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# Appeal Decision

Site visit made on 2 May 2012

by **G D Grindey MSc MRTPI Tech.Cert.Arb**

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

Decision date: 13 June 2012

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**Appeal Ref: APP/J1915/A/11/2165955**

**Oaks Cross Farm, Hook's Cross, Watton At Stone, Hertford, SG14 3RY.**

- 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 Collins against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1492/FP, dated 18 June 2011, was refused by notice dated 9 November 2011.
  - The development proposed is erection of initially 3 x 2/3 bedroom holiday lodges and later a further 6 x 2/3 bedroom lodges all within woodland and including small office, larder and parking.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. From my inspection of the site and surroundings and the representations made, I consider that the decision on this appeal turns on 3 main issues. These are (a) whether the proposal constitutes inappropriate development in the Green Belt and, if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. The second issue (b) is whether on the basis of available evidence, it can be shown that the proposal will not adversely affect any protected species and the third issue (c) is the effect of the proposals on the trees on the site.

## Reasons

3. **Issue (a) the green belt.** In the grounds of appeal, other documents and the Planning Statement, the appellant submits that there are 'very special circumstances' contained within this proposal that outweigh any harm that would be caused to the green belt. I note that the appellant does not dispute that the site lies within the green belt; I must take the designation into account. In the appellant's letter of 16 May 2012, (in response to consultation about the National Planning Policy Framework [NPPF]) the argument is put that 'very special circumstances' are required when a development is harmful to the greenbelt and need *not* be demonstrated if there is no harm.
4. I do not agree. The NPPF clearly states that the construction of new buildings within the green belt is inappropriate, except in a few circumstances, detailed in

the NPPF<sup>1</sup>, none of which apply here. Paragraph 87 states that inappropriate development is, by definition harmful to the green belt and should not be approved except in very special circumstances. While the appellant considers the lodges to be "small scale facilities for outdoor recreation", I find that 9 x 2 storey lodges for full human habitation are clearly not such facilities. This phrase seems to me to be aimed at a changing room, or sports pavilion or similar; something directly required to facilitate outdoor recreation.

5. I need to examine the effect of the erection of these proposed holiday units on the appeal site and any effect on the openness of the Green Belt and on the character and appearance of the area. The appeal site is a rectangular wooded area, which has some under-storey vegetation like brambles but is, in the main, quite open between the mature standing trees. It was pointed out during my site inspection how the location of each lodge had been determined by the position of existing trees.
6. The appellant argues that the scheme would "maintain the openness of the green belt"<sup>2</sup> but this cannot be correct since it involves the construction of 9 x 2-storey lodge structures that are not there at present. Regardless of whether they are in woodland or not, the area where the lodges would be located would not, any longer, be open; the ground would not be free of solid, tangible development; it would not be being kept 'permanently open'. Such additional volume and bulk *must* diminish the openness of the green belt. 'Openness' is referred to in the NPPF; where it is noted that one of the essential characteristics of green belts is their openness;<sup>3</sup> a policy objective is *keeping land permanently open* [my emphasis]. The proposal would conflict with national policy as expressed in the NPPF.
7. I am aware that these lodges would be within the current tree cover, and hence would be glimpsed, rather than in open view, nevertheless, there would be 9 new units here, in the green belt, which must diminish the openness. In addition to such development there would all the associated domestic paraphernalia such as surfaced areas, the proposed parking areas, terraces (in the form of decking), outdoor seating etc which must, inevitably result in some additional minor harm to the entirely rural landscape character.
8. Access is stated to be along existing farm tracks from the A602 through Oaks Cross Farm which is in use partially as an equestrian establishment. However, it seems to me that, in wet weather at least, only 4 - wheel drive vehicles are likely to be able to negotiate these un-surfaced tracks. I think that there would be pressure on the operator of these holiday units to make them more accessible by surfacing the tracks to make them passable to all types of vehicles, particularly as the lodges are said to be 'suitable for all year round occupation'.<sup>4</sup> Such surfacing would result in further minor erosion of the rural and open nature of the area.
9. My conclusion is that the scheme would represent inappropriate development in the green belt; it is for the appellant to advance any other considerations which might outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to justify the development.

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<sup>1</sup> NPPF, paragraph 89 and 79 – 92 generally

<sup>2</sup> Email of 20 March 2012

<sup>3</sup> NPPF, paragraph 79

<sup>4</sup> Planning Statement paragraphs 2.2 and 2.2.5

10. The appellant argues that very special circumstances *do* outweigh any harm<sup>5</sup>. However, I have seen no policy that, because built development is screened by trees, it would be acceptable. Furthermore, a 'cleaner and quieter construction' using skilled labour is not in anyway unusual or very special, nor is 'painting the lodges in natural colours'. This could, after all be applied to almost any building.
11. The appellant continues that Pallett's Wood is 'uniquely suited' to the development proposed but in reality I think it would not be hard to find other woodland in close proximity to London, villages and pubs (paragraph 2.2.1 of the Planning statement) where visitors might 'experience nature and enhance their health and well being.'<sup>6</sup> While I note that the buildings are proposed to have wider doorways and ramps instead of steps, this is a normal requirement for almost all new buildings today; it is in no way unusual or very special.
12. The harm caused by the inappropriateness of the development and its effect on openness and the character and appearance of the area carry substantial weight. In contrast, the other considerations carry minimal weight. For the reasons given above, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. There are, therefore, no very special circumstances to justify the proposed stationing of 9 holiday lodges here. This reason, of itself, would be enough to dismiss the appeal, but I turn now to the other 2 issues raised.
- 13. Issue (b) whether, on the basis of available evidence, it can be shown that the proposal will not adversely affect any protected species.**
14. The appellant argues that this proposal will facilitate an opportunity to return the woodland to positive conservation management<sup>7</sup>. There are a number of issues with this statement; firstly, there is nothing to stop the appellant returning the woodland to a positive conservation status anyway. Secondly, the scheme would result in, potentially, 50 or so additional persons in the woodland and surroundings which must add some pressure to this habitat, in terms of creating paths, disturbance to ground nesting species, lighting etc. While it is difficult to quantify it is my assessment that the additional population from the holiday lodges must place some extra burden of recreational pressure on the woodland. These would be holiday units; they would generate informal, uncontained and potentially semi-continuous recreational use, which could negate any of the positive enhancement of the woodland.
15. Unfortunately, there is insufficient evidence as to the presence or otherwise of protected species. The Andrew McCarthy document (which is somewhat dated now – December 2009) noted at least 3 trees which might contain bat roosts and recommended further survey work. I note the document suggests that 'the proposed works may have some adverse impacts on the use of this part of the wood by bats'<sup>8</sup>. I am also mindful that these bat roosts might well be found in dead trees with cavities caused by rot (indeed a dead tree is mentioned). Because the woodland would be accessible to the occupants of the lodges there would be a duty of care placed upon the owner, most probably leading to a need to fell any dead tree because of the potential risk of a tree falling and causing harm.

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<sup>5</sup> Last page, letter of 12 October 2010

<sup>6</sup> paragraphs 2.2.3 and 2.2.4 of the Planning Statement

<sup>7</sup> Andrew McCarthy Associates report paragraph 4.2

<sup>8</sup> Paragraph 4.1

16. I note the appellant's comment in the email of 20 March 2012 that the omission of any reference to policy ENV16 (Protected Species) indicates that the Council no longer pursues the associated reason for refusal. However, they sent policy ENV16 with the questionnaire and state clearly with regard to the reasons for refusal concerning the green belt and protected species 'the Council has no further comments to add to those set out in the officer's committee report'. I have no evidence the Council wishes to drop this reason for refusal.
17. While the appellant refers to an Ecology Update of January 2012, I have not seen this and, in the interests of fairness and ensuring that decisions are made locally where possible, it is important that what is considered by the Secretary of State is essentially what was considered by the local planning authority. Any update made in January 2012 would have been a considerable time after the Council made its decision on the application in November 2011. I cannot be certain, given the lack of ecological evidence, that the scheme would not cause harm to protected species. I conclude that the development would not accord with national and local policies regarding the protection of the best of our wildlife heritage.
18. **Issue (c) the effect of the proposals on the trees on the site.** The appellant helpfully pointed out the proposed locations of the lodges within the woodland during my site inspection. I saw that all would be wholly beneath the canopies of the trees on the appeal site; none of the units proposed would be outside the influence of the trees. There would be trees, in broad terms, to the east, west, south and north of all the proposed holiday lodges. It seems to me common sense, if siting a structure near to a tree, to avoid shading the accommodation; the scheme simply fails to take this into account. Indeed, BS5837:2012 states that layouts should avoid unreasonable obstruction of light.
19. In addition, the physical size of a tree can dominate, and cause apprehension about the tree's safety for occupants. These are tall, mature trees and there are a good many of them. The relationship of tree:structure is another point stressed in BS5837:2012, together with shade cast to buildings and open space, leading to pressure to remove trees.
20. If 9 new holiday lodges are sited here, in shade, in close proximity to these trees together with little pleasant or useful amenity space as a result of the trees, then resentment on the part of the occupiers is likely to follow. I notice on the submitted plans, on the terraces, each unit has a sitting out area, with seating and a table for outdoor living. These would be in shade on the appeal site at all times. Thus it would be difficult for the owner to resist pressure from his customers to fell some or all of the nearby trees.
21. I also think it highly likely that holiday makers will resent the constant leaf and twig litter, which is likely to be considerable, when the units are positioned directly beneath closed canopies. There may well also be an understandable irritation with bird droppings falling on the units and the terraces which, again, might lead to pressure to fell.
22. The appellant argues that the lodges will be set upon foundations using a helical screw pile anchor 'placed where there are no tree roots to disturb'<sup>9</sup>, although how the position of roots concealed underground would be established

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<sup>9</sup> Design and Access Statement

is not clear. This would seem to me a somewhat optimistic view, given that the appeal site is woodland, with fairly closely packed trees present. Underground services will have to be bored at unknown depths to connect each lodge to the sewage treatment plant proposed which may or may not also sever roots. This may lead to tree loss, in addition to the tree loss I predict above.

23. To my mind the scheme runs counter to the thrust of the NPPF and Local Plan policies ENV 2 and ENV11 which seeks to minimise adverse effects on the natural environment. I conclude that the requirements of the Local Plan and national policy would not be met by the scheme.
24. I have taken account of all other matters raised, but nothing changes my decision on this appeal. My attention was drawn to other holiday accommodation in various locations, but I have no details of those schemes and, in any event, it is rarely that direct parallels can be drawn between 1 site and another.
25. For the reasons given above I conclude that the appeal should be dismissed.

*Gyllian D Grindey*

Inspector



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# Appeal Decision

Site visit made on 15 May 2012

by **Phillip J G Ware BSc DipTP MRTPI**

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

Decision date: 28 June 2012

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**Appeal Ref: APP/J1915/A/12/2170947**

**Land adjacent to 49 Ware Road, Tonwell SG12 0HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss S Ball against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1659/FP, dated 15 September 2011, was refused by notice dated 18 November 2011.
  - The development proposed is a new detached dwelling.
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## Decision

1. The appeal is dismissed.

## Main issue

2. There is one main issue in this case. That is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal site is the side garden of no.49 Ware Road, which is the final property at the southern end of Tonwell. The settlement is generally linear, with dwellings fronting Ware Road and Temple Lane. Beyond the site is open countryside.
4. The local policy context is provided by the East Herts Local Plan Second Review (LP) (2007) in which Tonwell is defined as a Category 3 village, to which LP policy OSV3 relates<sup>1</sup>. This policy provides that, in the Rural Area Beyond the Green Belt, development will not be permitted aside from certain types of proposal. It has not been argued that the proposal falls within these exceptional categories. Policy OSV3 also provides that development may be acceptable if it does not represent an extension of ribbon development – this is the key policy issue.
5. The site is at the end of the settlement, and the development would extend the built form further into the countryside. On that basis the proposal would be an extension to the linear pattern of Tonwell, and would be clearly contrary to the development plan which seeks to limit the growth of smaller settlements.
6. Although the site is the side garden of the host property, it makes a contribution to the openness of the locality, particularly when viewed from

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<sup>1</sup> Along with policies GBC2 and GBC3

Ware Road. The erection of a two storey house would harm this sense of openness and intrude into the open countryside beyond. This harm would be exacerbated by the fact that the proposed dwelling would be narrower and deeper than its neighbours, and would have an uncharacteristic gable end facing the road. In addition, perhaps as a result of the orientation of the property, the fenestration would be significantly different from its neighbours. These features would draw attention to the house and make it appear out of place.

7. The appellant has stated that the proposal would make good use of existing developed land, and has referred to the site as 'brownfield'. However the National Planning Policy Framework makes it clear that residential gardens are not Previously Developed Land, where other policies might apply.
8. Overall, the proposal would harm the character and appearance of the area. It would conflict with the development plan policies summarised above.
9. For the reasons given above I conclude that the appeal should be dismissed.

*P. J. G. Ware*

Inspector



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# Appeal Decision

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: **22 June 2012**

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## **Appeal Ref: APP/J1915/A/11/2167946**

### **135 Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2QD**

- 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 Mark Vincent against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/1754/OP, dated 28 September 2011, was refused by notice dated 24 November 2011.
  - The development proposed is construction of new dwelling with associated garages and parking (outline application with all matters reserved).
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## **Decision**

1. The appeal is allowed and outline planning permission is granted for the construction of a new dwelling with associated garages and parking at 135 Hadham Road, Bishop's Stortford, Hertfordshire, CM23 2QD, in accordance with the terms of the application, Ref 3/11/1754/OP, dated 28 September 2011, subject to the conditions set out in the attached Schedule.

## **Main Issues**

2. There are two main issues in this appeal regarding the effects of the proposed development. First, the effect upon the living conditions of future residents of the dwelling. Second, the effect upon the appearance and character of the area.

## **Preliminary matters**

3. The proposal is to build a detached dwelling with a double garage within the large rear garden of No 135 Hadham Road, a detached 1.5 storey dwelling set well back on its plot. The attached garage at the side of No 135 would be demolished and a replacement built within the front garden, enabling the existing access to be improved and lengthened to serve both dwellings.
  4. The application is in outline with all matters reserved. It is accompanied by indicative drawings showing a site layout, ground and first floor plans and north and east elevations of the proposed dwelling and indicative plans and elevations of the replacement garage at No 135. The drawings show a detached 4-bedroom 1.5 storey dwelling with two dormer bathroom windows to the front
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above an attached double garage. I am treating these drawings as being for illustrative purposes and showing one way in which the site could be developed.

## **Reasons**

### ***Living conditions of residents***

5. The plot benefits from a variety of boundary enclosures including fences, hedges and other forms of mature vegetation and some trees which together provide good mutual screening at ground level to and from neighbouring properties. Although a small section of laurel hedging and 3 trees would be removed, good mutual screening at ground level would be maintained.
6. Although the rear elevation of No 135 is indicated only some 13m from the front elevation of the new house, most of the habitable room windows in both these elevations are on the ground floor. A new screen hedge shown along the new common boundary, which could be augmented with a fence, would provide appropriate mutual privacy at ground level between the dwellings. The front-facing first-floor dormer bathroom windows in the new dwelling would be obscure glazed. Additionally, I consider that the rear-facing first-floor dormer windows at No 135 would need to be fixed shut and obscure-glazed up to eye-height to prevent unacceptable overlooking of the front of the new dwelling.
7. The side and rear windows in the nearest 3-storey block at Dane House would be set at a sufficiently oblique angle to and distance from the front of the proposed dwelling, with the retained yew tree providing some intervening screening, to avoid undue overlooking or an overbearing or dominating effect for the future residents of the dwelling. The same block in fact stands closer to the side of No 135.
8. The rear bedroom windows of Nos 4 and 5 Dane Acres would be at least 20m from the proposed dwelling and there is a good amount of mature vegetation providing screening adjoining the boundary. The upper rear windows of Nos 10 and 11 Stort Lodge would face the side of the new dwelling across their modest rear gardens some 8-10m deep, but this elevation need not have windows. No 11 would have a line of sight from its bedrooms down into the nearest part of the rear garden, but increasing distance coupled with the possibility of new boundary vegetation could ensure adequate privacy for the future residents.
9. The proposed house would stand on a plot with dimensions of about 550 sq m and its main rear garden is indicated on the drawings as being about 8m deep across the width of the house, some 165 sq m in extent. Amenity space is also shown to the front of the dwelling. The Council has no adopted minimum standards for private residential amenity space. I note this rear garden depth and area would compare well with those at Stort Lodge. I consider that the amenity space proposed would be of sufficient size, quality and privacy for future family occupation.
10. I have considered the representations by neighbours and I am also satisfied that the Council is correct in its assessment that the amenity of neighbouring residents would not be unacceptably affected by the new development.

11. I conclude on this issue that the new dwelling would provide acceptable living standards for its future residents with particular regard to levels of outside amenity space, privacy and visual impact from neighbouring buildings. There would be no conflict with the objectives of Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007 (LP) that seek appropriate levels of amenity for residents.

***Appearance and character***

12. The immediate locality is characterised by a mix of residential development with a variety of types and densities with none predominating: a 3-storey development of flats within grounds to the west (Dane House – density 70 dph), detached 2-storey houses to the south (Dane Acres), semi-detached and terraced two-storey houses to the east (Stort Lodge – 30 dph) and a detached dwelling to the east of No 135.

13. The density of the appeal site with the one existing dwelling is very low, only some 6-7 dph. As a result of the development it would become about 13 dph, which is still low. The Council accepts that this density would be significantly lower than that of the two adjoining sites to the east and west and that the density would appear in keeping with that of its surroundings. I agree.

14. The Council also accepts that the amenity space of the new dwelling would be greater than those at Stort Lodge, and that the donor property would retain a generous front garden enabling it to continue to appear compatible with its plot. The Council has no objection to the removal of the 3 trees indicated and accepts that a landscaping scheme could require suitable replacements. It also recognises that suitable detailed access arrangements could be achieved at reserved matters stage, that adequate parking would be provided and that there would be no objection to the erection of a replacement garage in the front garden of No 135. The Council confirms there would be no harm to the amenity of surrounding residents.

15. Although the Council objects to the amount of amenity space indicated for the new house and considers its future residents would be unacceptably overlooked from Dane House and Stort Lodge and visually dominated by the Dane House building, I have concluded under the first issue above that these objections are not justified.

16. I conclude that analysis of the effects of the development does not provide any convincing evidence that the development would be unduly cramped or injurious to the appearance and character of the area. There would be no significant conflict with those provisions of LP Policies HSG7 and ENV1 that seek developments that respect the character of an area.

***Conclusions and conditions***

17. The scheme would make efficient use of urban land within a residential area in an accessible location close to services and facilities within the built-up limits of Bishop's Stortford. It would be a sustainable form of development complying with the development plan. Therefore, I conclude that planning permission should be granted subject to necessary conditions.

18. Full details of all the reserved matters will need to be approved in accordance with statutory requirements. The landscaping scheme should be carefully designed to retain as much of the existing mature planting as possible, including the yew tree on the southern boundary, in the interests of the appearance and character of the area and the mutual privacy of residents and neighbours. Replacements will be required for any trees removed and additional planting will be required. The access and parking and boundary enclosure needs to be completed before the new dwelling is occupied in the interests of amenity and road safety. To avoid future extensions to the new dwelling creating a cramped effect permitted development rights are removed.
19. Also, to prevent mutual overlooking the bathroom windows shown above the double garage in the indicative scheme are to be obscure glazed, and the rear first floor dormer window at No 135 is to be obscure glazed and fixed shut up to eye-level and retained as such. A construction method is to be agreed and adhered to in order to minimise disturbance to neighbouring residents. Otherwise than as set out in this decision and conditions or otherwise agreed with the Council, it is necessary that the development shall be carried out in accordance with the principles shown on the illustrative plans, for the avoidance of doubt and in the interests of proper planning.

*C J Checkley*

INSPECTOR

**Schedule of conditions to which the permission is subject:**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The landscaping details under condition 1 shall provide details of both hard and soft landscape works including the following: existing and proposed ground levels of the site relative to adjoining land together with slab levels and ridge heights of the proposed buildings ; means of boundary enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; details of trees to be retained, which shall include the yew tree on the southern boundary; and details of the specification and position of fencing and any other measures to be taken for the protection of each retained tree from damage before or during the course of development.

- 5) The new dwelling hereby permitted shall not be occupied until the access and car parking areas and the means of boundary enclosure approved under conditions 1 and 4 have been completed in accordance with the approved details.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse hereby approved as described in Schedule 2, Part 1, Class A of the Order shall be erected without the prior written permission of the local planning authority.
- 7) The first floor bathroom windows shown on the indicative plans of the dwelling hereby permitted shall be fitted with obscure glazing and fixed shut below a height of 1.7m above floor level before the dwelling is occupied and shall be retained as such.
- 8) The rear first floor dormer windows in the dwelling at No 135 Hadham Road shall be fitted with obscure glazing and fixed shut below a height of 1.7m above floor level prior to the occupation of the new dwelling hereby permitted and shall be retained as such.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
  - a. The parking of the vehicles of site operatives and visitors;
  - b. The loading and unloading of plant and materials;
  - c. The storage of plant and materials used in constructing the development;
  - d. The erection and maintenance of security hoarding, where appropriate;
  - e. Wheel washing facilities;
  - f. Measures to control the emission of dirt and dust during construction.
- 10) The development hereby permitted shall be carried out in accordance with the principles shown on plans 3A, 4A and 5 unless otherwise agreed in writing by the local planning authority.



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# Appeal Decision

Site visit made on 29 May 2012

by **C Tokley MRTPI Dip Env Planning**

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

Decision date: 11 June 2012

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**Appeal Ref: APP/J1915/D/12/2174428**

**109 Sheering Mill Lane, Sawbridgeworth, Hertfordshire, CM21 9ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Pountney against the decision of East Hertfordshire District Council.
  - The application Ref 3/11/2072/FP was refused by notice dated 26 January 2012.
  - The development proposed is the construction of front roof dormer.
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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 and appearance of the dwelling and the street scene.

## Reasons

3. The appeal property forms part of two semi-detached pairs of bungalows occupying an elevated position on the south side of Sheering Mill Lane as it rises towards the centre of Sawbridgeworth. The pairs have similar roof pitches and their ridge lines, which run parallel to the road, step up the hill in a uniform manner, including a step up to the side extension at No 113. Whilst a number of the bungalows in the immediate area have roof lights in the front plane of the roof only No 124, opposite the appeal property has a dormer window.
4. Saved Policies ENV1 and ENV6 (e) of the East Herts Local Plan Second Review (April 2007) (LP) indicate that all development proposals should be of a high standard of design and that roof dormers may be acceptable provided that they are appropriate to the design of the host dwelling and its surroundings. Whilst those Policies were originally adopted some years ago they are consistent with the objective of securing high quality design which is a core planning principle of the recently published National Planning Policy Framework and I therefore give them substantial weight.
5. The proposed dormer extension would not relate to any architectural features of the bungalow. It would unbalance the appearance of the pair of bungalows and would detract from the uniform character of the group. I consider that the proposal would be a prominent addition to the bungalow that would detract from the well ordered character of this part of Sheering Mill Lane and would conflict with LP Policies ENV1 and ENV6.

6. The appellant draws attention to the dormer window at No 124 (which the Council indicates was added about 30 years ago); however that dwelling is a detached property and the dormer window has the merit of being centrally placed within the roof plane and less bulky than the proposal. The recently added solar panels are prominent and uncharacteristic additions to the front roof plane of that dwelling; however their presence does not justify the approval of the proposed dormer.
7. I have sympathy for the appellant's reasons for wishing to construct the dormer; however personal circumstances will seldom out-weigh other planning considerations and I consider that there is no justification for them doing so here.

**Conclusion**

8. Having taken account of all matters I have concluded that the proposal would unacceptably detract from the character and appearance of the dwelling and the street scene and that the appeal should not succeed.

*Clive Tokley*

INSPECTOR



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## Appeal Decision

Site visit made on 29 May 2012

by **C Tokley MRTPI Dip Env Planning**

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

Decision date: 11 June 2012

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**Appeal Ref: APP/J1915/D/12/2174881**  
**15 Desborough Close, Hertford, SG14 3EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr E Portas against the decision of East Hertfordshire District Council.
  - The application Ref 3/12/0050/FP was refused by notice dated 21 February 2012.
  - The development proposed is a two storey side extension, two storey and single storey rear extension and pitched roof to replace flat roof at the front.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, two storey and single storey rear extension and pitched roof to replace flat roof at the front at 15 Desborough Close, Hertford, SG14 3EG. The permission is in accordance with the terms of the application, Ref 3/12/0050/FP, and is 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the approved drawings numbered 100709.01, 100709.02, 100709.03 and 100709.04.

### Main issue

2. The proposal includes a part two-storey and part single-storey rear extension and a pitched canopy roof above the front door and window. The Council report and the refusal reason indicate that the Council raises no objection to these aspects of the proposal and I have no reason to dissent from that view. The main issue in this appeal is the effect of the two-storey side extension on the character and appearance of the area.

### Reasons

3. Desborough Close mainly comprises pairs of semi-detached houses with two detached houses located at its northern end. The curve of the road results in the pairs of semis being stepped forward or back relative to their neighbours and creates different sized and shaped gaps between the pairs. The deepest set back occurs between the appeal property and No 14 where the front wall of No 15 is roughly in line with the rear wall of its neighbour.

4. The majority of the houses retain their original side access/parking areas but a number of the dwellings have been enlarged by the addition of two-storey side extensions. The Council points out that these extensions were permitted more than 20 years ago but the variation in space between buildings at first floor level is part of the established pattern of the street. The proposal would have a similar design approach to others in the street and its design and materials would reflect the character of the house.
5. The proposal would narrow the gap between the pairs of houses but the set back of the appeal property combined with the space at the side of No 14 would ensure the retention of a distinct break between the buildings at first floor level through which there would be views of the tops of the distant trees. The set back of No 15 would result in the reduction of space having little effect on the street scene of Desborough Close and the remaining gap between the buildings resulting from the proposal would not be uncharacteristic of the street.
6. Saved Policy ENV1 of the East Herts Local Plan Second Review (April 2007) (LP) indicates that all development proposals should be of a high standard of design that responds to its context and Policy ENV6 sets out criteria against which house extensions will be judged. Whilst those Policies were originally adopted some years ago their general thrust is consistent with the objective of securing high quality design which is a core planning principle of the recently published National Planning Policy Framework and I therefore give them substantial weight.
7. Policy ENV6 (b) indicates that, in order to safeguard the character of the street scene and to prevent "terracing" side extensions at first floor level should normally be set away from side boundaries by a minimum of 1m. I can see the value of this approach where the front walls of houses are roughly in line and buildings are evenly spaced; however that is not the case here and I consider that this proposal would neither detract from the character of the street nor create a terracing effect and would not conflict with the objectives of Policy ENV6.

### **Conclusion**

8. Having had regard to all matters I have concluded that the proposal would not detract from the character or appearance of the area and that the appeal should succeed.

### **Conditions**

9. As indicated by the Council I have imposed a condition requiring that the external materials of the proposal should match those of the dwelling. In accordance with best practice I have also imposed a condition identifying the approved drawings.

*Clive Tokley*

INSPECTOR





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# Appeal Decision

Site visit made on 29 May 2012

**by C Tokley MRTPI Dip Env Planning**

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

**Decision date: 11 June 2012**

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**Appeal Ref: APP/J1915/D/12/2173668**

**21 Pishiobury Drive, Sawbridgeworth, Hertfordshire, CM21 0AD**

- 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 D P Lawless against the decision of East Hertfordshire District Council.
  - The application Ref 3/12/0129/FP was refused by notice dated 14 March 2012.
  - The development proposed is a detached double garage.
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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 and appearance of the area.

## Reasons

3. Pishiobury Drive is a private metalled road with no footways that passes between rows of mature trees. The large detached houses on the north side are set well back from the road and a number of them have lawned front gardens extending to the carriageway. The side boundaries between front gardens are predominantly informally planted with mixed trees and shrubs.
4. Aside from one of the two dwellings close to the entrance to the Drive, which occupy smaller plots and are closer to the road, none of the dwellings on the north side have detached outbuildings in front of the houses. Most of the houses have garages towards the side of their plots, some integral and others in detached buildings. The appellants point out that No 21 does not have a garage; however nearby residents indicate that a former integral garage has been incorporated into living accommodation.
5. Whilst the presence of the large houses on each side of the road clearly signals that this is a residential area the open spaces at the front of the houses on the north side of the road, punctuated by mature trees and shrubs create a parkland-like setting for the dwellings. The appellants point out that this is not a conservation area but it nevertheless has its own unusual and distinctive character.
6. Policy ENV1 of the East Herts Local Plan Second Review (April 2007) (LP) indicates that all development proposals should be of a high standard of design

and layout that reflect local distinctiveness. This policy was originally adopted some years ago but it is consistent with the objective of securing high quality development that responds to local character which is a key principle of the recently published National Planning Policy Framework and I therefore give it substantial weight.

7. Whilst the appeal site is bordered by laurel and beech hedges the garage would be visible from the road through the site entrance and above the boundary hedges across the adjacent more open front gardens. I consider that the introduction of a building as proposed would unacceptably detract from the open character of the area at the front of the dwellings which is currently free from buildings. For this reason the proposal would conflict with LP Policy ENV1. Further, if I were to grant permission for this proposal it would make it more difficult for the Council to resist similar proposals on nearby gardens thereby further eroding the character of this part of Pishiobury Drive.

**Other matter**

8. I have noted nearby residents' observations on covenants but they are private matters that have not influenced my decision.

**Conclusion**

9. Taking account of all relevant matters I have concluded that the proposal would unacceptably detract from the character and appearance of the area and that the appeal should not succeed.

*Clive Tokley*

INSPECTOR