



---

## Appeal Decision

Hearing held on 20 November 2012

Site visits made on 20 & 22 November 2012

**by Richard E Hollox BA (Hons) BSc(Econ) MPhil FRTPI FRICS**

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

**Decision date: 15 January 2013**

---

**Appeal Ref: APP/J1915/H/12/2179183**

**Sainsbury's, Hartham Lane, Hertford, Herts, SG14 1QN**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Sainsbury's Supermarkets Limited against the decision of East Hertfordshire District Council.
  - The application, Ref 3/12/0749/AD, dated 27 April 2012, was refused by notice dated 25 June 2012.
  - The advertisement proposed is illuminated and non-illuminated signage including one 3m tall store totem (internally illuminated), three 2m tall pedestrian totems (non-illuminated) and two Sainsbury's fascia lettering (internally illuminated).
- 

### Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements Regulations) (England) Regulations 2007 and to the special conditions set out below in the Schedule of Conditions.

### Procedural Matters

2. In its notice dated 25 June 2012, the Council issued a split decision granting express consent in respect of wall-mounted non-illuminated signage, subject to conditions, but refused consent for the totems and fascia lettering to which the above reference is made. These totems and fascia lettering are in place, and so the appeal is determined on the basis of their proposed retention.
3. Since the Hearing and site inspections, the Council in consultation with the Appellant has stated that the parties overlooked to mention that the submitted Plan No 2500/PL SIGN 002 refers in its text to "halo illumination" for the fascia sign on the Hartham Common elevation, but that this sign as installed and inspected is internally illuminated, not halo illuminated. The Appellant confirms its wish that the appeal be determined on the basis that this sign is, indeed, internally illuminated.
4. The Council advised in its e-mail of 30 November 2012 that the Inspectorate would wish to be satisfied that no interests had been prejudiced given that public consultation was based upon Plan No 2500/PL SIGN 002 showing a different form of lighting, halo illumination. There could have been some risk of complaint or prejudice, and the Council was therefore requested to

undertake an additional consultation. This resulted in further representations from Hertford Town Council which have been taken into account.

### **Main Issue**

5. One main issue arises in the determination of the appeal. This is the effect of the totems and fascia lettering on the amenity of the area and, in particular, whether their retention preserves or enhances the character or appearance of the Hertford Conservation Area and whether it adversely affects the nearby Listed Building and/or its setting.

### **Reasons**

#### Introduction

6. The Conservation Area is an extensive one, including much of the town centre and its surroundings. It varies a good deal from one part to another. The Hartham Lane part has been considerably changed as a result of the demolition of some industrial buildings which, the Conservation Area Character Statement observes, *were of large bulky proportion totally out of scale with everything else around*. The Sainsbury's store recently opened for business; it relates well in design, materials and scale to the Grade II Listed former McMullens Brewery and, following the demolition of redundant buildings, has substantially improved this part of Hertford. In particular, it has enhanced the character or appearance of the Conservation Area. Associated with it is an attractive riverside walk and a pleasant pedestrian link, with tasteful fencing and railings, affording convenient access to and from the town centre. The approved planting should eventually enhance the surroundings yet further.
7. Some dwellings remain in the locality, and there is still a significant number of industrial and similar buildings, including those at the Hartham View Industrial Estate. With the arrival of the store, however, with its accesses, lighting, service yard and extensive parking area, the balance has changed substantially from one of a mixed residential, industrial and commercial character to one with a more pronounced retail character. This change in character provides much of the context within which the advertisements should be judged, as is the Council's praiseworthy objective of ensuring the continued quality of the locality.

#### The 3 pedestrian totems

8. These are approximately 2 m tall and so are of modest size. They are positioned in a planted strip of land at the 3 pedestrian entrances to the car park. The northernmost totem is set back about 2.5 m from its position shown on the submitted plan 2500/PL SIGN 001 Rev B. Thus it relates somewhat more to the extensive hard surfaced parts of the car park and to the store in general than to the riverside walk than it would as indicated on the plan. The Council welcomes this change and considers that the 2 other pedestrian totems should be similarly positioned further back from the walk. This would be a preferable arrangement, but all 3 totems are seen in the context of the store development as a whole, which includes the car park and its associated landscaping. From viewpoints to the north, including at and near the tennis courts, they are barely perceptible. Taking into account their size, position and context, they are neither alien nor unexpected in their setting.

The single store totem

9. This is approximately 3 m tall, a welcome reduction of 2 m from the 5 m previously proposed. It is positioned at the vehicle entrance to the store and provides useful information about opening hours and the offer available. It is internally illuminated and this, together with its greater size, makes it more prominent in the surroundings than any of the 3 pedestrian totems. As it, too, is seen in the context of the overall store development, being an integral part of it, it is not unexpected, incongruous or unduly intrusive in its surroundings. Indeed, like the 3 other totems, even when illuminated it can be barely seen from viewpoints from the usually mainly unlit open areas to the north.

Cumulative effect of totems

10. The matter of clutter is raised. The number of totems is modest, there being only 4 of them, and they are generally scattered along the edge of a large parking area rather than concentrated within a small space. Even with other signs, notices and poles nearby and in the wider surroundings, these totems neither on their own nor cumulatively constitute clutter. They are reasonable and not unexpected additional items in the context of a large store and its associated development.

The fascia lettering

11. The Council's greatest concern is with the 2 sets of internally illuminated fascia lettering on the store itself. During the day, when not illuminated, they appear entirely consistent in size, colour and position with a store of this size and all that goes with it. Certainly they draw attention to the difference between the Listed brewery building and the modern store which is physically attached to it. That marked difference would, however, be evident in any event, and the contrast remains pleasing rather than discordant. Nor does the material used for the lettering cause harm. Bearing in mind its height and the distances from which it would be viewed, it would be difficult to distinguish between the retained acrylic and the Council's preferred painted timber or metal.
12. After dark, the illuminated orange lettering is more prominent, especially from close quarters, and more so than the light below it which emanates from inside the store. Even so, and yet again, this illuminated lettering is seen in the context of the store as a whole, the activity around it when trading, its lit car park and the street and other lights in this part of the town. From further afield to the north, glimpses of it can be obtained through trees and other vegetation close to the store and other trees at, for example, the walk beyond the tennis courts. Approved planting should provide further screening, as should summer leaf cover. Again, however, those glimpses are of it as it appears amongst the various lights at and near the store, many of which can or do bring illumination to the surroundings well into the night. It is not unduly obtrusive or harmful in its context which include the hours of trading, but there is no case for illumination during the quieter, darker hours of night when there are more opportunities to appreciate the night skies.

Effect on designated heritage assets and other considerations

13. It follows from the above conclusions that, individually, in total or cumulatively, these suitably placed advertisements have no material effect on the surrounding area, including the Conservation Area and the Listed Building and its setting. The character or appearance of the former is preserved and the

latter is not adversely affected. The proposal therefore accords with the test set out in the National Planning Policy Framework (the Framework) in that it clearly does not result in an appreciable impact on buildings or surroundings.

14. These surroundings embrace the mainly open, unlit areas to the north including the major leisure attraction of Hartham Common which is part of the Metropolitan Green Belt. Policy BH15 concerning Advertisements in Conservation Areas in the Council's adopted (April 2007) Second Review of the Local Plan does not rule out illuminated signs, but seeks to ensure that they are of a discreet size and of a minimum level. This, and other local planning policies, is an important material consideration in the determination of the appeal. In the context of a large, modern store and its integral and associated parts, these advertisements do not conflict with these requirements or with the spirit of Policy ENV1 which expects a high standard of design.

#### Conditions

15. As agreed at the Hearing, the Council's suggested conditions add little to those of Schedule 2 which are imposed. Condition No 1 is necessary for the avoidance of doubt. Condition No 2 is necessary to regularise the position of the northernmost pedestrian totem and the type of illumination on the elevation to Hartham Common. Condition No 3 is imposed because it would be reasonable for the illumination of the single store totem and the fascia lettering to remain switched off before and just after the hours of trading to reduce the effect of the lighting during the night when it could be unduly intrusive in such darkness as there is in this part of the town, including when glimpsed from the generally unlit, darker surroundings further to the north. The condition does not conflict with Condition No 16 in the Secretary of State's decision which limits the hours of trading on Sundays and Bank Holidays to no more than 6 hours between 07:00 and 22:00 hrs.

#### Conclusion

16. I have taken into account all the other matters raised, including various advertisements in the town centre where, owing to such factors as the more constricted layout of streets and spaces, different circumstances apply. These matters do not outweigh those planning considerations which have led to my decision. For the reasons given above, I conclude that, subject to the stated conditions, the display of the advertisements would not be detrimental to the interests of amenity.

*Richard E Hollox*

Inspector

#### **SCHEDULE OF CONDITIONS**

- 1) Subject to Condition No 2, this consent applies to the submitted plans Nos 2500/PL SIGN 001B, 2500/PL SIGN 002, 2500/PL SIGN 004C & 120399/SK/02.
- 2) The northernmost pedestrian totem shall remain as positioned on site, approximately 2.5 m back (towards the south-west) from its position as shown on the submitted plans and, notwithstanding the text on Plan No

2500/PL SIGN 002, the wall mounted sign on Elevation B to Hartham Common shall be internally illuminated not halo illuminated.

- 3) The single store totem and the fascia lettering shall not be illuminated outside the following times: on any day when the store is trading, between the opening of the store for trade and 30 minutes after such time as the store closes for trade, and not at all on any day when the store is not trading.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr James Maurici	of Counsel, instructed by Sainsbury's Supermarkets Limited
Mr Sean McGrath BA(Hons) MSc MRTPI	Indigo Planning Limited
Mr Asher Ross BSc MPhil	Indigo Planning Limited
Ms Maggie Gatland DipSurv DipTP MRICS MRTPI	Indigo Planning Limited
Mr Andrew Pepler	Sainsbury's Supermarkets Limited

### **FOR THE LOCAL PLANNING AUTHORITY:**

Miss Rebecca Clutten	of Counsel, instructed by the Solicitor to East Hertfordshire District Council
Mr Tim Hagyard MRTPI	East Hertfordshire District Council
Ms Sarah Leete-Groves, qualified in Architectural Conservation and Urban Design	East Hertfordshire District Council

## **DOCUMENTS HANDED IN AT THE HEARING**

- 1 Attendance List
- 2 Appellant's Summary
- 3 Appeal Information Sheet
- 4 Extract from Committee Report re 3/08/1528/FP, 3/08/1529/LB & 3/08/1530/LC, with Plan 2500 PL(2) 612 A
- 5 Secretary of State's decision APP/J1915/V/09/2101286
- 6 Inspector's Report to Secretary of State APP/J1915/V/09/2101286
- 7 Council's Summary of various advertisement consent decisions
- 8 Photographs of site pre-development



The Planning  
Inspectorate



Development  
Control

31 DEC 2012

3/05 Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line: 0117 372 6250  
Customer Services: 0117 372 6372  
Fax No: 0117 372 8181  
e-mail: [teamp13@pins.gsi.gov.uk](mailto:teamp13@pins.gsi.gov.uk)

Development Control  
East Hertfordshire District Council  
Development Control  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Your Ref:

31210974/ff

Our Ref:

APP/J1915/A/12/2187575/NWF

Date:

27 December 2012

Dear Sir/Madam

**Town and Country Planning Act 1990  
Appeal by Christopher Gladwell  
Site at Punchley, Levens Green, Old Hall Green, Ware, SG11 1HD**

I am writing to tell you that the appeal (reference number APP/J1915/A/12/2187575), has been withdrawn. We will take no further action on the appeal.

Yours sincerely

*D. Howe*

*on APAS*

pp Sandra Grant

208B

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



INVESTOR IN PEOPLE



POSITIVE ABOUT  
DISABLED PEOPLE



---

# Appeal Decision

Site visit made on 8 January 2013

**by Clive Sproule BSc MSc MSc MIEnvSc MRTPI CEnv**

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

**Decision date: 17 January 2013**

---

**Appeal Ref: APP/J1915/D/12/2186639**

**Five Hide House, Watton Road, Datchworth, Hertfordshire SG3 6RS**

- 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 Hope against the decision of East Herts Council.
  - The application Ref 3/12/1020/FP was refused by notice dated 8 August 2012.
  - The development proposed is a new front boundary wall.
- 

## Decision

1. The appeal is dismissed.

## Main issue

2. This reflects the Council's reason for refusal and is the effect of the proposed development on the character and appearance of the locality.

## Reasons

3. Five Hide House is a large detached house that lies on the eastern edge of development in the village of Datchworth. Hoppers Barn and the entrance to Hoppers Hall lie between the appeal site and a crossroads to the west, which has shops, services and other dwellings around it.
4. Development in Datchworth varies in age and architecture. This is evident in aspects northwards from Five Hide House. These views are across Watton Road to fields and residential development beyond that is of suburban layout within the context of the village and the countryside around it. Development around the crossroads to the west of the appeal site appears to be considerably older and is strongly rural in character. This is emphasised by the presence of the open space at Datchworth Green to the west of the crossroads, the vegetation on the frontage of the appeal site and the open countryside that quickly dominates the street scene as you move along Watton Road to the east of Five Hide House.
5. The appeal site has two access points onto Watton Road, with the western entrance next to that of Hoppers Barn. At present this is an open gravel surfaced access that includes recently constructed walls and piers at the vehicular entrance to Hoppers Barn. While these are substantial structures, their design and the combination of materials used within them, complement both the unambiguously rural character of the former barn, and the scale, density and positioning of the development on its plot.

6. Policy ENV1 of the East Herts Local Plan Second Review April 2007 (LP) expects all development proposals to be of a high standard of design that reflects local distinctiveness. This is consistent with the National Planning Policy Framework ("the Framework") *Core planning principle* that indicates planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
7. The appeal scheme would construct brick walls and piers at each entrance to Five Hide House. Access would be controlled by electronic sliding metal gates and a pedestrian gate would also be present next to the Hoppers Barn entrance.
8. While the proposed structures would be set against the backdrop of Five Hide House and ground levels that rise from the highway, they would be remote from the dwelling. It is not unusual for large rural dwellings to have substantial gates, but the structures erected through the appeal scheme would provide points of access that would be considerably wider than the gated entrance to Hoppers Barn. The visual effect of the structures, which could be finished in brick sympathetic to Five Hide House, would be softened by vegetation on the frontage of the site. Also, the western gates would be next to the taller brick piers and walls at Hoppers Barn.
9. However, the local distinctiveness that provides the context for the development is the rural character of the area. While Five Hide House is a substantial building that appears to be of recent construction, the vegetated frontage of the appeal site contributes to local character and the transition to open countryside along Watton Road. Sliding railing style gates, as opposed to hinged varieties, are a type of access control that is not readily apparent around the appeal site, or indeed in the wider locality. Moreover, the width and height of the proposed gates would cause them, and the associated brickwork, to be strident features that would not be compatible with the local distinctiveness of this rural street scene. As such, they would be unacceptably harmful to the character and appearance of the locality and conflict with LP policy ENV1 and the objectives of the Framework.
10. Attention has been drawn to other developments, but full details regarding their circumstances have not been provided. In any event, each application and appeal is determined on its own merits within the context of relevant development plan policy and the other considerations that apply to it, and this is how the appeal scheme has been dealt with. Also, it has not been shown that gates of the type and scale proposed would be the only the means of addressing the safety and security of occupiers of the appeal site.
11. For the reasons above and following consideration of all matters raised in this case, including the scope of possible planning conditions, no matters have been found to outweigh the identified harm and policy conflict. Therefore, I conclude that the appeal should be dismissed.

*C Sproule*

INSPECTOR





---

# Appeal Decision

Site visit made on 8 January 2013

**by Clive Sproule BSc MSc MSc MIEnvSc MRTPI CEnv**

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

**Decision date: 17 January 2013**

---

**Appeal Ref: APP/J1915/D/12/2187466**

**29 The Orchards, Sawbridgeworth, Hertfordshire CM21 9BB**

- 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 Ian Mathews against the decision of East Herts Council.
  - The application Ref 3/12/1109/FP was refused by notice dated 5 September 2012.
  - The development proposed is a two storey side extension.
- 

## Decision

1. The appeal is dismissed.

## Main issue

2. This reflects the Council's reason for refusal and is the effect of the development proposed on the living conditions of occupiers of 28 The Orchards in relation to visual impact.

## Reasons

3. The proposed development would construct a two storey side extension that would replace an existing single storey element of No.29. The appeal scheme would draw the existing building line back, to a certain degree, from the boundary with No.28, and it would have a partially hip roof form. Nos.29 and 28 are, for the most part, pitch roofed detached houses that provide two storey living accommodation with ridge lines that are at right angles to each other. The differing layouts are reflected in the orientation and nature of some of the windows in the dwellings. At present, a large landing window at the appeal site looks across the flat roofed garage at No.29 to a similarly large bedroom window at No.28, which is the only window to that room. Both windows are clear glazed and this results in potential levels of close overlooking and loss of privacy that would not normally be found in suburban dwellings of this type.
4. The proposed two storey side extension would be to the elevation that includes the landing window. It would address the existing levels of overlooking by only including obscure glazed windows in the proposed flank elevation next to the property boundary.
5. Policy ENV1 of the East Herts Local Plan Second Review April 2007 (LP) expects all development proposals to be of a high standard of design and layout that, amongst other things, would demonstrate compatibility with the structure and layout of the surrounding area. LP policy ENV5 is permissive of extensions to dwellings provided that the development would not be significantly detrimental to matters that include the living conditions at neighbouring dwellings. The

- reason for refusal also refers to LP policy ENV6, which has criteria that address roof dormers and seek side extensions to leave a gap to the property boundary to prevent a terracing effect.
6. It is a *Core planning principle* of the National Planning Policy Framework (“the Framework”) that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 14 of the Framework indicates that for decision-taking the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay. In respect to the matters referred to above, the relevant development plan policies are consistent with the Framework and are not absent, silent or out-of-date.
  7. As sought by LP policy ENV6, both the scale and form of the appeal proposal would prevent a terracing effect occurring with No.28. Nevertheless, the Council Officer’s report on the application notes the proposed flank wall would be in the region of 1.8m from the bedroom window at No.28. Existing views from this window are to No.29, with longer distance views easily obtainable to the front and rear of the dwelling.
  8. The ridge line of the extension would be lower than that of the main roof at No.29. First floor accommodation within the extension would have dormer windows facing to the front and rear of the dwelling. The flank wall eaves for the gable below the partial hip roof are shown to be at a similar height to those of the side elevation at No.28.
  9. The bedroom window at No.28 that would face toward the proposed extension has a northerly aspect. Given the roof form proposed, the separation distance between the flank wall of the extension and No.28 would appear to be sufficient to prevent occupiers of the bedroom experiencing an unacceptable loss of light. In this respect the proposal would comply with LP policy ENV1 criterion d.
  10. The front and rear roof slopes of the extension would reasonably be expected to provide some opportunity for longer views from the side wall bedroom window of No.28. However, the immediate and predominant aspect from the window would be to the proposed flank wall. Due to the scale, form and very close proximity of the extension side wall to the existing bedroom window, occupiers of the bedroom would experience visual impact and a loss of outlook that would be overbearing and unacceptably harmful to the living conditions of people occupying No.28. Such harm conflicts with the overall objectives of LP policies ENV5, ENV1 and the Framework *Core planning principle* referred to above.
  11. The extension would provide the occupiers of No.29 with additional accommodation, which along with the removal of direct and near overlooking between existing windows, provides some weight in favour of the appeal scheme. In addition, materials used in the extension could be complementary to the original building and its setting, and the proposed roof dormers would also meet the objectives of LP policy ENV6.
  12. Attention has been drawn to houses elsewhere in the locality that have a similar building and window layout to that proposed in this case. Full details regarding the background to these houses have not been provided. In any

event, each application and appeal is determined within the context of relevant planning policies, and other considerations that include the specific circumstances that pertain to the proposal. *The Planning System: General Principles* is clear that the basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Ensuring that suitable living conditions are maintained within existing housing is a matter that is in the public interest, and addressed by extant planning policy. Consequently, the other example referred to does not set a precedent in relation to this case.

13. Following consideration of all matters raised, including the scope of suggested planning conditions, no matters have been found that outweigh the identified harm which is paramount in this case. Accordingly, for the reasons above the appeal should be dismissed.

*C Sproule*

INSPECTOR



---

# Appeal Decision

Site visit made on 2 January 2013

by **R J Yuille MSc Dip TP MRTPI**

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

Decision date: 15 January 2013

---

**Appeal Ref: APP/J1915/D/12/2185242**

**36 Little Berkhamsted Lane, Little Berkhamsted, Hertfordshire SG13 8LU**

- 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 Scott Stevens against the decision of East Hertfordshire District Council.
  - The application Ref: 3/12/1330/FP, dated 03/08/12, was refused by notice dated 14/09/12.
  - The development proposed is a retrospective application for ground floor and first floor rear extension, alteration to roof to include two dormer windows to primary frontage.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The appeal site is in the Metropolitan Green Belt. The first main issue in this appeal is whether the appeal scheme is inappropriate development in Green Belt for the purposes of The National Planning Policy Framework (the Framework) and development plan policy and, if it is, 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.

## Reasons

*Is the appeal scheme inappropriate development?*

3. The development for which planning permission is sought has already been constructed. It is made clear in the Framework<sup>1</sup> that the construction of new buildings is inappropriate in Green Belt except, amongst other things, where it involves the extension of a building that does not result in disproportionate additions over and above the size of the original building. Policy GBC1 (d) of the East Herts Local Plan Second Review (the Local Plan), when read in conjunction with Policy ENV5, takes a similar approach.
4. In this instance planning permission was granted in 2009 (Ref: 3/09/1511/FP) to raise the roof ridge of the original Lodge House that stood on the site and for a two storey rear extension. This scheme (the 2009 scheme) involved an increase in floorspace of 52sqm, which amounts to a 65% or so increase in the floorspace of the original building.

---

<sup>1</sup> National Planning Policy Framework: paragraph 89

5. However, the extension was not built in accordance with the approved plans. The existing building has a larger footprint and a larger floorspace than that of the 2009 scheme and its ridge is higher than in that scheme. Two dormer windows not present in the 2009 scheme have also been added to the front facing roof plane.
6. The appellant calculates that the footprint of the now existing building is 27.59% larger than that of the original building and 16.72% larger than that of the 2009 scheme. However, simply measuring the footprint of the building does not take account of its increased height or the addition of dormer windows; measuring the floorspace, on the other hand, does take account of these factors and is, therefore, a better indication of size.
7. The Council calculates that the floorspace of the existing building is some 45sqm larger than that of the building permitted in 2009. While it does not indicate what this amounts to in percentage terms, it does confirm that the overall floorspace is larger than that proposed in a scheme for which planning permission was refused in 2008 (Ref: 3/08/0630/FP) – a scheme that would have involved an 85% increase in floorspace. None of these figures are disputed in the written evidence provided by the appellant. It follows, therefore, that the existing building has a floorspace more than 85% larger than that of the original building.
8. Neither the Framework nor the Local Plan indicate what constitutes a disproportionate extension, that is a matter for judgement. In my judgement an increase in floorspace of over 85% - a figure that begins to approach a doubling in the size of the original building – amounts to a disproportionate increase in the size of that building.
9. The appeal scheme is, therefore, inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and this is something to which substantial weight must be given<sup>2</sup>. While the property is not widely visible because of the heavy planting around it, such an increase in the bulk of the building clearly has an effect on the openness of the Green Belt from nearby viewpoints and this is a matter to which significant weight should be attached.
10. The original building would have been a simple, modest structure whose most distinctive features would have been its steeply pitched roof and prominent chimneys. While the pitch of the roof has been retained its appearance has been radically altered by the insertion of two dormers in the front roof plane. One chimney on the front of the building has been retained and it is intended to reinstate the chimney to the rear. However these chimneys are or would be seen against the backdrop of the bulky rear extension and consequently their original prominence would be much muted. While the existing building makes use of architectural details and materials which reflect those of the original building, it has not retained the local distinctiveness of that building. This is also a matter to which significant weight must be given.

#### *Other considerations*

11. As to the other considerations which the appellant considers supports the appeal scheme, the original building was in poor condition and the existing building is no doubt more usable, efficient and sustainable than was that

---

<sup>2</sup> National Planning Policy Framework. Paragraphs 87 and 88.

building and improves the quality of life of its occupants. However, the appeal scheme is not the only way these benefits could be achieved. Similar points would also apply to the 2009 scheme - albeit that this scheme would have resulted in smaller bedrooms. Only limited weight can, therefore be given to these considerations.

12. Similarly, while designing buildings in a way that reduces crime is a relevant consideration, the 2009 scheme would have allowed for clear views of the site and its approaches from ground floor windows. The first floor dormer windows in the appeal scheme do not increase these views to any significant degree. The additional surveillance afforded by these windows is, therefore, a consideration to which only limited weight can be attached.
13. The appellant and others point to recent developments that have been granted planning permission in the vicinity but little information is provided as to the details of most of these schemes so only minimal weight can be attached to them. The one scheme for which details are given (Chauffeurs Cottage - Ref 3/08/0460) involved a replacement dwelling which the Council judged would not be materially larger or more intrusive than the original. That is a decision the Council was entitled to come to. While, understandably, there is an expectation that decisions will be taken in a consistent manner, each decision must be taken on its merits and there is nothing in that other decision which creates a precedent for granting planning permission in this instance. Little weight can, therefore, be given to this development as a consideration that supports the appeal scheme.
14. Three neighbours have written in support of the appeal scheme and more than 40 people have responded to a survey conducted by the appellant indicating their support for the appeal scheme. Set against this one neighbour and the Parish Council have objected to the scheme. Public opinion is divided on this matter and even if all such opinion were based on a sound appreciation of the planning issues involved, it is, taken in the round, a largely neutral point to which little positive or negative weight can be given.
15. In this instance, therefore, the other considerations do not clearly outweigh the harm that has been identified and the very special circumstances necessary to justify the appeal scheme do not exist. The appeal scheme conflicts, therefore, with the aims of Local Plan Policies GBC1 (d) and Policy ENV5 which seek to prevent inappropriate development in Green Belt and the aim of Policy ENV1 insofar as this seeks to ensure that development reflects local distinctiveness.

## **Conclusions**

16. For the reasons set out above, and having taken into account the appellant's concerns about what he regards as the Council's unwillingness to discuss the scheme and the unseemly haste with which it was determined - matters beyond the scope of this decision - the appeal should be dismissed.

*RJ Yuille*

Inspector



---

# Appeal Decision

Site visit made on 14 January 2013

**by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)**

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

**Decision date: 18 January 2013**

---

**Appeal Ref: APP/J1915/D/12/2188323**

**Bellms House, 11 Chaseways, Sawbridgeworth, Herts, CM21 0AS**

- 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 Jemmett against the decision of East Hertfordshire District Council.
  - The application Ref 3/12/1515/FP, dated 3 September 2012, was refused by notice dated 25 October 2012.
  - The development proposed is two storey side extension to existing dwelling house.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider the main issue in this appeal is the effect of the proposal on the character and appearance of the existing dwelling and the street scene.

## Reasoning

3. The appeal property is located on an unmade road on the outskirts of Sawbridgeworth. It faces open fields and comprises a seven bedroom chalet bungalow style dwelling with dormer windows to the front and rear. There is a detached double garage with a crown roof built forward of the dwelling and extending back some distance. The dwelling and the garage result in built development across much of the width of the plot.
4. The proposal would result in the space between the dwelling and the garage being enclosed and extended to the rear; there would be a first floor over the garage and the enclosed space; there would be a hipped roof with two dormer windows facing the inside of the 'L' and forming a gable over the garage.
5. The height of the gable roof above the garage would be some 7.1m as would the ridge line of the proposed roof link to the existing dwelling. Although this would be slightly below the height of the existing dwelling because of the bulk of the linking roof and the location of the garage forward of the dwelling I consider that the proposal would not appear as subservient to the existing building. The existing dwelling is a large building but the height and design of the gable above the garage, together with the projection of the two dormers towards the inside of the 'L' would result in an imposing and over-dominant feature in relation to the existing building.

6. The proposed two storey extension would be extremely prominent in views from Chaseways when approaching the appeal site in either direction because of its height, length, bulk and location forward of the main building and immediately adjacent to the boundary. This would be in contrast with other buildings along the road where, although some dwellings also fill the width of their plots and are set further forward on their plots, there are no forward projections as proposed in this case.
7. The mass and bulk of the proposal would substantially increase the mass and bulk of the dwelling, and whilst I accept that the plot is large, the amount of built development across the width of the appeal site at two storeys would be excessive and would result in over-development of the plot. The resulting dwelling would be out of keeping with, and unduly prominent in, this semi-rural area.
8. I have considered the proposal in relation to the house as it currently exists. However, the permission granted for a two storey side extension to existing dwelling house on 17 May 2012<sup>1</sup> is a material consideration. I note that the proposal in that approval is different from the one that is the subject of this appeal in that, among other things, the extension would be behind the garage and that the height of the garage would not be affected. I consider that the proposal in this case is significantly different from that given approval and the existence of the approval does not affect my decision.
9. Policies ENV1, ENV5 and ENV6 of the East Hertfordshire Local Plan Second Review and section 7 of the National Planning Policy Framework seek, among other things, to ensure that all development is of a high standard of design; that the character and appearance of a dwelling will not be significantly effected by any extensions; that extensions to dwellings will not be disproportionate to the dwelling; and that first floor extensions should be some 1m from a common boundary with a neighbour.
10. For the reasons given above, and taking all other matters into account, I conclude that the proposal does not comply with the Policies referred to above and that it would have a harmful effect on the character and appearance of the existing dwelling and the street scene. I therefore conclude that the appeal should be dismissed.

*Gloria McFarlane*

Inspector

---

<sup>1</sup> Ref 3/12/0525/FP