properties. Dwellings in the surrounding area are typically arranged in broadly linear patterns. To the rear of the appeal site are several dwellings in Fanshawe Street.
11. Although some views towards the neighbouring dwellings would be possible from the dormer windows, the general arrangement of properties in the

surrounding of the appeal site is such that views towards neighbouring properties would be typically made at an oblique angle.

12. In addition, views towards the properties in Fanshawe Street would be generally diffused by reason of the distance and the presence of landscaping. In consequence, the proposed development would not result in the loss of privacy for the occupiers of neighbouring properties.
13. By reason of the scale and positioning of the proposed dormer windows, there would not have an adverse effect upon the levels of light and outlook enjoyed by occupiers of neighbouring dwellings.
14. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conform with the requirements of Policy DES4 of the District Plan; and Policy HBH2 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that new developments protect the amenity and privacy of existing and future residents; and avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Highways

15. The proposed development features a garage and a driveway. As part of the proposed development, the garage would be converted to a room, although the driveway would remain in situ. The immediate surroundings of the appeal site can be characterised by residential accommodation. The appeal site is also near to the town centre.
16. Although the proposed development would result in the loss of a car parking space due to the removal of the garage, the proposed development would not result in the creation of additional bedroom. This means that the proposed development would not result in increased vehicle movements. In reaching this view, I have had regard to the basement alterations, which are also unlikely to result in a greater number of people visiting the site.
17. In addition, the appeal site is close to public transport routes. This means that residents would have alternative means of transport instead of use of private cars.
18. Although several of the neighbouring dwellings do not feature off-street parking spaces, the potential increase in demand for car parking spaces would be relatively small, particularly due to the nature of the appeal site's location and therefore would not give rise to adverse effects.
19. In addition, occupiers of the development would be near to the town centre and areas of public open space. These would be readily accessible via means other than private cars. In consequence, the proposed development would not result in an increase in vehicle movements owing to the accessibility of other locations. This also means that vehicles would not be displaced onto the surrounding street network, which might otherwise erode highway safety.
20. I therefore conclude that the proposed development would not have an adverse effect upon the highway system. The development, in this regard, would be in conformity with Policy TRA3 of the District Plan. Amongst other matters, this

seeks to ensure that vehicle parking provision associated with development proposals is assessed on a site-specific basis.

Conditions

21. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. Although there is a variety of materials in the surrounding area, a condition that would enable the Council to approve the details of the building materials is necessary given the character of the surrounding area.
22. The proposed development includes a side window to a porch. The Council has suggested that this be fitted with obscure glass. However, the window would serve a porch and the views towards the neighbouring property would be made at an oblique angle. Therefore, the development would not lead to an erosion of the privacy levels of the occupiers of the neighbouring property. Therefore, such a condition would not be necessary or reasonable.

Conclusion

23. For the preceding reasons, I conclude that the appeal should be allowed and planning permission granted, subject to conditions.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 30 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: 14th September 2022

Appeal Ref: APP/J1915/W/21/3286727 Wadesmill Road, Kings Hill, Ware SG12 ORD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 CK Hutchinson Networks (UK) Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/21/2145/TEL, dated 6 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a proposed telecommunications installation: an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Wadesmill Road, Kings Hill, Ware SG12 ORD in accordance with the terms of application Ref: 3/21/2145/TEL, dated 6 August 2021, and the plans submitted with it.

Procedural Matters

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development.
3. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of an open area adjacent to the highway. The surrounding area contains several mature trees. The topography of the vicinity

is varied in that the land slopes upwards from both sides of the road. The wider area contains a large number of residential dwellings constructed to a variety of scales and designs. These give the area a suburban character.

6. The proposed development would result in an increase in the overall level of built form. However, the increase would be kept to a minimum due to the relatively narrow width of the monopole. In addition, the proposed development's equipment cabinets would be relatively small. Therefore, the design of this element of the development would not lead to an erosion of the area's character.
7. In addition, the proposed monopole would be viewed alongside other street furniture in the vicinity. The existing street furniture in the surrounding area, such as lamp posts, are smaller than the appeal proposal would be. However, the presence of street furniture occurs on a relatively frequent basis and contributes to the area's suburban character. This means that the proposal's siting would not erode the area's character in this regard.
8. Furthermore, the appeal site would not be prominently located. There are several mature trees in the wider area which would provide a notable amount of screening. In addition, there are grass banks on either side of the road. This means that the proposed development would not be prominent when viewed from significant portions of Wadesmill Road, or the residential accommodation in the surrounding area.
9. The proposed development would be viewed against a backdrop that includes some dwellings that are constructed to different designs. This means that the proposal would be viewed alongside a more developed context. Although some of these views are of a more fleeting nature, due to distance and topography, they contribute to a more urban character. The development would not be incongruous in this context.
10. In addition, Wadesmill Road features several gentle curves. This means that there would be limited direct views of the appeal site and the proposed installation. This further reduces the prominence of the appeal proposals. This is because the effects would be limited as views of the development from further away would be diminished.
11. In consequence, the proposed development would not result in a significant change to the overall suburban character of the appeal site's vicinity.
12. The Council have suggested that the proposed development could be more suitably located in other locations. These locations have been assessed by the appellant. Whilst I have had regard to the Council's suggestion, I am conscious that if the development were to proceed in other locations, the development is likely to result in the removal of some of a tree canopy, or a reduction in the overall width of the pavement.
13. In consequence, such sites would lead to an adverse effect upon the character and appearance of the surrounding area given that the presence of mature trees is an important characteristic in defining the relevant area's more suburban character. Furthermore, the reduction in the size of the pavements is likely to deter residents from travelling to other locations on foot. These are characteristics that would not be associated with the appeal site and its surroundings. Therefore, for the preceding reasons, I do not believe that there

are suitable alternative sites that might accommodate this development. Accordingly, this suggestion does not allow me to disregard my previous findings.

14. The development, in this regard, would be in conformity with Policies ED3 and DES4 of the East Herts District Plan (2018). Amongst other matters, these require that telecommunications equipment should be sympathetically and appropriately located; and that developments reflect and promote local distinctiveness.
15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. Therefore, the proposed siting and appearance of the development would be in conformity with the Framework in this regard.

Other Matters

16. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
17. The Council has suggested conditions to be imposed in the event that I am minded to allow the appeal. However, the GPDO provides the timescales for the implementation of the development and requires that developments be carried out in accordance with the submitted details. Therefore, such conditions are not necessary.

Conclusion

18. The development would not have an adverse effect upon the character and appearance of the surrounding area arising from its siting and design. Therefore, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 21 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/J1915/W/22/3294678

Land adjacent to 1 Coltsfoot Lane, Bulls Green, Knebworth, SG3 6SB

- 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 David Brown against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2474/FUL, dated 24 September 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as '*Proposed new 5 bedroomed dwelling with integral double garage on former garden land at No 1 Coltsfoot Lane, situated between Nos 1 and 7 Coltsfoot Lane*'.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed new 5 bedroomed dwelling with integral double garage on former garden land at No 1 Coltsfoot Lane, situated between Nos 1 and 7 Coltsfoot Lane at Land adjacent to 1 Coltsfoot Lane, Bulls Green, Knebworth, SG3 6SB in accordance with the terms of the application, Ref 3/21/2474/FUL, dated 24 September 2021, subject to the conditions set out in Appendix A.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - 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;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal would be in a suitable location, with particular reference to policies concerned with accessibility to services;
 - The effect of the proposed development on highway safety with regard to visibility splays.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts and is an important material consideration. Policy GBR1

of the *East Herts District Plan 2018* (LP) sets out that planning applications in East Herts will be considered in line with the provisions of the Framework.

4. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
5. Paragraph 149 sets out exceptions to inappropriate development which includes part e); '*limited infilling in villages*'. The appeal site in this case is a parcel of land located between Nos 1 and 7 Coltsfoot Lane, as shown on drawing 2007-01 Proposed Block Plan. It would be limited in nature through the erection of a single dwellinghouse.
6. It would be located between two existing dwellings, and having spacing arrangements between the proposed and existing built form not dissimilar to those found in the local area. It would fill a gap between buildings in an otherwise built-up frontage. As such, it would represent infilling in this case.
7. Lastly it would be within the settlement of Bulls Green. During my site inspection I saw that this settlement is clustered around and along the highways such as Coltsfoot Lane, Bramfield Road, Burnham Green Road – which leads to the settlement of Burnham Green - and Queen Hoo Lane. The facts on the ground clearly indicate that this settlement is a village in planning policy terms.
8. Accordingly, whilst noting the Council's position that they consider it would not benefit from this exception, following my considerations above I find that the proposal would represent limited infilling in a village. The proposed development would therefore benefit from the exception set out in Paragraph 149, part e) and as such does not represent inappropriate development in the Green Belt. It would therefore comply with Policy GBR1 of the LP.

Character and appearance

9. The appeal site is an approximately rectangular-shaped undeveloped parcel of land that lies adjacent to the centre of the settlement of Bulls Green. I understand that it was formerly located within the residential curtilage of no.1 Coltsfoot Lane. The proposal seeks the erection of a five bedroom, two storey dwelling with integral double garage and associated access and landscaping.
10. The street scene is generally characterised by large detached or semi-detached two storey houses set back from the highway. For example, opposite the appeal site, to the north as shown on drawing 2007-01 Proposed Block Plan there are two large, detached dwellings with detached double garages within their grounds. Similarly, Nos 1 and 7 Coltsfoot Lane are also large, detached houses with footprints not entirely dissimilar to that proposed. Whilst I concur with the Council's assessment that 'there is no uniform character'¹ within this part of the settlement, it is clear that the scale, mass, and design of the proposed dwelling is not out of keeping with the character of the area.

¹ See Page 2, Paragraph 3.5, Statement of Case, East Herts Council

11. I acknowledge that there would be a change in the character of the appeal site from its currently open form to that of a developed nature through the erection of a new dwelling. However, the proposed scheme is not out of keeping with the character or appearance of this part of the settlement. The proposed dwelling would continue to be set back from the highway; as is typical of the wider street scene. Moreover it would be possible, through the use of conditions, to secure landscape improvements including soft and hard landscaping in order to promote and enhance that already found locally.
12. I therefore find that the proposed development would not result in harm to the character and appearance of the area. As such, it would accord with Policies VILL3, DES3 and DES4 of the LP, which, amongst other aims, seek to ensure that all development should be well designed and in keeping with the character of the village, that developments demonstrate how they will retain, protect and enhance existing landscape features and promote local distinctiveness.

Accessibility of services and facilities

13. The appeal site is located in Bulls Green. This settlement has extremely limited services; essentially a public house. More widely the Council confirmed in the Officer's Report that day-to-day services could be provided in Burnham Green, Datchworth, Watton at Stone and Welwyn Garden City. These are all in three miles of the appeal site. Access to the national arterial route of the A1(M) is also within a similar distance from the appeal site.
14. The initial journey to access these services would take place along the narrow, unlit and winding country roads that lead to the settlements. In practical terms, these would not be conducive to occupiers with young children, older persons, or people with mobility issues. In terms of bus services, I understand that these are infrequent; roughly one or two journeys a day. The reality, therefore, is that future occupiers are likely to be reliant upon private motor vehicles for a majority of their journeys when accessing local services in nearby settlements.
15. Paragraph 105 of the Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Existing residents of Bulls Green will presumably also utilise a number of transport solutions to meet their day-to-day needs. The appeal site is not entirely well-placed for future residents to access day-to-day services and facilities other than by traveling via private motorised transport. At the same time, future residents would utilise transport modes similar to neighbouring occupiers. The fact of rural life is that private motor vehicles are typically the primary mode of transport. Nonetheless, it is possible, through the use of appropriately worded planning conditions to secure an electrical vehicle (EV) charging point at the appeal site, which would encourage a move away from internal combustion engine private motor vehicles.
16. Moreover, the settlements of Datchworth, Knebworth, and Burnham Green are located a short distance to the north, north west and south west respectively. These provide further day to day services and facilities such as village halls, pre-schools, public houses, railway stations, and/or convenience stores. A little further to the north is Stevenage, and to the south west is Welwyn Garden City, with the A1(M) located a short drive from the appeal site. These larger

settlements will no doubt provide further services for existing residents of the settlement and potentially for future occupiers of the proposal.

17. Future occupiers would likely be reliant upon private motor vehicles for most day-to-day activities. The site is, nonetheless, served by infrequent bus routes, with railway stations and access to the A1(M) located a short distance from the appeal site. It would also be possible for future occupiers to use other public transport options such as taxi services from nearby larger settlements such as Welwyn Garden City. There is also the opportunity to provide an EV charging point which would encourage the move to electrical vehicles.
18. Accordingly, the proposal would be in a suitable location, with particular reference to policies concerned with accessibility to services, given these considerations above. I therefore find that the proposal would accord with Policies DPS2, VILL3, and TRA1 of the LP, which, amongst other aims, seek to ensure a range of sustainable transport options are available to occupants. It would also accord with the aforesaid Policies of the Framework, including recognising the different needs between urban and rural areas.

Highway safety

19. In terms of highway safety, I note that the visibility splays lie outside of the appeal site, the Appellant has demonstrated (see Drawing 2007-12 Rev A at Appendix 10 of their statement) that the provision of the splays is possible. There is no evidence suggesting that these would not be appropriate to the scale and size of the proposed development. I am reinforced in this conclusion by the fact the local highways authority has not objected to the proposal on highway safety grounds.
20. There are trees to the west of the access which are subject to a Tree Preservation Order (TPO). These lie outside the appeal site, but potentially within the required visibility splays. I note the Council's concerns that a full tree survey has not been submitted. However, as the Council acknowledge whilst there may be some pruning of the trees required, it is not likely that the trees would need felling. Moreover, any works to the tree(s) subject to the TPO, if required, would require further approval from the local planning authority. It is also possible, through the use of appropriately worded planning conditions, to secure landscaping within the appeal site which would fulfil the requirements of s197 of the TCPA and the duty for the preservation or planting of trees.
21. Accordingly, the proposal would accord with Policies TRA2 and DES3 of the LP, which, amongst other aims, seek to ensure safe and suitable access can be achieved for all users.

Other Matters

22. A number of concerns have been raised by interested parties. I now consider these before considering the imposition of any planning conditions and a final conclusion.
23. In terms of the proposal setting a precedent elsewhere within or nearby to the settlement, it is well established planning practice that each proposal is considered on its own merits; as I have done here. Granting permission in this case does not mean that other similar proposals would also have to be granted.

24. I note concerns raised over ecology and the potential presence and/or usage of the site for bats, birds and other species. An ecological survey has been undertaken by a person holding both Bat and Great Crested Newt Licenses issued/approved by Natural England, and membership of the Chartered Institute of Ecology and Environmental Management (CIEEM). Put simply, this report does not find any significant ecological impact arising from the development on protected species. Given the paucity of detailed evidence to the contrary I see no reason to disagree.
25. My attention has been drawn to a dismissed appeal decision from 2019, ref 3208037 at Rats Castle Cottage nearby. However, this relates to a different site, within a specific context (for example the setting of a Grade ii listed building). It does not, therefore, alter my assessment of the scheme before me.
26. In terms of concerns over privacy and overlooking, in the main openings would be situated to the front and rear of the proposed building. These would either overlook the highway and front 'garden' area of the building, or the rear garden area. Any views of adjacent dwellings would be at oblique angles and over a distance given the angles and relative layout of building footprints. There are windows proposed in the flank wall as shown on drawing 2007-04 serving bedrooms 3 and 4 as labelled on the plans. These could be conditioned so as to be obscured glazed and fixed shut, which would mitigate any overlooking from them.
27. In terms of loss of light, there are gaps between the existing and proposed buildings – which for Nos 1 and 7 include garages (built or otherwise approved). The height of the proposed building is not dissimilar to the adjacent buildings, and the rear gardens face approximately south. The combination of the gaps between the built form, relative building heights and layouts, and the south facing aspect mean that any loss of direct and/or indirect light is likely to be minimal and not materially harmful to neighbouring occupiers.
28. The appeal site would be accessed over Common Land, which the Appellant understands is subject to different legislative considerations and applications. That is a separate matter for the main parties to resolve elsewhere.
29. Taking into account other matters raised by interested parties, I do not find, whether individually or cumulatively, they provide justification for the dismissal of the appeal scheme.

Conditions

30. A number of conditions have been suggested by the local planning authority. I have considered these in light of Paragraph 56 of the Framework and the national Planning Practice Guidance and the use of planning conditions. The Appellant has confirmed agreement to the suggested conditions in their final comments.
31. Conditions requiring the proposal to be started within three years and in accordance with the submitted drawings are reasonable and necessary to provide certainty.
32. Conditions requiring details of the vehicle access (including gradients and surface water drainage arrangements) and visibility splays are necessary in order to minimise extraneous material being discharged onto the public

highway. Conditions requiring details of materials, ground levels, landscaping, restricting external lighting, and requiring tree protection measures are put in place are necessary in order to ensure good design.

33. Conditions requiring the installation of a specific gas fired boiler and provision of an electrical vehicle charging point are necessary and reasonable in order to reduce any impacts on air quality on existing and new occupiers.
34. Conditions restricting the exercise of permitted development rights are reasonable in this case given the sites location within the Green Belt and rural settlement. Lastly a condition requiring obscured glazing in the first floor flank windows is necessary for the reasons given in paragraph 26 of this decision.

Conclusion

35. The proposed development would accord with the adopted development plan when considered as a whole, and there are no material considerations indicating a decision otherwise than in accordance with it.
36. For the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions 3294678

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: 2007-01, 2007-02, 2007-03, 2007-04, 2007-05, 2007-06, 2007-07, 2007-08 rev A, 2007-09 rev A, 2007-10 rev A, 2007-11, 2007-12 and 2007-12 Rev A.
3. No development shall commence until details of the proposed vehicular access as indicated in the drawing (Ref 2007-12) from Coltsfoot Lane have been submitted to and approved in writing by the local planning authority. The details shall include gradient, vehicular visibilities and surface water drainage arrangements to ensure there is no water discharge onto the highway carriageway. Thereafter the works shall be carried out in accordance with the approved details.
4. Prior to any above ground construction works being commenced (including any clearing of the site), the external materials of construction for the development hereby permitted shall submitted to and approved in writing by the local planning authority. Thereafter the development should be implemented in accordance with the approved details.
5. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. Concurrent with the construction of the new access, visibility splays of 2.4 metres x 25 metres shall be provided in both (east and west) directions onto Coltsfoot Lane. Thereafter they shall be permanently maintained as such, within which there should be no obstruction to visibility between 600mm and 2 m above the carriageway level.
7. No external lighting shall be provided without the prior written permission of the local planning authority.
8. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing by the local planning authority. These 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.
9. 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, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, (or any subsequent relevant British Standard or guidance), 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 no later than 14 days after such events have occurred, 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 local planning authority.

10. Any gas-fired boiler to be installed shall meet a minimum standard of <math><40 \text{ mgNOx/kWh}</math>. Thereafter the gas-fired boiler will be maintained in good working order and shall only be replaced by another of equivalent or better emission levels.
11. Prior to occupation of the development, a single electric vehicle charging point per dwelling shall be provided. Thereafter, the electrical vehicle charging point shall be retained and maintained in good working order.
12. 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, Classes A, AA, and B of the Order shall not be undertaken without the prior written permission of the local planning authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no works or development as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without the prior written permission of the local planning authority.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amending Order, no works or development as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the local planning authority.
15. The building hereby permitted shall not be occupied until the windows at the first floor east flank wall serving Bedroom 4 and Bedroom 3 as shown on drawing 2007-04 have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

*****END OF CONDITIONS*****



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/J1595/D/22/3301201

7 Ellison Close, Hunsdon, Herts SG12 8FG

- 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 Steve Lynch against the decision of East Herts Council.
 - The application Ref 3/22/0300/HH, dated 10 February 2022, was refused by notice dated 14 April 2022.
 - The proposed development is erection of single storey ground floor rear extension and erection of first floor side extension.
-

Procedural Matter

1. The Council included the 'partial garage conversion and new ground floor side window opening' in the description of the development. As this more accurately describes the development I will use this in my decision below.

Decision

2. The appeal is dismissed in respect of the first floor side extension.
3. The appeal is allowed and planning permission is granted for single storey ground floor rear extension, partial garage conversion and new ground floor side window opening at 7 Ellison Close, Hunsdon, Herts SG12 8FG, in accordance with the terms of application ref: 3/22/0300/HH dated 10 February 2022 and 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, which for the avoidance of doubt only relates to the single storey ground floor rear extension and partial garage conversion and new ground floor side window opening, shall be carried out in accordance with the following approved plans: 001/P3 (site location plan); 003/P3 (site plan); 010/P3 (existing plans); 011/P3 (existing roof plan); 040/P3 (existing elevations); 050/P4 (proposed site plan); 100/P5 (proposed ground floor plan); 101/P4 (proposed roof plan); 400/P5 (proposed elevations).
 - 3) The materials to be used in the external surfaces of the development shall be as specified on the submitted application forms / plans or such other materials, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Main Issue

4. The main issue is the impact on the character and appearance of the host dwelling and wider street scene.

Reasons

5. The appeal site is located within a small cul-de-sac development of recently constructed dwellings of contemporary design. Whilst there is some variation in terms of the size, design and appearance of the dwellings, they provide a distinctive group of well designed, harmonious buildings. They generally comprise one and a half or two storeys, with some common features such as pitched roofs and attached single storey elements to the side.
6. The dwelling on the appeal site is one of three identical properties located on the north side of the cul-de-sac. They all have pitched roofs with attached flat roof garages with parapet edge, set back from the front elevation. The first floor accommodation is set partly within the roofspace such that the dwellings are of one and a half storey appearance.
7. The proposed first floor side extension would be above the existing garage and thus set back from the main elevation of the dwelling, with slightly lower ridge height and would be of a design and appearance that would reflect the simple pitched roof form of the host dwelling. However, notwithstanding the above, it would add considerable bulk to the dwelling when viewed in the street scene, appearing as a competing element to the host dwelling.
8. It would also result in the loss of the existing parapet edged, flat roofed garage which is a particular feature of this small group of three dwellings. The uniform appearance of the single and one and a half storey elements of this group, created by the dwellings and their attached garages, provides a pleasant rhythm and pattern to the existing group that would be harmfully disrupted by the proposed first floor addition.
9. I note that some of the other dwellings in the close have attached pitched roof garages. However, these generally appear as separate elements, albeit attached to the main dwelling by flat roofed links, to full two storey dwellings and thus do not appear as a dominant or competing element.
10. The Appellant has provided a number of local examples of first floor and two storey extensions within the local area; however, I have considered the appeal proposal in the light of the particular site circumstances having regard to the distinctive design of the host dwelling and the group of which it is a part. I do not therefore find these examples to be comparable.
11. I therefore find that the proposed first floor extension would be harmful to the character or appearance of the host dwelling and wider street scene. It would thereby conflict with Policies VILL1, HOU11 and DES4 of the East Herts District Plan (2018) which seek a high standard of design and layout that promote local distinctiveness, are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition to the dwelling. In addition, I find that the proposal would not contribute towards achieving well designed places nor would it result in the creation of high quality, beautiful and sustainable buildings and would therefore fail to satisfy the National Planning Policy Framework.

12. However, I concur with the Council's view that the single storey rear extension and partial garage conversion would be sympathetic to the host dwelling. The extension would continue the form and height of the parapet roof of the garage roof to which it would be attached thus appearing as a complementary addition. The proposed side opening would not introduce any unacceptable overlooking. I therefore find no conflict with the above DP policies in respect of these elements of the proposal.

Conclusions

13. I find that the proposed first floor side extension would be unacceptable for the reasons set out above.

14. However, I find that the single storey rear extension and partial garage conversion would be acceptable. As these elements are physically severable and separate elements of the overall development I intend to issue a split decision. In respect of these elements conditions to relate to the approved plans and to require matching materials are necessary in the interests of proper planning and visual amenity.

15. I therefore conclude that this appeal should be dismissed in part and allowed in part.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 20 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMi IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/J1915/W/21/3285461

Land at Bishops Stortford North, Bishops Stortford, CM23 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bishops Stortford North Consortium against East Hertfordshire District Council.
 - The application Ref X/21/0150/CND, dated 29 March 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref 3/13/0804/OP granted on 2 April 2015.
 - The development proposed is *Erection of up to 2,200 dwellings inclusive of affordable housing; green infrastructure, amenity and formal and informal recreation space; landscaping; development of 2 mixed use local centres; residential development (use Class C3) and the potential for other community/cultural/leisure (Use Class D1 & D2); the potential for commercial floorspace (Use Class B1 a, b and c); a primary school and associated facilities; a further primary school; 4 new junctions (A120, Hadham Road, Rye Street and Farnham Road); estate roads and public transport route; footpaths/cycleways; site profiling/earthworks; a noise bund with barrier; a sustainable drainage system; utilities services including foul water pumping stations; 2 residential garden extensions; and the demolition of 3 dwellings (All matters reserved with the exception of full details of the appearance, landscaping, layout and scale of the residential element of Phase 1 and Access for Phases 1 & 2).*
 - The details for which approval is sought are: Condition 1, section b) which states; *As part of the first reserve matters submitted pursuant to condition 1(a), a Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Phasing Plan.*
 - The reason given states: *To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF. (sic).*
-

Decision

1. The appeal is allowed and the Phasing Plan for the Eastern Neighbourhood details submitted pursuant to condition No. 1. b) attached to planning permission Ref 3/13/0804/OP granted on 2 April 2015, in accordance with the application Ref X/21/0150/CND dated 29 March 2021 and the plan submitted with it labelled 1719/PP/100 Rev C and details contained at Paragraph 3.4, sections i) to x) inclusive, page 3 to 4 of the Statement of Case written by CMYK (Planning & Design) October 2021, are approved.

Background and Preliminary Matters

2. The local planning authority did not issue a decision within the typical timeframe (eight weeks being around the 24 May 2021 as per the registration letter dated 8 April 2021). It also decided to not submit a statement of case as part of the appeal process. It is therefore unclear as to whether the local planning authority would or would not have approved the submitted details had it been in a position to do so.
3. A recommendation to refuse the details was submitted to the District Council by Hertfordshire County Council as the local highways authority, dated 6 May 2021. I have taken this into account in framing the main issue in this case.
4. The main issue is whether the submitted Phasing Plan submitted pursuant to condition 1. b) of the original planning permission is adequate to discharge the condition.

Reasons

5. The submitted drawing (1719/PP/100 REV C) shows the phasing of the Eastern Neighbourhood would take place in ten phases. Within the Appellant's *Statement of Case* October 2021, at paragraph 3.4, the rationale and further detail behind each stage. This details when the road infrastructure would be put in place to serve the approved development.
6. I agree with the County Council this is not as visibly easy to read as a Gantt Chart. It is, nonetheless, clear that the Appellant has carefully considered how the site will come forward and balance the need for construction traffic against the convenience of new and existing residents and businesses. Moreover, the details submitted satisfy the wording of the condition which sets out that 'a *Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels*' is required.
7. With regard to specific numbers in each phase, I understand that there are other Reserved Matters and conditions which would need to be discharged in order to provide specific housing numbers and locations. Nonetheless, the overall size of the parcels, their phasing, and their connections to the wider road network are clear.
8. I therefore find that the submitted details – which include both the submitted drawing and the details in Paragraph 3.4 of the *Statement of Case* – are adequate in order to discharge Condition 1. b) of the original outline planning permission.
9. To be clear I have not considered any other details or conditions, nor have I discharged them. These remain extant as per the original permission Ref 3/13/0804/OP, or have/will be dealt with separately.
10. For the reasons given above I conclude that the appeal should be allowed and the details pursuant to condition 1. b) only are approved.

C Parker

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/J1915/D/22/3295202

Legges Cottage, Fanhams Hall Road, Wareside, Ware SG12 7SD

- 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 Birchenough against the decision of East Herts Council.
 - The application Ref 3/21/2754/HH, dated 28 October 2021, was refused by notice dated 10 January 2022.
 - The proposed development is timber framed storage shed with open bays and a clay tiled roof (retrospective).
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located in an isolated location within open countryside. It comprises the residential property, Legges Cottage, a Grade II listed building, and its extensive residential curtilage / garden area. Further residential properties lie to the east of Legges Cottage all served by a shared gated entrance off Fanhams Hall Road, a 'restricted' byway.
4. The area of garden within which the building the subject of this appeal is located to the west of the cottage and its immediate garden area and is separated from it by hedging. The Council confirms that planning permission was granted for a change of use of the land from agricultural to residential a few years ago. However, whilst it has a residential use, it appears as a separate less 'domesticated' area, though I note that it appeared to be mown and new planting had been carried out.
5. The existing building for which retrospective permission is sought is located towards the northern boundary of this area and is accessed via a separate access marked by a timber gate off the byway. A belt of trees lies to the north of the building extending along the boundary with the byway and the public footpath that runs from it in a south-westerly direction to the west of the appeal site. These trees provide some screening but the existing building is visible from both these rights of way.
6. The site and its surroundings lie within an area designated as 'rural area beyond the green belt' in the East Herts District Plan (2018) (DP) in respect of which policy GBR2 states that in order to maintain this countryside resource, which is valued for its open and largely undeveloped nature, certain listed

types of development will be permitted provided they are compatible with its character and appearance. This includes the replacement of a building provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and its surroundings. It also includes the limited infilling or partial or complete redevelopment of previously developed sites subject to certain criteria.

7. The appellant contends that there were a number of previously existing buildings on the site which the new building has replaced. Aerial photos show that there were two buildings sited towards the north of the site though of considerably smaller footprint. Other photos show a shed and what appears to be a couple of similar collapsed structures. Whilst the Appellant contends that these buildings had a similar volume to the existing building, on the basis of the information provided it would seem that the new building is significantly larger.
8. The Appellant also suggests that the new building has resulted in a beneficial improvement to the visual appearance of the site and setting of the listed building through the replacement of 'several dilapidated buildings dotted around the site'. The photographs provided appear to show that at least a part of the site was unkempt with some of the structures having collapsed. However, it is my view that the extent of the evidence provided is insufficient to demonstrate this point conclusively.
9. Whilst I acknowledge that the building is not prominent within the wider landscape, I agree with the Council that it can be seen from various points along the byway and nearby footpath, including through the gated access that has been created. Whilst the existing trees along the northern boundary of the site do provide some screening the size and scale of the building is nevertheless evident. At the time of my site visit there were persons using the byway though I acknowledge that its use by vehicular traffic is limited.
10. Overall, whilst I agree that the building has the appearance of a traditional 'rural' barn, it is my view that, by virtue of its size and scale, it detracts from the open character of the site and its surroundings and is therefore not appropriate to the character, appearance and setting of the site bearing in mind the aim of the policy to maintain the open and largely undeveloped nature of the rural area.
11. DP policy HOU11 relates to development within residential curtilages, including residential outbuildings. Although the land on which the building has been built has only relatively recently been given permission for a change of use to garden land, it appears to be common ground between the parties that it can be considered to be within the curtilage of the property and that therefore this policy is relevant. However, the policy takes a similar approach in terms of requiring development to be appropriate to the character, appearance and setting of the existing dwelling and surrounding area and for the reasons set out above, I do not find this to be the case.
12. I therefore find that the development results in conflict with DP policies GBR2, HOU11 and DES4, the latter which also seeks to ensure that development complements its surroundings.

Other Matters

13. I have had regard to the National Planning Policy Framework which seeks to ensure that the planning system contributes to the achievement of sustainable development. The Appellant has highlighted various aspects that are considered to contribute towards the economic and social objectives, including the contribution to the local economy and the benefits arising to the Appellant in providing a secure storage building. However, for the reasons set out above I find that the development is harmful to the natural environment, nor is it sympathetic to local character or the intrinsic character of the countryside. Overall, the negative aspects are such that the development does not contribute to achieving sustainable development.
14. The Appellant has referred to another site relating to an extension to a garage at a residential property. However, the site circumstances do not appear to be comparable and I note that the garage is located much closer to the host dwelling than is the case with this appeal. In addition, as set out above, I do not agree that the building the subject of this appeal is 'not visible from any aspect within the public realm' as suggested by the Appellant and in any event, the visibility of the development is not the only matter to consider in the context of relevant policy.
15. The Appellant also makes reference to a possible fall-back position but appears to concede that permitted development rights do not apply in this case. In any event, there is no evidence in the form of a lawful development certificate and thus this matter cannot be given any weight.
16. It appears to be common ground that the building lies within the setting of the listed building, Legges Cottage, but that no detrimental impact arises. I concur and agree that the setting of the heritage asset would be preserved.

Conclusion

17. I conclude that the development fails to accord with the development plan and there are no material considerations that indicate a decision otherwise.
18. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 2 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/J1915/D/22/3299433

4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/3073/HH, dated 9 December 2021, was refused by notice dated 1 March 2022.
 - The development proposed is the erection of a single storey detached double garage.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mrs Faye Dowd on the planning appeal form, whereas the name appearing on the application form lodged with the Council is Mr Chonnor Dowd. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Chonnor Dowd is the appellant in this case.
3. The reason for refusal refers to Tree Preservation Order (Ref TPO 119 T1). I have assumed this is a typographical error because the reference given on the Tree Preservation Order before me is (No 19) 1976.
4. The appellant has made an application for costs against the Council. This application is the subject of a separate decision.

Main issue

5. The main issue is the effect of the proposed development on the amenity, character and appearance of the local area, with particular regard to the protected oak tree adjacent to the site.

Reasons

6. An oak tree, which is referred to hereafter as the tree, is situated just beyond the front garden of the appeal property. It is protected under Tree Preservation Order (No 19) 1976 (TPO). TPOs offer a mechanism for providing legal protection to trees of significant amenity value, particularly where they are under threat. As an attractive specimen and a substantial and prominent feature within the street scene to which No 4 belongs, the tree makes a significant and positive contribution to the visual amenity of the local area.

7. While the tree is outside the site, the proposed garage would be within its root protection area (RPA) and beneath the canopy, as would most of the new hard surface area leading to it. The RPA is regarded as the minimum area around a tree that contains sufficient roots and rooting volume to maintain the tree's viability. It is an area where the protection of the roots and soil structure is to be treated as a priority.
8. The excavation work required for the building's foundations, drainage and laying of services, if necessary, would all take place within the RPA of the tree, which could cause significant damage to its roots. The stability of the ground that currently anchors the tree could also be disrupted by the development. For all these reasons, the proposal has the potential to cause harm to the tree.
9. The appellant has therefore sought specialist advice and submitted an Arboricultural Method Statement (AMS). The AMS includes a tree survey (TS), a tree protection plan (TPP) and an Arboricultural Impact Assessment (AIA). The AMS states that it has been prepared in accordance with the BS 5837:2012¹. The TS places the tree into category A1.2, which includes trees of high quality with a remaining lifespan of at least 40 years. Any reasons to justify mitigating harm to the tree must, therefore, be convincing.
10. The AIA recommends that protective barrier fencing and temporary ground boarding are put in place around the new addition, as shown on the TPP. It also states that the foundations of the new garage should be designed to an engineering specification with arboricultural advice with any excavation carried out under arboricultural supervision. While I have no doubt that the types of foundation design and general methods of construction outlined in the AIA can be a reasonable form of mitigation against tree damage, the evidence does not clearly demonstrate which particular method would be achievable in this case given local conditions and the development proposed.
11. With a concrete base on compacted clean hardcore to a certain depth, as proposed, so close to the tree, it is difficult to see how its roots, most of which are likely to be in the top 600mm of soil, would not be affected. Damage may also be caused by compaction of the soil structure or from the diversion of rainwater under the built footprint. Based on the evidence before me, therefore, I cannot be certain that the new development would not result in root damage to the tree given the extent of construction within its RPA.
12. I have carefully considered whether a condition could be imposed to ensure that the development is constructed in a way to safeguard the tree. However, it would be inappropriate to secure the fundamentals of construction by condition without reassurance beforehand that the specific method proposed can be delivered on site.
13. There is an existing single storey building just beyond the front garden of No 4, which is also close to the tree and also falls within its RPA. From what I saw, this building appears to have been in place for some time and the circumstances that led to its construction are not before me. Therefore, I share the Council's opinion that the existing building does not, in itself, set a precedent for further development within the RPA not least because additional harm cannot be justified on the basis that some harm may already exist.

¹ BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*

14. Overall, the evidence points to an uneasy and discordant relationship between the tree and the proposed development. From the submitted evidence, the appeal scheme could cause significant harm to the health and longevity of the tree. Such harm has the potential to significantly reduce the positive contribution made by the tree to the visual amenity, character and appearance of the local area. Accordingly, the appeal scheme conflicts with Policy DES3 of the East Herts District Plan, which states that development proposals must demonstrate how they will retain, protect, and enhance existing landscape features that are of amenity value. It is also at odds with an aim of BS 5837:2012, which is to ensure that a harmonious relationship between trees and structures is achieved that maintains in the long term.
15. The appellant has indicated a willingness to revise the scheme and alter the size and location of the proposed garage in the light of any concerns raised. However, the *Procedural Guide: Planning Appeals - England* advises that the appeal process should not be used to evolve a scheme. It adds that what is considered at appeal should essentially be what was before the local planning authority, and on which interested people's views were sought. My remit is therefore to assess the proposal as it is shown on the plans and detailed in the written evidence.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, which includes a representation in support of the proposal, I conclude that the development sought would be contrary to the development plan when taken as a whole. There are no material considerations to suggest a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

Gary Deane

INSPECTOR

Costs Decision

Site visit made on 2 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Costs application in relation to Appeal Ref: APP/J1915/D/22/3299433 4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd for a full award of costs against East Hertfordshire District Council.
 - The appeal was made against the refusal of planning permission for the erection of a single storey detached double garage.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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. The Guidance states that costs that are unrelated to the appeal are ineligible.
 3. That the Council should have determined the application quicker and responded sooner with its concerns about the submitted Arboricultural Method Statement (AMS) is in little doubt. The decision notice, which is dated 1 March 2022, is more than 11 weeks after the application was received. The consultation response from the Council's Landscape Officer, dated 3 February 2022, raising an objection to the scheme in the light of the AMS was sent at the end of the 8-week determination period. The applicant's frustration with this delay is understandable.
 4. However, the AMS, which supported the proposal, is dated 15 April 2021. It was therefore available well in advance of the application submission made in December 2021. The Officer's report cross refers to the consultation response from the Council's Landscape Officer, which assessed the AMS. The Council, therefore, had regard to the AMS in their consideration of the proposal. The application was then refused planning permission because the Council reached a different judgement on the evidence presented in the AMS. The document itself was not ignored nor is there any convincing evidence that the Council withheld planning permission regardless of the findings in the AMS.
-

5. The AMS appears to have been prepared at short notice to support an earlier application for a different scheme, which also included an extension and alterations to the house. The AMS was prepared quickly, and I have no reason to doubt that the applicant incurred extra expense as a result. However, these costs were incurred in relation to the previous application and were not part of the appeal process associated with the proposal before me. Having gone to the considerable expense of commissioning the AMS the applicant is also critical of the Council's failure to then take the document into account. However, this criticism similarly relates to the earlier application and not this appeal scheme.
6. It is not uncommon for new development and associated operations to take place close to protected trees, as the applicant points out. However, to carry out work within the root protection area of these trees requires justification and a technical solution agreed beforehand to prevent damage to the tree(s). The onus is on the developer to provide that information and reassurance.
7. There is an existing garage just beyond the front garden of No 4, which is also close to the protected oak tree and falls within its RPA. However, the presence of this existing structure does not justify the proposal for the reasons given in my decision. Finally, there is no evidence that the Council's Landscape Officer was not appropriately qualified to comment on the application.

Conclusion

8. Overall, for the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **5th September 2022**

Appeal Ref: APP/J1915/D/22/3298779

Andor, Slough Road, Allens Green, Sawbridgeworth 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 Tony Burches against the decision of East Herts Council.
 - The application Ref 3/22/0076/HH, dated 13 January 2022, was refused by notice dated 14 March 2022.
 - The proposed development is removal of conservatory and proposed loft conversion and two storey rear extension and insertion of rooflights to the front.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the host property and street scene.

Reasons

3. The appeal property comprises one half of a semi-detached pair of chalet bungalows. The dwellings are set back from the road frontage behind well planted front garden areas with driveway and parking. The appeal site is located in a relatively isolated rural area in the small settlement of Allens Green within a small group of dwellings that provide a 'ribbon' of development fronting this part of Slough Road.
4. The proposed development includes alterations to the roof at the front of the dwelling to create a single extended roof form. Whilst this would result in a slight change to the appearance of the semi-detached pair, given that the dwelling has already been extended at the front, I do not consider that this would be unacceptable.
5. The main element of the proposal is the loft conversion and two storey rear extension. The existing dwelling has been previously extended to the rear though the proposal would involve the removal of the existing rear conservatory. However, the overall size of the proposed extensions would result in a substantial addition to the property.
6. In terms of its design, it would incorporate a central flat 'crown' roof with half-hipped end resulting in an addition of considerable bulk. This design would not reflect the simple hipped roof form of the host dwelling and would thereby appear as an incongruous addition. Furthermore, taking account of its considerable scale and given that its overall height would match that of the

host dwelling, it would introduce an overly large and dominant addition which would fail to be subservient to the host dwelling.

7. I therefore find that the proposal would be harmful to the character and appearance of the host dwelling and wider area. It would thereby conflict with Policies GBR2, VILL3, HOU11 and DES4 of the East Herts District Local Plan (2018) which seek a high standard of design and layout that promotes local distinctiveness, extensions that are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition to the dwelling.
8. I also find conflict with the National Planning Policy Framework which seeks well designed places that function well and are sympathetic to local character.
9. The Appellant has drawn my attention to the recently constructed two storey detached dwellings to the south east of the appeal site which I noted on my site visit. Whilst these appeared to be sizeable properties, the circumstances in which they were permitted is unclear. In any event, the appeal proposal consists of an extension to an existing dwelling and has been assessed against the relevant policy context taking into account the particular site circumstances.
10. The proposal would provide improved living accommodation for the Appellant's family but this benefit does not outweigh the harm identified above.

Conclusions

11. For the above reasons I find that the proposal would fail to comply with the development plan and there are no material considerations that indicate a decision otherwise.
12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/J1595/D/22/3299209

47 Cambridge Road, Sawbridgeworth CM21 9JP

- 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 Steve Caudle against the decision of East Herts Council.
 - The application Ref 3/22/0171/HH, dated 24 January 2022, was refused by notice dated 25th March 2022.
 - The proposed development is to replace three single roof dormers with a new singular crown roof dormer to the front elevation, replace five single roof dormers with a new singular crown roof dormer to the rear elevation, a new crown roof dormer to the north facing elevation roof and three no. rooflights to the south elevation roof.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact on the character and appearance of the host dwelling and wider area.

Reasons

3. The appeal site lies in a residential 'backland' location to the rear of properties fronting Cambridge Road, accessed via a narrow drive between nos. 45 and 49. The main part of the site is rectangular in shape with the existing dwelling, an L shaped chalet bungalow, sited towards the side (south) and rear (west) boundaries. The dwelling has a pitched tiled roof with individual dormers and rooflights. The main garden area lies to the front of the dwelling in the northern part of the site.
4. The proposed long single crown roof dormers would be set within the existing pitched roof, replacing the existing pitched roof dormers on both roofslopes of the west 'wing' and providing a new single dormer on the north facing roofslope of the south 'wing'. Policy HOU11 of the East Herts District Plan (2018) (DP) states that roof dormers may be acceptable if appropriate to the design and character of the dwelling and surroundings and should generally be of limited extent and modest proportions so as to not dominate the existing roof form.
5. In contrast to the above, the proposed dormers are large additions, extending across almost the whole width of the roofslopes on which they are proposed. In addition, they would occupy almost the whole depth of the roofslopes. As such they would be overly dominant additions. Furthermore, the overly large scale and crown roof design of the dormers would fail to reflect the simple

- pitched roof form of the existing dwelling, resulting in a 'top heavy' appearance.
6. Whilst the dwelling is not readily visible from the main road, the proposed dormers would nevertheless fail to be sympathetic to the design and appearance of the host dwelling. It is noted that the roof of the dwelling can be seen from the car park of the football club to the rear of the site, albeit there is some existing screening that limits the view.
 7. I find that the proposal would be harmful to the character and appearance of the host dwelling and wider area. It would thereby conflict with DP Policy HOU11 and Policy DES4 which seek a high standard of design and layout that promotes local distinctiveness, and seeks to ensure that extensions are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition.
 8. With regard to the National Planning Policy Framework, I find that the proposal would fail to contribute to achieving well designed places nor would it result in the creation of high quality, beautiful and sustainable buildings.

Other Matters

9. The Appellant suggests that the single large roof dormers are necessary to achieve adequate head height within the existing first floor bedrooms and bathrooms. However, it appears to me that whilst they would allow for larger usable areas, they are not essential to achieve reasonable room sizes given the existing arrangement whereby the first floor rooms are served by individual pitched roof dormers. The harm identified is not outweighed by this consideration.

Conclusions

10. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR

NEW PLANNING APPEALS LODGED JULY 2022
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/1834/ODPN	Change of use from office use (Class B1(a)) to residential use (Class C3) to create 10 one bedroom flats and 7 two bedroom flats.	Collier House Mead Lane Hertford SG13 7AX	Refused Delegated	01/07/2022	Written Representation
3/21/2441/HH	Conversion of existing stable building into a one bedroom detached annexe	Jesmond Cottage 2 Cross Road Epping Green SG13 8NG	Refused Delegated	13/07/2022	Written Representation
3/21/2474/FUL	Proposed new 5 bedroomed dwelling with integral double garage and alterations to existing access on former garden land to 1 Coltsfoot Lane, situated between 1 and 7 Coltsfoot Lane.	Land Adjacent To 1 Coltsfoot Lane Datchworth SG3 6SB	Refused Delegated	12/07/2022	Written Representation
3/21/3006/FUL	Erection of access ramp and stairs to create accessible route to widened tow path (1.8 metres) and external alterations to conservatory and window openings	Collier House Mead Lane Hertford SG13 7AX	Non Determination	22/07/2022	Written Representation
3/22/0543/CLPO	Erection of solar panels	Gilston 42 Bell Lane Widford Ware SG12 8SH	Refused Delegated	04/07/2022	Written Representation
3/22/0614/HH	Removal of double hipped roof and replacement with double gable ended roof with raised ridge height, 1 rear dormer and 4 front roof lights windows to incorporate habitable loft floor accommodation.	68 Mangrove Road Hertford SG13 8AN	Refused Delegated	25/07/2022	Fast Track
3/22/0681/HH	Demolition of garage and erection of part single storey and part two storey side extension.	5 Oaklands Drive Bishops Stortford CM23 2BZ	Refused Delegated	28/07/2022	Fast Track

Background Papers

None

Contact Officers

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

NEW PLANNING APPEALS LODGED AUGUST 2022

Refval	Proposal	Address	Decsn	Daplstart	Appealproc
3/21/0844/FUL	Erection of 1, 3 bedroomed dwelling with associated landscaping and parking	WoodlandsWhempstead RoadBeningtonStevenage SG2 7DH	Refused Delegated	26/08/2022	Written Representation
3/21/3035/FUL	Demolition of dwelling and erection of detached replacement dwelling with detached garden annexe.	MountfitchetHigh Wych RoadHigh WychSawbridgeworth CM21 0HX	Refused Delegated	26/08/2022	Written Representation
3/22/1222/CLPO	Proposed alterations to single storey detached garage to reduce the height.	PenrhynLondon RoadSpellbrookBishops Stortford CM23 4BA	Refused Delegated	22/08/2022	Written Representation

Background Papers

None

Contact Officers

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

NEW PLANNING APPEALS LODGED SEPTEMBER 2022
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/2196/FUL	Erection of two-storey two bedroom end of terrace house.	Land Adjacent To 24 Ashdale Bishops Stortford CM23 4EA		26/09/2022	Written Representation
3/21/2907/OUT	Demolition and removal of all poultry houses and other buildings. Erection of 12 detached dwelling houses (8 market houses and 4 affordable houses) with garages and car parking, change of use of the land to C3 residential, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application all matters reserved except for access, layout and scale.	1 Whempstead Road Benington Stevenage SG2 7BX	Refused Delegated	21/09/2022	Hearing
3/21/2908/OUT	Demolition and removal of all poultry houses and other buildings. Erection of 10 self-build/custom build detached dwelling houses with garages and car parking, change of use of the land to self-build residential plots, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application with all matters reserved except for access.	1 Whempstead Road Benington Stevenage SG2 7BX	Refused Delegated	21/09/2022	Hearing
3/22/0033/FUL	Demolition of concrete barn structure, relocation of existing timber stables. Erection of 1 highly sustainable bungalow and link to existing brick built stables.	Sacombe Green Farm 1-2 Sacombe Green Sacombe Ware SG12 0JF	Refused Delegated	12/09/2022	Written Representation
3/22/0632/HH	Removal of front porch and infill front door. Construction of single storey side porch. Raising the roof ridge and loft conversion with a rear dormer, 3 front roof light windows and 1 first floor side window.	Hill View London Road Spellbrook Bishops Stortford CM23 4AU	Refused Delegated	14/09/2022	Fasttrack
3/22/0739/HH	Single storey front and side extension	7 Church Lane Dane End Ware SG12 0NJ	Refused Delegated	13/09/2022	Fasttrack
X/21/0331/CND	Discharge condition 24 (pedestrian/cyclist bridge crossings) attached to 3/18/1523/FUL	(SAWB3) Land At Chalks Farm South Of West Road Sawbridgeworth	Refused Delegated	13/09/2022	Written Representation

Background Papers

None

Contact Officers

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

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Appeal Date
3/19/2202/FUL	TBA	Kecksys Farm Cambridge Road Sawbridgeworth 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	
3/20/0177/FUL	Rachael Collard	Wheelwrights Farm Rowney Lane Dane End Ware 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.	INPROG	Hearing	
3/20/1040/FUL	Rachael Collard	Land At Millfield Lane Bury Green Little Hadham Ware 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	13/06/2022
3/20/1119/FUL	Rachael Collard	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Construction of manège and access track.	INPROG	Hearing	
3/20/2139/FUL	Rachael Collard	Plot 64 Land Opposite Mill View Hare Street Buntingford SG9 0DX	Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road.	INPROG	Hearing	16/11/2022
3/21/2907/OUT	Jonathon Ashworth	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition and removal of all poultry houses and other buildings. Erection of 12 detached dwelling houses (8 market houses and 4 affordable houses) with garages and car parking, change of use of the land to C3 residential, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application all matters reserved except for access, layout and scale.	INPROG	Hearing	14/12/2022
3/21/2908/OUT	Jonathon Ashworth	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition and removal of all poultry houses and other buildings. Erection of 10 self-build/custom build detached dwelling houses with garages and car parking, change of use of the land to self-build residential plots, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application with all matters reserved except for access.	INPROG	Hearing	14/12/2022
3/22/0979/HH	Shamal London	6 Presdales Drive Ware SG12 9NS	Removal of conservatory and one chimney. Two storey rear extension incorporating Juliet balcony and single storey side extension with rooflights. Altered roof to front porch and the addition of a rear facing rooflight. Garage conversion with change of roof form.	LODGED	TBA	TBA
X/20/0177/CND	Rachael Collard	Land Off Chapel Lane Little Hadham	Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL	INPROG	Public Inquiry	10/10/2022

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2022)

	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
<i>Total Applications Received</i>	191	403	616	827	1020	1219						

<i>Percentage achieved against Local and National Targets</i>	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	-	67%	67%	75%	75%	77%							Major %	60%	60%
Minor %	75%	65%	64%	64%	71%	65%							Minor %	80%	65%
Other %	85%	85%	83%	83%	78%	82%							Other %	90%	80%

<i>Appeals</i>	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Total number of appeal decisions (Monthly)	4	2	2	12	1	6						
Number Allowed against our refusal (Monthly)	1	1	1	7	0	6						

Total number of appeal decisions (Cumulative)	4	6	8	20	21	27						
Number Allowed against our refusal (Cumulative)	1	2	3	10	10	16						

AGENDA ITEM NO. 7D