



Appeal Decision

Site visit made on 22 February 2012

by **P Jarvis Bsc (Hons) DipTP MRTPI**

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

Decision date: 5 March 2012

Appeal Ref: APP/J1915/D/12/2168347

Estone House, Aston End Road, Aston, SG2 7EY.

- 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 Timothy Hudson against the decision of East Hertfordshire District Council.
 - The application Ref ~~11/02037/1HH~~ dated 23 August 2011 was refused by notice dated 12 October 2011. **3/11/1482/FP**
 - The development proposed is the alteration of walls at the entrance to the site; raise piers to 2.2 metres and walls to 1.9 metres in height.
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Decision

1. The appeal is dismissed.

Main issues

2. Although the Council cite Policy GBC1 of the East Hertfordshire Local Plan Second Review (2007) (LP) which adopts the approach set out in Planning Policy Guidance Note 2 (PPG2), they do not appear to contend that the proposal should be regarded as inappropriate development; the appellant does not appear to offer a view on the matter. On the basis of the information available, I do not disagree.
3. Therefore, the main issues are the effect on (a) Green Belt openness; (b) the rural character of the area; and, (c) highway safety.

Reasons

4. The existing wall and piers are of relatively low height, around 1 metre adjacent to the highway rising to about 1.5 metres adjoining the existing higher brick piers and metal gate which are set back into the site. This gives a relatively open and discrete appearance to the site entrance which is further 'softened' by the mature hedging to either side of the entrance.

Effect on Green Belt openness

5. The proposed increase in height of the wall and piers would in my view add significantly to its built form. This would result in harm to the openness of the Green Belt, in conflict with national policy in PPG2.

Effect on the rural character of the area

6. The site is located beyond the built up area of the village within what is a rural, open countryside location. The additional height of the wall and the piers, which would be prominent when viewed within the highway, would be

particularly intrusive in this location. Whilst the higher, more established native hedge to the north of the access would provide some screening of the extended wall and piers, the full extent of the higher wall and piers would be seen forward of the beech hedge to the south of the access, which is lower and set further back into the site where it adjoins the existing wall and pier at the site entrance. In addition, the alterations would result in the consolidation of what is a rather urban feature within this essentially rural setting.

7. For these reasons, I find that the proposal would detract from the rural character of the area. I consider that this would conflict with LP policy ENV1.

Effect on highway safety

8. Currently, there is a level of visibility in both directions, although I noted on site that in the northerly direction, the view is obstructed to an extent by the existing roadside hedge which is some 3 metres high. The hedge was rather overgrown, but it would be possible for it to be trimmed back so as to reduce its impact, in which case there would be an improved level of visibility.
9. In the other direction, the roadside hedge appears to have been planted along a splayed line such that there is good visibility of oncoming vehicles. I noted that the existing pier on the southern side is located closer to the edge of the road, forward of this hedge line, but in a position where drivers of exiting cars would be able to see over it. In addition, whilst cars may be hidden to an extent by the hedge, oncoming vehicles would also be able to see the front of any cars waiting to exit. Having regard for these factors, the proposed increase in the height of the pier and wall would significantly reduce the visibility in this direction.
10. In my opinion, the proposal would severely restrict driver intervisibility, a view which is also held by the highway authority. This would result in an unacceptable increase in highway danger contrary to LP Policy TR2.

Other Matters

11. The appellant has referred to a number of other properties within village with entrance walls of similar height, although full details were not provided. Whilst I noted a number of properties along the same road, further to the south of the site, these were in the built up part of the village where the streetscene and surroundings are of rather different character compared to the appeal site.
12. The appellant has also indicated that the proposal is required to improve the security and privacy of the existing site. I acknowledge that given the site's location this may be an issue of some concern. However, there is no indication whether any alternative, less visually intrusive, alternatives were considered and thus I am not satisfied that this proposal is the only solution. In any event, I do not find such considerations to outweigh the harm identified above.

Conclusion

13. For the reasons set out I find that the appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 22 February 2012

by P Jarvis Bsc (Hons) DipTP MRTPI

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

Decision date: 1 March 2012

Appeal Ref: APP/J1915/D/12/2168981

The Red House, 46 High Street, Standon, Ware SG11 1LA.

- 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 J Yates against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1495/FP dated 1 August 2011 was refused by notice dated 26 October 2011.
 - The development proposed is a first floor extension, removal of chimney stack and insertion of three dormer windows and two rooflights.
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Procedural Matters

1. The appellant contends that the removal of the chimney stack does not require planning permission or conservation area consent in accordance with the principles established by the Shimizu case¹. Thus it should not be considered as part of the proposal. Whilst this is not a matter before me, and it would not be appropriate to amend the description at this stage, any such rights would, it seems to me, not be affected by this decision.
2. It has also been confirmed by the appellant that planning permission has been granted for a first floor extension, enlargement of the third floor rear window, reinstatement of the first floor window, insertion of one rear dormer and two rooflights, under planning ref: 3/11/1979/FP. With the exception of the two proposed side dormers, this relates to the development the subject of this appeal. It is clear from this and from the Council's decision notice that the only outstanding matters relate to the removal of the chimney stack and the proposed side dormers in the north facing elevation and the appeal is therefore considered on that basis.

Decision

3. The appeal is allowed and planning permission granted for a first floor extension, removal of chimney stack and insertion of three dormer windows and two rooflights at The Red House, 46, High Street, Standon, Ware SG11 1LA in accordance with the terms of application ref. Ref 3/11/1495/FP dated 1 August 2011, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

¹ Shimizu Ltd. v. Westminster City Council (1997)

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, TRH/02/01, TRH/02/02, TRH/02/03, TRH/02/04, TRH/02/05 and TRH/02/06.
- 3) The materials and finishes to be used in the external surfaces of the development hereby approved, including works to make good, shall match those on the existing dwelling.

Main issue

4. Having regard to the matters outlined above, the main issue is the effect of the removal of the chimney stack and the insertion of the two side dormers on the character and appearance of the Standon Conservation Area.

Reasons

5. The High Street forms the central part of the conservation area and is an attractive wide road with a varying range of distinctive historic buildings located on both sides sited up to the pavement edge. Many of these are listed buildings. Residential uses appear to predominate but there are a number of commercial properties including local shops and the post office.
6. The appeal site consists of a large detached dwelling of red brick elevations with tiled pitched roofs set within a relatively narrow but deep plot. It occupies a prominent, central position with the conservation area. From the information provided the dwelling is of 19th century origins and retains much of its original appearance and features. It is an attractive addition to the High Street and makes a significant contribution to the character and appearance of the conservation area.
7. The proposed dormers would be of reasonably modest proportions and would be sited along the north facing roofslope. Whilst this is a side facing elevation given the dwelling's forward position in the streetscene and gap between it and the adjoining property, the full extent of the side facing roofslope is visible. The proposed dormers would therefore be viewed within the streetscene.
8. I consider that the proposed dormers would be well proportioned and of a size, siting and design that would complement the character of the existing dwelling. The use of matching materials, as proposed, would ensure that they are sympathetic to the appearance of the dwelling and seen as appropriate additions to the roofslope, albeit that none exist at present. Whilst as noted above they would be visible within the streetscene, I do not consider that they would be unduly prominent.
9. At the time of the site visit I saw a number of examples of dormer windows of varying size and style within the vicinity of the appeal site, thus they are not an uncommon or uncharacteristic feature. Whilst each proposal must be considered having regard to the site's particular characteristics, it is my view that the proposed dormers would be appropriate and sympathetic additions to the streetscene and wider conservation area.
10. The proposal would involve the removal of the existing chimney on the north elevation albeit that its removal does not appear to be a necessary requirement of the works relating to the insertion of the dormer. It is one of three chimneys on the dwelling, the other two being retained, and whilst not original, it is part of the evolution of the building, having been added in the later part of

the 19th century. Due to its visibility it makes a contribution to the character of the conservation area.

11. The appellant has indicated that it is unstable, and, as referred to above, its removal could be undertaken in any event without the need for consent which is the appellant's intention in order to create more usable internal space. In addition, it would appear from the Council's evidence that there is no objection in principle to its removal, rather that its loss would render the proposed dormers more visible in the streetscene. I conclude that whilst its loss would result in a minor level of harm to the heritage asset, taking into account the above factors, this is outweighed by these considerations.
12. Whilst noting that permission has been granted for the majority works the subject of this appeal as set out above, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area when taking a decision on the merits of development within it. I am satisfied that this would be the case. In addition, I note that the adjoining property, no. 42 High Street, is a listed building and I am also required to have special regard to the desirability of preserving its setting; I consider that the proposal would achieve this.
13. Overall for the reasons set out above I find that the proposal would preserve the character and appearance of the Standon Conservation Area and the setting of the adjoining listed building. It would comply with Policies ENV1, ENV5, ENV6 and BH5 of the East Hertfordshire Local Plan Second Review (2007) which expect development proposals to be of a high standard of design which reflects local distinctiveness, do not detrimentally affect the character of the host dwelling and are sympathetic to the character and appearance of the conservation area. It would also comply with national policy in Planning Policy Statement 5: Planning and the Historic Environment.
14. The occupier of no. 36 High Street, a property to the north of the appeal site, has raised concerns with regard to the potential for overlooking from the proposed dormers. However, given the relative position of the dormers, it is my view that the potential for overlooking would be limited. Thus I do not consider that this would be such as to result in an unacceptable loss of privacy.
15. I have noted the appeal decision provided by the Council relating to a nearby site in the High Street. However, the proposed development and particular circumstances of that case appear to be rather different to those before me and thus I do not find that it alters my views as set out.
16. In respect of conditions, I agree with the Council that a requirement for matching materials is necessary in the interests of preserving the character and appearance of the conservation area although I have slightly varied the model condition to take account of the overall works involved. In the interests of proper planning a condition to refer to the approved plans is also necessary.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed.

P Jarvis

INSPECTOR