



Appeal Decisions

Site visit made on 30 July 2012

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 22 August 2012

Appeal A: APP/J1915/F/12/2171434

31 Fore Street, Hertford SG14 1DJ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs D Hughes against a listed building enforcement notice issued by East Hertfordshire District Council.
 - The Council's reference is E/11/0278/B1.
 - The notice was issued on 8 February 2012.
 - The contravention of listed building control alleged in the notice is, without listed building consent, the insertion of a dormer window to the front plane of the roof.
 - The requirements of the notice are to remove the unauthorised structure from the front roof plane and to (1) restore the building to its former condition or (2) make such physical changes as are necessary to ensure that the development accords to any extant listed building consent, such as that granted under application number 3/08/1976/LB.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal B: APP/J1915/C/12/2171433

31 Fore Street, Hertford SG14 1DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs D Hughes against an enforcement notice issued by East Hertfordshire District Council.
 - The Council's reference is E/11/0278/B.
 - The notice was issued on 8 February 2012.
 - The breach of planning control as alleged in the notice is without planning permission, the insertion of a dormer window to the front plane of the roof.
 - The requirements of the notice are to remove the unauthorised structure from the front roof plane and to (1) restore the building to its former condition or (2) make such physical changes as are necessary to ensure that the development accords to any extant planning permission, such as that granted under application number 3/08/1975/FP.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (f) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended is to be considered.
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Appeal C: APP/J1915/E/12/2169073

31 Fore Street, Hertford SG14 1DJ

- 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 Mrs D Hughes against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1738/LB, dated 26 September 2011, was refused by notice dated 23 November 2011.
 - The works proposed are front and rear dormer windows, internal and external alterations and repairs.
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Appeal D: APP/J1915/A/12/2169056

31 Fore Street, Hertford SG14 1DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs D Hughes against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1737/FP, dated 26 September 2011, was refused by notice dated 23 November 2011.
 - The development proposed is front and rear dormer windows, internal and external alterations and repairs.
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Decisions

Appeal A

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal B

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Reasons

Appeal A Ground (e), Appeal B Ground (c), Appeal C and Appeal D – Front Dormer Window

5. The main issue is the effect on the special architectural and historic interest of the listed building and character or appearance of the conservation area.
 6. East Herts Local Plan Second Review Policy BH6 reflects the duties imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to conservation areas. LP Policy ENV1 requires proposals to be of a high standard of design.
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7. According to the list description the building is grade II listed of C17/early C18 origins, being once a terrace of houses, but now including shops and offices. I consider that the special interest and significance relates to the age, design, materials and detailing of the building and its contribution to the group. The special interest of the Hertford Conservation Area as a whole relates to its historical development and layout, and the design and arrangement of buildings within it are an important factor contributing to its character.
8. The council has given planning permission for a front dormer window, but that which has been constructed is different, mainly because of the width and roof design. In relation to the dormer windows on this and adjacent buildings, scale and bulk are important. There are a number of other dormer windows with various designs and widths on the other buildings in the terrace. However, the scale of those dormers remains small and complements the design of the buildings, because those that are much wider have flat roofs. Being of an appropriate scale, none of them dominate the group or the roof in which they are set.
9. The appeal proposal, particularly because of the gable roof and width, results in a large, bulky structure out of scale with the building, the group of buildings and the other dormer windows in the terrace. While in terms of the National Planning Policy Framework (The Framework) it would be classed as 'less than substantial' harm, it nevertheless is sufficient to be unacceptable harm and would not preserve the special architectural and historic interest of the listed building and would conflict with LP Policy ENV1.
10. The harm identified to the listed building impacts on the main elevation of the building and in turn on the character and appearance of the conservation area and any public benefit would not outweigh that harm. I conclude that the character or appearance of the conservation area as a whole would not be preserved or enhanced and the proposal would conflict with LP Policy BH6. Appeal A on ground (e) and Appeal B on ground (a) fail and the deemed planning application on Appeal B and the planning permission and listed building consent for Appeals C and D will be refused in relation to the front dormer window.

Appeal A – Ground (j) and Appeal B – Ground (f) – Front Dormer Window.

11. The council has given the appellant the option of either removing the dormer window and reinstating the roof slope or modifying the design to accord with previous listed building consent and planning permission. This is a reasonable approach, because if the appellant does not want to modify the window to accord with the current permissions, then removal of the existing window would be necessary to remedy the harm caused by it.
12. The appellant suggests that the impact that the council objects to could be mitigated by modifying the gable roof to a hipped roof similar to that permitted. While this would go some way to overcoming the harm, the bulk and scale of the dormer would still be significantly greater than that of the adjacent dormers and that permitted, because of the additional width and overall effect that has. In my view, the only way to alleviate the harm identified by the council is to either remove the dormer window or to make it accord with the dormer approved. The appeals on grounds (j) and (f) fail.

Appeals (C) and (D) – Planning Permission and Listed Building Consent for the rear dormer window and internal alterations

13. The local planning authority indicated to the appellant that a rear dormer matching the front dormer would be acceptable. A number of the properties have rear dormer windows. Again the ones either side of the appeal property are small in scale and of varying designs. The roof extension further along the terrace is an alteration to much of the rear slope of the building. To my mind this is not a good form of development on the rear of the building and should not be taken as setting an example for other rear extensions. However, a small scale dormer window that would be in keeping with the scale of the adjacent dormers would be unlikely to be out of place on the appeal building. Therefore, in principle a dormer window here would be acceptable.
14. However, the proposed dormer would not match the front dormer, but would have the larger arrangement of the gable roof design (that proposed at the front being unacceptable for reasons given above). While the overall size of the window on the rear would be reduced in relation to the front dormer, I consider that the gable roof would unacceptably increase the scale of the dormer window. I conclude that the rear dormer window as designed with a gable roof would unacceptably affect the significance of the listed building and would not preserve its special architectural and historic interest. In addition, I acknowledge that there is little information to explain what parts of the original structure would need to be altered, and this reinforces the decision to refuse the planning and listed building consent applications.
15. I acknowledge that the central beam supporting the roofs was defective and required repair. However, there is little explanation as to why a substantial area of boxing has been required to the front room. Because the boxing has a very large down stand and runs across the room, it has a substantial impact on the character of the building and does not preserve the special architectural and historic interest of the building. While I acknowledge that a repair was required and the old beam has been retained, it is necessary to undertake the repair with the minimum disruption to the special architectural and historic interest of the listed building. The appellant has not demonstrated that the repair that has been undertaken, particularly the boxing, is the appropriate solution for the building. As the special architectural and historic interest is not preserved, I conclude that planning permission and listed building consent should not be granted for this work and that it would also conflict with the aims and objectives of LP Policies ENV1 and BH6.

Graham Dudley

Inspector



Appeal Decision

Site visit made on 30 July 2012

by **Jane Miles BA(Hons) DipTP MRTPI**

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

Decision date: 6 August 2012

Appeal Ref: APP/J1915/D/12/2175033

**Appaloosa, The Causeway, Furneux Pelham, Buntingford, Hertfordshire
SG9 0LW**

- 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 P Carrington against the decision of East Hertfordshire District Council.
 - The application ref: 3/12/0021/FP was refused by notice dated 12 March 2012.
 - The development proposed is 'insertion of new dormer window and window in flank wall'.
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Decision

1. The appeal is allowed and planning permission is granted for 'insertion of new dormer window and window in flank wall' at Appaloosa, The Causeway, Furneux Pelham, Buntingford, Hertfordshire SG9 0LW, in accordance with the terms of the application, ref: 3/12/0021/FP, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans, drawing nos. A4336/003, A4336/004A, A4336/005, A4336/006 & A4336/007; D4336 001 & D4336 002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reasons

2. The **main issue** in this case is the effect of the proposed dormer on the character and appearance of the host building and the Furneux Pelham Conservation Area.
3. There is considerable variety in the age, style, form and materials of the Conservation Area's buildings. Appaloosa is a relatively modern brick bungalow with concrete roof tiles which sits well back from the street, but at a higher level. Thus its roof and two existing front dormers are relatively prominent when seen at close range but, due to the screening effects of vegetation to the north and the adjacent building to the south, these features are not prominent in longer views along the street. The proposed additional dormer feature would fit between the two existing ones in the front roof slope.

4. The appellant suggests the bungalow is of no architectural merit and makes no contribution to the Conservation Area. Certainly it makes little if any contribution to the Area's significance as a heritage asset and, compared with nearby vernacular buildings of more traditional materials and detailing, neither its design nor materials appears to be locally distinctive. Even so, the proportions and positions of the bungalow's existing features together create an appreciable integrity of design. That integrity needs to be respected, both to achieve the high standard of design that Policy ENV1 of the East Herts Local Plan Second Review (LP) expects for any new development and to accord with relevant criteria in Policies ENV5, ENV6 and BH5.
5. Bearing in mind also the other examples of dormers nearby, especially the three on the building opposite, I find no objection in principle to the additional dormer even though the overall arrangement on the roof would not be symmetrical. Rather it is a question of whether the three dormers would be too close together, and thus over-dominant and detrimental to the integrity of the building's design and appearance as a whole. Having regard to the scale and proportions of the roof and of the individual dormers, together with the positions of the latter well below the ridge line, I find there would be no significant adverse impacts in these respects, subject to the new dormer feature and its window matching the existing ones.
6. Therefore, having taken account also of current national policy guidance and of the proposed window in the flank wall, I conclude that the proposal would not harm the Conservation Area's significance, character or appearance, and that the Area's character would be preserved. There would be no material conflict with LP Policies ENV1, ENV5, ENV6 or BH5.
7. I further conclude that the appeal should succeed and planning permission should be granted. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning, and one requiring matching materials is needed in the interests of visual amenity.

Jane Miles

INSPECTOR



Appeal Decision

Site visit made on 30 July 2012

by Jane Miles BA(Hons) DipTP MRTPI

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

Decision date: 7 August 2012

Appeal Ref: APP/J1915/D/12/2177663

23 Lower Green, Tewin, Hertfordshire AL6 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Spendley against the decision of East Hertfordshire District Council.
 - The application ref: 3/12/0059/FP was refused by notice dated 16 March 2012.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The **main issue** in this appeal is the effect of the proposal on the significance, character and appearance of the host building and of the Tewin Conservation Area.
3. Nos. 22 and 23 are a pair of semi-detached properties of distinctive form, appearance and detailing which are similar to other late Victorian/Edwardian pairs and short terraces spread around Lower Green. The Conservation Officers' report notes that these 'model cottages' have been assessed as undesignated heritage assets. They are of historic and architectural interest, and contribute positively to the Conservation Area's significance, character and appearance, irrespective of the extent to which they are visible in public views.
4. Due to features such as tall chimneys and gabled first floor windows which break the eaves lines, the first floor/roof levels of these properties are a key element of the buildings' positive contribution to the Conservation Area's character and appearance. Moreover, neither no. 23's long flat-roofed single storey rear extension, nor the two-storey side extension at no. 22 that is a continuation of the main building and roof form, detracts significantly from these important features.
5. In contrast the substantial additional bulk of the proposed first floor rear extension would seriously disrupt the pair's main roof form, despite its lower ridge line, and it would terminate at the rear in an uncharacteristic hipped roof. A rear-facing gabled window, breaking the eaves line, would reflect those of the host building. However the proportions of this dormer-like feature, relative to the small expanse of hipped roof in which it would sit, would not be harmonious. In addition, there would be an awkward junction with the existing lower gabled roof element that projects rearwards from the main building.

6. I note the appellant's view that reducing the extent of the flat-roofed area would be a positive improvement, and accept that little harm would result from the modest sideways projection out from the main building. However these matters do not alter or outweigh the adverse visual impacts explained in the preceding paragraph. Therefore, whilst I note the efforts made to design the proposed extension as sensitively as possible, I find that it would detract from the character and appearance of the existing building, and from its significance as an undesignated heritage asset in the Conservation Area. It follows that it would neither preserve nor enhance the Area's character.
7. I have taken account of the various examples of extensions and alterations to other similar properties cited by the appellant, but I do not know the full circumstances in which these were approved. Moreover I must have regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In these circumstances, a less than sensitive extension to one or more properties cannot justify allowing this proposal which would have a harmful effect in terms of character and appearance.
8. I have had regard to all other matters raised, including the *National Planning Policy Framework*, but have found nothing sufficient to alter my overall conclusions. These are that the proposed extension would unacceptably harm the character and appearance of the host building, its significance as an undesignated heritage asset, and thus the significance, character and appearance of the Tewin Conservation Area. It would therefore conflict with Policies ENV1, ENV5, ENV6 and BH5 of the East Herts Local Plan Second Review, and with the *Framework*, and it follows that the appeal must fail.

Jane Miles

INSPECTOR



Appeal Decision

Site visit made on 30 July 2012

by Jane Miles BA(Hons) DipTP MRTPI

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

Decision date: 3 August 2012

Appeal Ref: APP/J1915/D/12/2177194

16 Trinity Close, Bishop's Stortford, Hertfordshire CM23 3HS

- 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 Helga Oates against the decision of East Hertfordshire District Council.
 - The application ref: 3/12/0125/FP was refused by notice dated 19 March 2012.
 - The development proposed is the installation of photovoltaic solar panels to front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of photovoltaic solar panels to front roof slope at 16 Trinity Close, Bishop's Stortford, Hertfordshire CM23 3HS, in accordance with the terms of the application, ref: 3/12/0125/FP.

Reasons

2. This is a retrospective application for panels that are already in place. The **main issue** is the effect of the proposal on the character and appearance of the building and of the Bishop's Stortford Conservation Area.
3. The appeal site is in the most southerly part of the Conservation Area, which is characterised mainly by narrow streets of tight-knit, late nineteenth and early twentieth century terraced housing with slate roofs. However Trinity Close is a short cul-de-sac of modern semi-detached and terraced houses of no especially distinctive design or appearance. No. 16 is within one of three short terraces with reddish concrete tile roofs, on the eastern side. Although these broadly reflect the older terraces in scale and form, their impact on the Conservation Area's character and appearance is at best neutral. Similarly they make little if any contribution to the heritage asset's significance or to local distinctiveness.
4. In this context, the visual impact of the array of six panels on the long terrace roof and its immediate surroundings is not significant. The panels are visible in views along Trinity Close but, being located below the terrace ridgeline and above its eaves line, they do not appear unduly large or visually intrusive despite the reflective nature of the material. The array is proportionate to the individual property within the terrace.
5. Council officers' reports highlight the wider area's topography, with the fall from west to east being said to provide good, long, eastward views across the town. No specific viewpoints are identified and, during my site visit, I was unable to find any public vantage point giving long views that included the

roofs of the Trinity Close terraces. I do not rule out there being some such views, and/or some from within private properties, but Trinity Close is in a peripheral location, close to the Conservation Area boundary, and in any long views from a higher level the terrace roofs would be seen primarily against a backdrop of buildings outside the Area. Thus the panels will not stand out to such an extent as to cause harm to the Conservation Area's character or appearance, or to its significance as a heritage asset.

6. I therefore find no material conflict with Policy ENV1 of the East Herts Local Plan Second Review (LP) which expects new development, amongst other things, to respect local distinctiveness, or with LP Policy BH5 relating to unlisted buildings in conservation areas. I conclude that the panels' visual impact in terms of character and appearance is not unduly harmful, and so the Conservation Area's character is preserved. Moreover, given the lack of any significant adverse visual impact, the support in LP Policy SD3 for facilities that harness renewable energy weighs in favour of the proposal.
7. Overall therefore I conclude that the appeal should succeed and planning permission should be granted. No conditions are necessary in this particular case.

Jane Miles

INSPECTOR