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## Appeal Decisions

Site visit made on 26 April 2012

by **Christine Thorby MRTPI, IHBC**

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

Decision date: 18 May 2012

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### **Appeal A: APP/J1915/E/11/2163411**

#### **5 Town Lane, Benington, Stevenage, SG2 7LA**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr A Moore against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1032/LB, dated 10 June 2011, was refused by notice dated 18 August 2011.
  - The works proposed are the removal of 20<sup>th</sup> century partition and raised floor. Openings in existing 20<sup>th</sup> century wall. Construction of new extension attached to 20<sup>th</sup> century wing. Reduction of existing floor level in 20<sup>th</sup> century wing.
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### **Appeal B: APP/J1915/A/11/2163404**

#### **5 Town Lane, Benington, Stevenage, SG2 7LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Moore against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1031/FP, dated 10 June 2011, was refused by notice dated 18 August 2011.
  - The development proposed is the construction of a rear/side extension.
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### **Decision**

1. The appeals are dismissed.

### **Reasons**

2. A main issue for both appeals is the effect on the special architectural and historic interest of a listed building. The second main issue for appeal B is the effect on the character and appearance of the Benington Conservation Area.
3. *Listed building*: No 5 is a grade II listed house adjoined to No 7 Town Lane. No 5 was originally a small, timber framed, open hall house built in the 16<sup>th</sup> century. This was altered in the 17<sup>th</sup> and 19<sup>th</sup> century to add a first floor, raise the front and add two chimneys. No 5 has a modern, rear wing addition of simple design, which is of less historic significance. However, one of the key characteristics of the house, of considerable value to its heritage significance, is its simplicity of form and shape, including its floor plan.
4. The extension would appear as a complex addition. The rear section would be offset from the centre of the rear wing, visually unbalancing the rear elevation. The extension, when combined with the existing rear addition, would result in three, modern elements of different scale and design visible from the north-

west elevation. This would detract considerably from the simple character of the main house. Additionally, it would be spread out to the rear and side of the house, undermining the historic floor plan. Although the proposed extension would be single storey and would not have any physical contact with the older, main house, its large size would allow the less significant parts of the building to dominate the building. The importance of the original house as the key historic building at the appeal site would be eroded, greatly harming its special architectural and historic interest.

5. My attention has been drawn to large extensions at No 7 Town Lane (listed together with No 5) that contrast with its historic character. I do not know the full circumstances of the extensions to this property. Nevertheless, the existence of contrasting extensions at No 7 would not justify the harm to the special interest to No 5 arising from the appeal scheme.
6. *Conservation area*: The cottage style, with its simplicity of form reflecting its early origins, makes it a very important building in the conservation area. Whilst the extension would not be visible from the front elevation of the house, the side and rear elements would be clearly seen from Town Lane in the gap between properties. The harm to the simple form of the listed building would be evident from the public realm, eroding its contribution to the character and appearance of the conservation area.
7. There would be significant harm to the special interest of No 5 Town Lane and the character and appearance of the conservation area. In accordance with the National Planning Policy Framework which carried forward advice contained PPS5: Planning for the Historic Environment, account should be taken of the wider public benefits of the scheme. There are important personal reasons for a ground floor extension to be provided and there would be significant benefit to the appellant, enabling the family to live in their home for many more years. However, it is not clear that additional floor space could not be provided in a more sympathetic manner. This would reduce the weight to be attached to the benefits of the appeal scheme in meeting the appellant's needs. Moreover, there would be no benefit to the wider public. As the building is of national importance, the benefits to the appellant would not outweigh the level of harm identified.
8. Whilst there were early discussions about the extension with the Council, including the conservation officer, these were advisory only and carry no weight. The remainder of the works is not contested by the Council. However, as they appear to be related to the proposed changes to the house enabled by the extension, it would not appear appropriate to issue a split decision in this case.
9. I conclude that the proposal would fail to preserve or enhance the special architectural and historic interest of the listed building and the character and appearance of the conservation area. In doing so it would fail to accord with the East Herts Local Plan Second Review, policies ENV1, ENV5, ENV6 and BH6 and the National Planning Policy Framework (carrying forward the advice contained in PPS5 referred to by the appellant) which seek to protect character, including that of the historic environment.

*Christine Thorby*

INSPECTOR



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# Appeal Decision

Site visit made on 22 March 2011

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 28 May 2012

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**Appeal Ref: APP/J1915/A/11/2163848**  
**R/O 2 Hertford Road, Tewin, Herts AL6 0JY**

- 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 Upland Homes Limited (Mr Andrew Kilvington) against the decision of East Herts Council.
  - The application Ref 3/11/1037/FP, dated 7 June 2011, was refused by notice dated 1 September 2011.
  - The development proposed is erection of 2 No. residential units, new access drive and double garage for retained dwelling adjacent to site.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I have been referred to former *Planning Policy Statements Nos 1, 3 and 5*. However, these have since been replaced by the *National Planning Policy Framework* and I have considered the appeal in the context of the Framework and with regard to any written comments made by the parties on this matter.
3. The appeal questionnaire indicates that the appeal site is within the green belt. However at the site visit it was confirmed that in fact the village of Tewin is inset from the green belt and therefore green belt policy does not apply.

## Main Issues

4. The main issues in this case are whether the proposed development:
  - would make effective use of land.
  - should provide for affordable housing.
  - would preserve or enhance the character and appearance of the conservation area.

## Reasons

5. The appeal site is an overgrown area to the rear of No 2 Hertford Road within the Tewin Conservation Area. The surrounding development is predominantly brick and tile 2 storey housing in a local vernacular style except that to the west, on Cannons
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Meadow, which is single storey. The site is planted with a mix of orchard and other trees including a fine walnut tree.

6. The appeal site although overgrown is private garden land within the curtilage of No 2. As such it does not fall within the definition of previously developed land as defined in the Framework. Nevertheless, the Framework would not preclude development in these circumstances; nor would saved policy OSV1 of the *East Herts Local Plan Second Review* (EHL P) which identifies Tewin as a Category 1 village wherein limited small scale and infill housing development will be permitted. The principle of the development would therefore be in accordance with the Framework and EHL P.

#### *Effective Use of Land*

7. With respect to whether the site could accommodate additional development, neither the Framework nor the EHL P propose a minimum density although the Framework at paragraph 58 does state that decisions should aim to ensure that developments optimise the potential of the site to accommodate development.
8. It has been put to me by the Council that there are two examples in the vicinity at Hertford Road and Lower Green where short terraces of four dwellings occupied a similar plot width to that available on the appeal site and which demonstrate that a higher density could be successfully achieved.
9. It appeared to me on site that whilst it would be contrary to the wishes of the owners and occupants of No 2, a terrace of 4 houses might physically be accommodated. However, it would result in pushing development to the extremities of the site, with little opportunity to maintain side separation and minimal opportunity to provide adequate on-site parking, garden land and refuse storage etc. There would be every likelihood that such an increased density of development would impact adversely on No 2, on neighbouring properties and on the character and appearance of the conservation area. Policy HSG7 of the EHL P at criterion a) states that infill housing will be permitted provided that, amongst other things, "*they are well sited in relation to the remaining surrounding buildings and will not appear obtrusive or over intensive.*". I am not persuaded that a more intensive scheme on the appeal site, given its backland location in the conservation area, would meet this criterion.

#### *Providing for Affordable Housing*

10. The requirement for housing sites to provide affordable housing under policies OSV1 and HSG 3 of the EHL P is a function of site size or proposed number of dwellings. Policy OSV1 would require 40% affordable provision in circumstances where the development is for 3 or more dwellings or the site is over 0.09 hectares in category 1 villages. Both policies are consistent with the aspirations of the Framework in paragraphs 50 and 54 to deliver affordable housing to meet local needs.
11. The appeal site is stated on the application form as 0.13 hectares in extent, therefore above the policy threshold. The size threshold in the policy is in place to avoid situations where dwelling numbers are restricted either by choice or necessity thereby avoiding the 3 or more dwelling threshold. I do not accept the appellant's argument that the configuration of the site, the access requirements and its treed nature means that it should be the developable area (0.075 has) that is of

relevance for the purposes of the policy. Most of the tree cover on site, with the exception of the walnut and 2 others at the back of the site, is proposed to be removed anyway for the development and all sites need to make appropriate provision for access. In any event it is clear from the preamble to policy HSG3 that it is the overall site area that is to be considered for the purposes of the policy, not just the developable area.

12. Policy HSG 3 goes on to state that 40% affordable housing provision will be sought on suitable sites in accordance with Policy HSG4. No evidence has been put to me that the site is not suitable for affordable housing in terms of the criteria in Part 1 of that policy. Whilst the *East Herts Housing Needs Survey 2004* is certainly not recent, I do not dispute the Council's assumption that there is likely to be unmet need in the locality.
13. I have been referred to a permission elsewhere, in Walkern, where the Council granted permission for 2 housing units on a site above the threshold size, without requiring affordable housing. I understand however that, as a former industrial site in a conservation area and therefore previously developed land, there may have been different factors involved to the current case. In any event I consider the policy is clear in its intent and should be applied. Regardless of whether the appeal site is argued to be only capable of accommodating 2 dwellings, it is required to provide for affordable housing by virtue of its size. No suggested provision has been presented and therefore the proposal is contrary to policies OSV1 and HSG3 and the intent of the Framework.

#### *Character and Appearance*

14. The proposed design would be in keeping with the vernacular style of the village and has been revised to resolve issues with the previous refused scheme on the site in terms of side separation and relationship to the retained walnut tree.
15. The change in the character of the site from a treed garden would be significant but the change would not result in the loss of important landscape features and, other than the trees that are proposed to be retained, the amenity value of the other smaller trees in the wider setting is limited. I accept that the site is in a backland location. However given the scale and nature of the development proposed it would not be out of keeping with the built form of the village. The overall change in the character and appearance of the site would not be unattractive given the design of the houses and their setting, sitting in well-sized, landscaped plots. As such the proposed design would accord with policy HSG7 and policy BH6 seeking to control new development in conservation areas.
16. The Framework sets out policy principles guiding the determination of applications involving heritage assets. I am satisfied in this case, given the proposed design and layout, that the requirement that new development should make a positive contribution to the character and local distinctiveness of the historic environment would be achieved. As such, and in terms of the statutory test, the proposal would preserve or enhance the character or appearance of the Tewin Conservation Area.

#### *Other Matters*

17. Concern has been expressed by third parties that the proposal would impact on the living conditions of those resident on the site and neighbours as a result of amenity

space, parking and access provision and in terms of potential loss of sunlight and privacy to properties in Cannons Meadow.

18. The appellant's revisions to the layout to resolve the issue with trees and private amenity space following the earlier refusal would result in an increase in the private garden space for the new dwellings. The proposed garage and parking arrangements although only accommodating two cars per property would be augmented by availability of space on the private drive and in any event have been accepted by the Highway Authority subject to appropriate conditions. The new houses are on the east side of Cannons Meadow, so while there might be a limited impact on early morning sunshine to the first house in Cannons Meadow it would not constitute a significant loss of sunlight. The spacing of the housing to common boundaries, coupled with the proposed use of obscure glazing at first floor level on the windows in the gable closest to Cannons Meadow, would mean that the impact on privacy as a result of overlooking would be limited. I am satisfied therefore that in terms of these living conditions the proposal would be acceptable.

### **Conclusions**

19. I have noted the fact that the proposal is supported by the Parish Council and would provide 2 family dwellings in an appropriate location. However, notwithstanding this and my other findings in favour, these do not outweigh my principal concern. The proposal fails to make provision for affordable housing as required in the EHLP. No satisfactory case has been made to justify such a failure. For that reason the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR



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## Appeal Decisions

Site visit made on 24 April 2012

by **C J Checkley BA(Hons) MRTPI**

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

Decision date: 23 May 2012

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### **Appeal A - Ref: APP/J1915/A/11/2163581**

**Rose Cottage, Blounts Lane, Allens Green, Sawbridgeworth, Hertfordshire, CM21 0LS**

- 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 Tony Brown against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1105/FP, dated 6 June 2011, was refused by notice dated 17 August 2011.
  - The development proposed is single storey rear extension and raising the roof of the existing garage block and repositioning of front porch.
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### **Appeal B - Ref: APP/J1915/E/11/2163589**

**Rose Cottage, Blounts Lane, Allens Green, Sawbridgeworth, Hertfordshire, CM21 0LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Tony Brown against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1104/LB, dated 20 June 2011, was refused by notice dated 17 August 2011.
  - The development proposed is single storey rear extension, raise roof of existing garage and move the porch to the front of the property.
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### **Decisions**

1. Appeal A and Appeal B are both dismissed.

### **Preliminary matters**

2. The submitted drawings also show proposals to add two single-storey extensions to the existing rear extension behind the main listed building. I understand these were approved under planning permission ref. 3/10/1405/FP and listed building consent ref. 3/10/1406/LB and I saw they had been constructed at the time of my site visit. Although these extensions are referred to in the Council's committee report they are not mentioned in the application forms or accompanying heritage statement or schedule of works and they are
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not referred to in the decision notices. Therefore, I am dealing with both appeals on the basis that the applications comprise only those matters set out in the proposal descriptions above.

3. The appellant mentions a subsequent revised scheme for the garage structure has been submitted (applications 3/11/1669/FP and 3/11/1670/LB), although I do not have copies of it. In any case, I must confine my determination to the appealed applications themselves.

### **Main Issue**

4. The main issue in both appeals is the effect of the proposed extensions and alterations upon the appearance, character and setting of Rose Cottage, a grade II listed building.

### **Reasons**

5. Rose Cottage stands within a rural hamlet beyond the Green Belt. It is a detached one and a half storey grade II listed building with a steep half-hipped thatched roof and light rendered walls. It has a two-storey extension to the rear with a jettied first floor and half-hipped gable end roof with clay tiles, together with recent single-storey additions behind. In addition it has a single-storey pitched-roof garage to the south side that is joined to the principle listed building by a rendered link. Although the garage steps forward of the front elevation of the main building, its modest subservient scale and simple design prevent its being too prominent. Whilst the additions to the original building are of a significant scale in cumulative terms, the collection still maintains an appropriate hierarchical relationship. The listed building is a heritage asset of significance that makes a positive contribution to local character and distinctiveness.
6. The modest porch had already been moved to a central position on the front elevation at the time of my visit. The Council raises no objection to this element of the proposal and I agree it preserves the character of the listed building.
7. Under the proposals the garage roof would be increased about 1.1m in height to create first floor accommodation, which would include raising the eaves and creating barn ends to either extremity of the elevated roof. The intended increase would represent almost a quarter of the height of the existing garage. It would alter the proportions of the garage structure itself and would be enough to unsettle the present clearly subordinate relationship of the garage to the main listed building. The enlarged forward-projecting structure would comprise a much more prominent element in the composition. It would become noticeably more assertive, starting to compete for attention with the thatched cottage in an unwelcome manner and detracting from its character and setting.
8. The single-storey addition to the rear of the enlarged garage would be screened in views from the street by the existing buildings and the dense mature planting along the southern site boundary. It would only readily be appreciated from private views within the rear section of the curtilage. Its pitched roof would reflect the form of the recently-completed rear addition behind the main building. Taken in conjunction with the other additions, its depth and scale



would not be so great as to overpower cumulatively the original listed building. I also find the scheme in its totality would not erode the openness or rural qualities of the surrounding area. However, the clear objections to raising the height and changing the form of the garage structure remain.

9. Although there is an existing taller garage structure to the side of Ivy Cottage, the neighbouring thatched cottage to the north, it stands further from that thatched cottage, does not project forward of its main elevation, and the main building is not listed. Therefore, that garage is not directly comparable with the appeal scheme in terms of its effects.
10. I conclude that the proposed raising of the roof of the garage would result in significant harm to the appearance and architectural character of the grade II listed building and its setting. This would be contrary to the provisions of Policies ENV1, ENV5, ENV6 and GBC3 of the East Herts Local Plan Second Review April 2007 and to relevant national policy guidance. In combination these seek extensions that are of a high design quality, that relate well to the massing and height of adjacent buildings, that are subordinate to and in sympathy with the host building, that avoid disproportionate extensions to original dwellings within the Rural Areas beyond the Green Belt, and that preserve the character and setting of listed buildings and make a positive contribution to local character and distinctiveness.

*C J Checkley*

INSPECTOR



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# Appeal Decision

Site visit made on 9 May 2012

by **C Tokley MRTPI Dip Env Planning**

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

Decision date: 16 May 2012

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**Appeal Ref: APP/J1915/D/12/2171104**

**Ardbrin, Green Tye, Much Hadham, Hertfordshire, SG10 6JJ**

- 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 Bannister against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1524/FP was refused by notice dated 7 December 2011.
  - The development proposed is a detached triple garage with granny annex.
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## Decision

1. The appeal is dismissed.

## Main issue

2. The main issue is the effect of the proposal on the character of the host dwelling and the surrounding area.

## Reasons

3. Ardbrin lies within a small group of dwellings within open countryside. It occupies a large plot set back from the road and accessed via a private driveway. The set back of the dwelling and the presence of trees and boundary hedges results in the dwelling being seen in glimpses from the road and would limit the extent to which the proposed building would be seen from outside the site. The nearby dwellings are all accompanied by outbuildings of a variety of types and sizes including a timber-clad garage close to the road at the adjacent High Gables.
4. The appellant does not challenge the Council's indication that the floorspace of the current dwelling is almost three times that of the original. Based on the Council report, which describes the original dwelling as a very small bungalow, I have little doubt that the volume of the current dwelling is also significantly greater than the original.
5. Saved Policies GBC3 and ENV5 of the East Herts Local Plan Second Review (April 2007) (LP) indicate that within the rural parts of the District there should be a strong restraint on inappropriate development and that outside settlements outbuildings should not be disproportionate to the size of the original dwelling. Whilst those Policies were originally adopted some years ago they are consistent with the need to recognise the intrinsic character of the countryside which is a core planning principle of the recently published National Planning Policy Framework and I therefore give them substantial weight.

6. The proposal would employ materials that would complement the dwelling; however it would result in a significant additional volume of building on the site. I consider that as a result of its height and bulk, which would be emphasised by the three front dormers, it would compete with the dwelling. Bearing in mind that the original dwelling has already been substantially enlarged I consider that the proposal would be a disproportionate development in conflict with LP Policies GBC3 and ENV5.
7. The appellant refers to other garages and annexes that have been approved in the area but I am not familiar with the circumstances that lead to those permissions being granted. In any event, each application must be determined on its own planning merits and taking account of all matters set out in the evidence before me I consider that as a result of the disproportionate size of the proposal it would detract from the character of the dwelling and the area. I therefore conclude that the appeal should not succeed.

*Clive Tokley*

INSPECTOR



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# Appeal Decision

Site visit made on 11 April 2012

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 15 May 2012

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**Appeal Ref: APP/J1915/D/12/2169678**

**Mill House, Meesden, BUNTINGFORD, Hertfordshire, SG9 0BA**

- 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 Welch against the decision of East Herts Council.
  - The application Ref 3/11/1577/FP was refused by notice dated 9 November 2011.
  - The development proposed is first floor side extension, single storey rear extension and internal alterations.
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## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. Policy ENV5 of the East Herts Local Plan Second Review 2007 (LP) advises that in locations such as this, an extension will be expected to be of a scale and size that would not either by itself, or cumulatively with other extensions, disproportionately alter the size of the original dwelling. Policy GBC3 relates to appropriate development in the Rural Area Beyond the Green Belt. It only accepts limited extensions to existing dwellings in accordance with Policy ENV5.
4. The Council's figures indicate that the existing extensions to the dwelling have more than doubled the original size of the property and the further additions would result in an overall increase of 168%. I acknowledge that no definitions are provided in the LP with regard to what constitutes a limited extension or a disproportionate increase in size. The appellant has not disputed the Council's figures but suggests a qualitative rather than a quantitative approach should be adopted.
5. Given the prominence and scale of the existing rear extension and the size of the existing and proposed side extensions, I consider that when taken together, as required by Policy ENV5, they would disproportionately increase the size of the original dwelling. This is supported by the numeric assessment provided by the Council. The proposal would therefore be contrary to Policies GBC3 and ENV5.
6. The existing rear extension already dominates the appearance of the property when approaching from the east although the impact of this is reduced to some

extent by the existing vegetation. The front elevation retains its original form and scale as the lower roof of the garage ensures that it does not detract from this original element of the property. Although set at right angles to the road and partially screened by vegetation, this elevation is important when approaching from the west. Furthermore, the public footpath that runs past the frontage allows intimate views of the property.

7. The ground floor extension would be screened by existing development and would not therefore have any significant impact on the wider area. The first floor extension would be limited to the area above the garage and would be set down to reduce its impact. The form and detailing of the design would follow that of the dwelling and the materials proposed would assist with the assimilation of the new works.
8. However, I consider the step down of the roof to be too limited and the scale of the first floor extension to be too large to sit comfortably alongside the original frontage. The extension would become a very dominant feature of the dwelling, substantially increasing the overall perceived bulk of the property. It would detract from the existing proportions and appearance of the dwelling and it would increase the dominance of development within the site. This would result in harm to the character and appearance of the wider area. It would have a relatively limited but negative impact on the openness and rural qualities of the surrounding area.
9. In relation to extensions, the supporting text to Policies ENV5 and ENV6 identifies the effect on the character and appearance of existing dwellings and the appearance of the locality as concerns. I have already found the proposal to be contrary to Policies GBC3 and ENV5 with regard to the quantitative scale of the side addition but I am also satisfied that it fails to meet the qualitative objectives of Policy ENV5.
10. The appellant suggested that the proposal gains support from the design requirements of Policies ENV1 and ENV6. The Council has not suggested that the proposal conflicts with these policies but given my concerns set out above, I do not agree that the first floor extension would achieve the high standard of design required by Policy ENV1 or that it would be complementary to the original building and its setting as required by Policy ENV6.
11. The Council has raised concerns with regard to the general maintenance and supply of smaller dwellings. Whilst I have not been provided with any definition of what constitutes a smaller dwelling, I am not persuaded that this four bedroom property falls within such a description. I do not agree that this proposal would result in any harm to the objectives of retaining smaller dwellings in this area.
12. I agree with the appellants that as the property is not in the Green Belt the proposal does not represent inappropriate development as now defined in the National Planning Policy Framework. Any matters put forward in support of the proposal would not therefore have to 'clearly outweigh the harm from inappropriateness'. This does not however reduce the importance of the policies which, although set out in a manner that mimics Green Belt policy, form part of the current development plan.
13. The appellants suggest that the Council has been inconsistent in its approach. Reference is made to extensions at 1 and 6 Rose Cottages which lie to the

west. These properties form part of a very clearly defined linear development of dwellings that are set back from the road. This property differs in that it is a single property located close to the road in a position clearly distinct from its neighbours.

14. The last planning permission relating to 6 Rose Cottages dates back to 2004. Considerations with regard to a Lawful Development Certificate would not take account of LP policy. With regard to 1 Rose Cottages, a recent permission for a conservatory was accepted. Permission had previously been granted for a two storey extension in 2006 and a replacement garage in 2005. The appellants advise that the case officer made no reference to cumulative impact when accepting the conservatory.
15. The current LP policies were adopted in 2007 and whilst the appellants advise that the policy regime before that date was similar, I have no evidence in this regard. I am also not aware of the full circumstances that led to these nearby developments. What is clear however is that the characteristics of the properties differ from the appeal property and the bulk of the works took place prior to the adoption of the current LP.
16. The existence of other significant extensions nearby does add some weight in favour of the proposal, but the evidence presented does not demonstrate that the Council has acted inconsistently nor does it suggest that the current LP policies should be set aside. I have to consider this proposal with regard to its own particular circumstances and the current development plan.
17. The proposal would result in improvements in terms of the quality of the accommodation within the dwelling. This provides weight in favour of the development.
18. Overall, the proposal would clearly be contrary to Policies ENV5 and GBC3 of the LP and the first floor extension would detract from the existing proportions of the house and the wider character and appearance of the area. Whilst there are matters that provide weight in favour of this development, I conclude that they are insufficient to outweigh these concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**