



Appeal Decision

Site visit made on 15 January 2013

by **John G Millard DipArch RIBA FCI Arb**

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

Decision date: 20 February 2013

Appeal Ref: APP/J1915/A/12/2180187

**The Rectory, 54 Roydon Road, Stanstead Abbots, Ware, Hertfordshire
SG12 8HA**

- 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 Leslie Lord against the decision of East Herts Council.
 - The application ref: 3/11/1857/FP dated 21 October 2011 was refused by notice dated 31 January 2012.
 - The development proposed is the erection of one detached three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is identified in the Statutory List as 54 Roydon Road but was previously known and listed as The Vicarage. It was subsequently renamed Thele House which is the name given on the application form. The appeal form, however, uses the name The Rectory which also, at the time of my site visit, appeared on the outside of the building. For the sake of consistency and the avoidance of doubt I shall refer to the building as The Rectory throughout this decision.
3. The north points shown on drawings numbered 302/P1 and 302/P2 do not correspond to north as shown on the Ordnance Survey and on drawing number 302/P6 but, in fact, point to the east. Accordingly, the elevations identified as south-east and north-west on drawing numbered 302/P3 are also incorrect, and should be designated south-west and north-east respectively. When referring to compass points throughout this decision I have used the Ordnance Survey designations.

Main Issues

4. The first of the main issues in the appeal is the effect of the proposal on the character and appearance of the area and the setting of the Grade II listed building, and whether it would preserve or enhance the character or appearance of the Conservation Area. The second is its effect on the living conditions of the occupiers of The Rectory with particular reference to outlook and privacy.
-

Reasons

5. The appeal site comprises part of the grounds of the Grade II listed Rectory and lies within the Stanstead Abbotts Conservation Area. The building dates from the mid to late 18th century and fronts Roydon Road, from which it is accessed but largely obscured from view by dense and seemingly unmanaged boundary planting. The building was extended at the rear in the 1980s, at which time and until about 2010 it was owned and operated by East Herts Council as a hostel for the homeless. During this period the curtilage of the former Vicarage was much reduced by the erection of a pair of semi-detached two storey dwellinghouses in the north-eastern corner of the site, including a warden's house known as Cedar Cottage, and by a development of modest semi-detached elderly persons' bungalows, Nos 43-50 Thele Avenue.
6. As a result of these developments, the once spacious grounds of this building of high status within the community have been much reduced in recent decades. Within the residual garden area is a large and majestic deodar cedar tree of seemingly considerable age together with a mature bay tree. Except along the Roydon Road frontage, most of the remainder of the garden is laid to lawn so that, despite its reduced area, a semblance of the building's historic open garden setting is maintained to the south and east.
7. Whilst statute requires special regard to be had to the desirability of preserving the settings of listed buildings, it offers no guidance as to what constitutes a building's setting. English Heritage, as the Government's official adviser on the historic heritage, suggests that setting is the surroundings in which a heritage asset is experienced¹. Its extent is not fixed and the contribution made to the significance of the asset by its setting is not dependent upon the numbers of people experiencing it. Indeed, the Planning Practice Guide to the former PPS5 notes that ". . . *the contribution that setting makes to the significance [of an asset] does not depend on there being public rights or an ability to access or experience that setting*".
8. When standing in that part of the garden to be retained and viewing, from the south, what is now considered to be the Rectory's principal façade, one is fully aware of the open space to the north, beyond the cedar and bay trees, and of the contribution it makes to the spatial quality of the building's setting. The erection of a substantial new building within this space would materially diminish that experience, to the detriment of the listed building's historic significance. In views from the north, whilst not presently available to the general public, and notwithstanding the 20th century extension that intrudes into such views, the new dwelling would become a dominant feature within the setting of the former vicarage so that its significance as a listed building would be further compromised.
9. Part 12 of the National Planning Policy Framework 2012 (the Framework) sets out Government objectives for the conservation and enhancement of the historic environment. Paragraph 132 indicates that, when considering the impact of a proposal on the significance of a designated asset, great weight should be given to the asset's conservation. It goes on to point out that significance can be harmed not only by alteration or destruction of the asset itself, but also by development within its setting. In view of the harm that the development in

¹ The Settings of Heritage Assets, English Heritage 2011

this case would cause to the setting of the listed building, I find the proposal in conflict with the Framework's advice.

10. The design proposed for the new dwelling is not unattractive in itself and may well be considered acceptable in different circumstances. As such, and in the context of existing development in the immediate area, I am satisfied that, setting aside listed building and conservation area considerations, it would not be unduly harmful to the character and appearance of the area and would satisfy the design objectives of Policy ENV1 of the adopted East Herts Local Plan Second Review 2007 (LP). This is not, however, sufficient to outweigh the harm it would cause, by its very presence, to the significance and setting of The Rectory as a designated heritage asset.
11. Neither does it overcome the harm to the Conservation Area arising from the negative impact of the development on the setting of the Rectory. Because of the screening effect of the dense foliage on the Roydon Road frontage and the existing boundary treatment along Thele Avenue, the new dwelling would be largely unseen from the public realm. However, one of the benefits claimed for the proposal is that it would facilitate the re-landscaping of the western site boundary in order to open up views into the site from Roydon Road. Once this was done, the rising ground level from west to east and the minimal separation distance between the new dwelling and the listed building would be revealed, resulting in a cramped relationship that would neither preserve nor enhance the character or appearance of the Conservation Area.
12. Policy BH6 of the LP seeks to protect conservation areas from harmful development and, in so doing, reflects the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Similar objectives are set out in Part 12 of the Framework.
13. For the reasons given above, it is my conclusion on the first of the main issues that the erection of a new dwelling in the location proposed would cause material harm to the setting and significance of the Rectory whilst failing to preserve or enhance the character or appearance of the Conservation Area. The proposal is thus in conflict with LP Policy BH6, and with advice in Part 12 of the Framework, and is unacceptable.
14. Turning to the second main issue, I note the Council's concern with regard to the effect of the new dwelling on the outlook from windows in the rear of the Rectory, from Cedar Cottage and its attached dwelling (which I shall for convenience define as the Annex) and from Nos 49 and 50 Thele Avenue. I also note that LP Policy OSV1(II)(d) requires that new housing development should not detract from the amenities of nearby occupiers.
15. There are windows at ground and first floor levels in the east elevation of the modern rear extension to the Rectory that face slightly diagonally towards the proposed dwelling at a distance of about 11 metres. As the new dwelling would have no windows in its south-western flank elevation there would be no overlooking issues and thus no loss of privacy. The present outlook from the Rectory windows onto the open garden area would necessarily be constrained by the new dwelling but, in view of the separation distance involved and the

angled relationship between the two buildings, this would not be sufficient, on its own, to justify withholding planning permission.

16. Facing windows in the new building and the annex would be separated by a distance in excess of 19 metres, for which reason I am satisfied that there would be no unduly harmful overlooking between the two properties nor sufficient harm to the outlook from the Annex to warrant dismissing the appeal. Cedar Cottage is well screened by tall mature planting, because of which its occupiers' amenities would be largely unaffected by the proposal. There is also established tall planting along the boundary between the appeal site and Nos 49 & 50 Thele Avenue. Accordingly, although the separation distance in this case would be closer to 16 metres, I am satisfied that the occupiers of these bungalows would suffer no material loss of privacy or outlook as a result of the development.
17. I therefore conclude, on the second main issue, that the living conditions of neighbouring occupiers, with particular reference to outlook and privacy, would not be unduly harmed and that the proposal would accord with LP Policy OSV1(II)(d). This is not sufficient, however, to outweigh the harm I have identified to the setting of the listed building and to the character or appearance of the Conservation Area, leading me to the overall conclusion that the proposal is unacceptable.
18. In reaching this conclusion I have had regard to the concerns of local residents about such matters as parking provision and potential harm to the cedar tree and have noted the appellant's suggestion that the setting of the listed building has not previously been identified, presumably in the list description, as an important part of the heritage asset's significance. However, as descriptions are included in the statutory list primarily as an aid to identification and do not purport to describe all the features of importance, and as setting is always to be regarded as an important part of a heritage asset's significance², I attach little weight to the suggestion. Having considered these and all other matters raised, I have found nothing that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR

² Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990



Appeal Decision

Site visit made on 5 February 2013

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 26 February 2013

Appeal Ref: APP/J1915/A/12/2182656

Unit 10, Woodside, Birchanger, Bishop's Stortford, CM23 5RG

- 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 Reading of Travis Perkins Trading Co. Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1879/FP, dated 26 October 2011, was refused by notice dated 29 February 2012.
 - The development proposed is the provision of new security fencing to the existing boundary.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The appeal site comprises a corner plot on a main frontage of Woodside, which is a cul-de-sac running north from Dunmow Road, a principal access road into Bishop's Stortford. The fence is intended to improve vehicle and pedestrian circulation and safety within the site, and enhance security for the industrial style building and its curtilage. I saw evidence on site of the constraints on circulation and congestion arising from the position of the current security gate.
 4. The part of Woodside that runs east from the appeal site serves a mix of uses and has a generally unprepossessing street scene. The part between the site and Dunmow Road is more formally set out and is fronted by various employment uses. Galvanised security fencing around part of the first site on the left presents an unattractive entrance into the estate. However, the unit beyond that (no.2) is attractively set out and landscaped. On the other side of the road, the effect of high chain link fences on the street scene has been softened by planting that grows over them. Unit 11 opposite the appeal site presents an open frontage to the road. The appeal site is in a prominent
-

corner position when approached from the main road. I consider that it is important therefore that any means of enclosure should have a positive rather than a negative effect on its context.

5. The fence is intended to be 2.4 metres high. It would be set back from the footway behind a narrow strip of curtilage land, presently finished in cobbles set in concrete. Double security gates would open inwards at the existing vehicle access point. In my view, the new fence would significantly change the open character and appearance of the site to one with a much more enclosed and unattractive appearance. The use of the corporate colour to match the building (Hollybush Green) would not materially overcome this effect. Similarly, I consider that reducing the height of the fence to a minimum of 1.8 metres (as offered by the appellant) would also not significantly improve the overall effect. The gates however would be parallel with the main limb of Woodside and so would not have a materially harmful effect on the wider street scene of the estate.
6. The retention of some existing planting near the building would go a limited way towards softening the impact of part of the new fence on the street scene. This suggests to me that placing some planting within the presently hard-surfaced strip of land between the fence and the highway may be worth investigating. However, no possible scheme of planting has been put to me and the Council has not suggested a planning condition to require such a scheme to be submitted and carried out. Thus I am not in a position to consider whether such an approach could overcome the harm I have identified.
7. I conclude that the proposal would materially detract from the character and appearance of the street scene. This outcome would be contrary to policy ENV1 in the East Herts Local Plan Second Review (2007). Among other things, this policy requires all development proposals to be of a high standard of design and layout and to reflect local distinctiveness.
8. I understand the desire of the appellant to improve circulation and security now that the Bishop's Stortford part of the business has been consolidated onto the appeal site. However, in the absence of any evidence on the scope for landscaping to improve the appearance of the fence, I am unable to find that the interests of circulation and security are of sufficient weight to offset the harmful impact on the street scene.
9. Thus I conclude that, on balance and on the information before me, planning permission should be withheld and the appeal dismissed.

G Garnham

INSPECTOR



Appeal Decision

Site visit made on 26 November 2012

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

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

Decision date: 14 February 2013

Appeal Ref: APP/J1915/A/12/2182042

**Adjacent to 32 Bishops Avenue, Bishop's Stortford, Hertfordshire
CM23 3EZ**

- 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 Raymond Parish against the decision of East Herts Council.
 - The application Ref 3/11/2129/OP, dated 8 December 2011, was refused by notice dated 23 February 2012.
 - The development proposed is outline application for a residential dwelling one and half storey house and parking area with primary access off Bishops Avenue.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved and I have dealt with the appeal on that basis. The submitted plans 5a and 5b show the layout of the proposed dwelling, with the access point to be located opposite the driveway to 21 Bishops Avenue and, during my visit, the approximate position of this was agreed between the parties. It is stated that the height of the proposed dwelling would not exceed the ridge heights of its immediate neighbours at No 32 and 30 and that it would be a one-and-a-half-storey house.
3. The plans submitted with the appeal include one marked 5c which I understand was not previously seen by the Council. This plan appears to show the appeal site as forming part of a separate parcel of vacant land adjacent to No 32. However, notwithstanding the lack of scale, the extent of the site area and the location of the boundaries indicated on this plan do not appear to be the same as those shown on plans 5a and 5b. I have therefore determined the appeal on the basis of the plans submitted to the Council in support of the planning application.
4. My attention has been drawn to a previous application for a larger dwelling which was refused in 2003. Although I do not have the full background to that decision, it appears that the scheme was on a site of a different shape and was sufficiently different to the current appeal proposal such that a direct comparison would not be appropriate.

Main Issues

5. The main issues in respect of this appeal are:
- The effect of the development on the character and appearance of the area; and
 - Whether the proposed new dwelling would provide acceptable living conditions for its own and neighbouring occupiers, with particular regard to amenity space and privacy.

Reasons

Character and appearance

6. The appeal site is situated within a residential estate, generally characterised by tightly-knit semi-detached two-storey dwellings, which are regularly spaced on roughly rectangular plots. However, there is more variety within that part of Bishops Avenue closest to the appeal site, with the existence of some single-storey dwellings and larger detached houses, including the host property, No 32. Street trees exist throughout the estate but, beyond the appeal site, Bishops Avenue becomes more verdant. These elements contribute to a change in character within this part of the estate.
7. The appeal site currently forms an enclosed side garden to No 32, fronted by a low wall and a high hedge that screens the site from the road. The appeal proposal shows a detached house on a site of an irregular, roughly triangular, shape. Its siting would follow the strong building line of the existing properties to one side of the site and I note that the Council is satisfied that, in this respect, it would follow the established pattern of development within the area. Whilst the application is in outline I have seen no suggestion, nor does it appear to me possible, that a new dwelling that respected the adjacent building line could be accommodated on the appeal site in a form significantly different from that shown on the indicative plan.
8. The plot which contains the appeal site is located at the convergence of two lines of houses and, as one of the largest in the area, makes an important contribution to its more spacious character at this point. The proposed dwelling, which would occupy a significant proportion of the overall plot, would undermine this. Furthermore, whilst the proposal would respect the building line of the neighbouring properties, its close proximity to the houses to the rear, in particular to No 31 Mary Park Gardens, would be apparent through the proposed access from Bishops Avenue at the front of the site. Consequently, despite the variety of development in this part of the estate, I consider that this would give the proposal an undesirably cramped appearance.
9. Therefore, I conclude that the erection of the proposed scheme on the site would be materially harmful to the character and appearance of the area. Accordingly, it would not meet the aims of the *East Herts Local Plan Second Review April 2007* (LP) policies ENV1 and HSG7, which require development to be of a high standard of design and layout, relate well to surrounding buildings and complement the character of the area. The proposal would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve high quality design.

Living conditions

10. Together with the parking area, the majority of the amenity space for the proposed dwelling would be at the front of the site. The rear garden area would be tightly enclosed by the boundaries of the site and in close proximity to neighbouring dwellings. The level of the appeal site is also lower than the land to the rear. As such, I accept that even with the provision of boundary screening, this is likely to compromise the level of privacy that would be achieved for the future occupiers of the proposal, particularly given the restricted area of space available. Furthermore, due to the close proximity to the properties to the rear and the enclosure of the site, I recognise that the outlook for future occupiers from this space would be restricted and overshadowing would be likely to occur.
11. However, I note that the Council does not have minimum standards in terms of the provision of garden space for new development. I also acknowledge that people's expectations do vary, particularly within an area of existing development. Taking this into account and when coupled with the provision to the front, I consider that the amount of space available, although not generous, would meet the needs of some future occupiers of a modest new dwelling and, on balance, I consider that amenity space proposed for its own occupiers would be adequate.
12. The proposal would be located close to the site boundaries and, as a result, I consider it very unlikely that the existing tall hedges would be retained. However, notwithstanding this and the close proximity of the proposal to its neighbours, I consider that a modest dwelling could be designed with rooflights or high level windows to the rear and with obscure glazed openings on the side elevations that could avoid issues of overlooking and loss of privacy for neighbouring occupiers.
13. Furthermore, due to the separation distances involved and the orientation of the dwellings, I also consider that any loss of light to the neighbouring occupiers at No 30 would not be materially significant. Taking into account the extent of private area involved and its location relative to the dwelling, I also consider that the amenity space remaining with the host property would be adequate. Whilst acknowledging the Council's concerns, due to the separation provided by the attached single storey garage and workshop, I further consider that the proposal would not lead to an unacceptable loss of outlook for the occupiers of the host dwelling.
14. Therefore, I consider that the proposal would meet LP policy ENV1, where it requires development to respect the amenity of neighbouring and future occupiers and the aims of paragraph 17 of the Framework, to provide a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. I have given careful consideration to the other examples of development in the area that have been drawn to my attention. In respect of the new dwelling adjacent to No 34, I do not have the full details of the background to its approval. However, I consider its existence does not justify the approval of the scheme before me, given the harm it would cause. The development at No 23 concerns an extension to an existing house; as such, it would be very different

to the appeal proposal and I consider that a direct comparison with it would not be appropriate.

16. I have also had regard to the appellant's argument that the appeal site was originally intended to be developed as a building plot. Given the context of the site, I have no reason to doubt this statement. However, there is no evidence of any previous permission being granted for its development. In any case, it is necessary to consider whether the proposal would be acceptable when assessed against current development plan policies and other material considerations and, in so doing, I have found that it would be harmful.
17. I recognise that the site is within a built up area with access to local facilities and services and acknowledge that, in this regard, it meets the aims of the Framework in encouraging development in sustainable locations. I have also found that the proposal would provide acceptable living conditions for its own and neighbouring occupiers. Although these weigh in favour of the proposal, they are not sufficient, individually or cumulatively, to outweigh the harm identified.
18. I have also considered the effect of the revocation of the Regional Strategy but in the light of the facts in this case the revocation does not alter my conclusions.

Conclusion

19. For the above reasons and having regard to all other matters raised, including the lack of objection from the local highway authority, I conclude that the appeal should be dismissed.

Anne Napier-Derere

INSPECTOR



Appeal Decision

Site visit made on 28 January 2013

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 26 February 2013

Appeal Ref: APP/J1915/A/12/2180013

14 Plaw Hatch Close, Bishop's Stortford CM23 5BH

- 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 Matt Hale against the decision of East Hertfordshire District Council.
 - The application Ref. 3/12/0533/FP, dated 28 March 2012, was refused by notice dated 19 June 2012.
 - The development proposed is construction of 1no.3-bed dwelling.
-

Procedural Matters

1. The drawings show '*space for a caravan or non-motorised vehicle*' at the side of the proposed house. At the site visit I noted that a caravan is currently stored in this location. However this is not included in the description of the development proposed on the application forms and there is no substantive evidence before me that there are rights to take such a vehicle over the footpath. I have not therefore considered this matter as part of the appeal.

Decision

2. The appeal is allowed and planning permission is granted for construction of 1no. 3-bed dwelling at 14 Plaw Hatch Close, Bishop's Stortford CM23 5BH in accordance with the terms of the application Ref. 3/12/0533/FP, dated 28 March 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Other than in respect of the parking space for a caravan or un-motorised vehicle, the development hereby permitted shall be carried out in accordance with the following approved plans: 14PLAW-PL-01, 14PLAW-PL-02A.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises other than between the hours of 07.30 - 18.30 hours Mondays to Fridays,

07.30 – 18.30 hours on Saturdays, nor at any time on Sundays or public holidays.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site lies within a small estate to the south of Parsonage Lane. The surrounding houses are predominantly semi-detached dwellings, but with some blocks of flats/maisonettes in the wider area. The appeal site is within a small cluster of houses set back from the road and fronting a footpath. It is proposed to add another dwelling alongside no.14 thus forming a short terrace of 3 houses. The proposed house would more or less replicate that of the adjoining pair in terms of design and materials and thus would complement the appearance of the surrounding dwellings.
5. The gaps between the pairs of houses in the estate vary in width, but that between the appeal site and no.12 is larger than most. Even with the addition of the proposed house, the gap to no.12 would be of a comparable size with that between other houses in the area and, in my opinion, there would not be an adverse effect on the townscape of the area.
6. In support of the proposal the appellant refers to two other permissions for an additional house at no.7 and No.22 Plaw Hatch Close. The former was granted by the Council¹ and the other scheme was allowed on appeal in 2012². I also note the Council's concern about a precedent being set for similar proposals which, cumulatively, would have an adverse effect on the overall character of the area. However, each scheme has to be treated on its own merits, taking account of the individual site circumstances and in this regard I do not find the three schemes directly comparable. The proposed dwelling adjoining no.22 is tucked away at the end of the footpath and is not readily visible from the highway; at no.7 there is a particularly large gap where the existing house sits at right angles to one of the blocks of flats; and I have already noted the larger than average gap at the appeal site. I therefore do not consider that concerns about precedent are sufficient to dismiss the appeal.
7. I conclude that the proposed development would not be detrimental to the character and appearance of the area. It would not conflict materially with Policies ENV1 and HSG7 of the Local Plan³ which, among other things, requires development to be of a high standard of design which reflects local distinctiveness and the grain of development, complements the existing pattern of street blocks, plots and buildings, and is of a design which complements the character of the local built environment. It also accords with Government advice set out in the National Planning Policy Framework (2012) which seeks to boost significantly the supply of new housing in sustainable locations.

Other Matters

8. There is no direct vehicular access to the property. Local residents object to the lack of off-street parking provision which they consider would add to the

¹ Ref.3/11/1589/FP

² Ref. APP/J1915/A/12/2176485 dated 21/11/12

³ East Herts Local Plan Second Review (adopted April 2007)

pressure on on-street parking space. Nonetheless I note that the Highway Authority raises no objection in this regard and there is no evidence before me to show that this development would add significantly to the on-street parking in the area such that highway safety would be compromised.

9. Residents are also concerned about the inconvenience and disturbance which would arise from construction activities. However this is not a reason to withhold planning permission for new development.
10. Given the siting of the proposed dwelling and the orientation of the dwellings, I do not consider that there would be an unacceptable loss of sunlight and daylight to the adjoining houses or an undue loss of privacy for the adjoining occupiers.
11. Any damage to the jointly owned footpath during construction is a private matter between the parties concerned.

Conditions

12. I have considered the need for conditions in the light of the advice in Circular 11/95 - *The Use of Conditions in Planning Permissions* and those suggested by the Council.
13. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
14. In the interests of the appearance of the development it is necessary to require approval of the materials for the external surfaces of the development.
15. Given the proximity of other residential property, I consider it reasonable to restrict the hours when plant and machinery can be used at the site during site preparation and construction. There is clearly a typographical error in the Council's suggested condition which, if imposed, would only allow work between 07.30 and 10.30 hours. I shall therefore impose a finish time of 18.30 hours which accords with the condition suggested by the Environmental Health Officer, and the condition imposed on the permission at no.22.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Isobel McCretton

INSPECTOR



Appeal Decision

Site visit made on 20 February 2013

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 4 March 2013

Appeal Ref: APP/J1915/A/12/2184193

1 Warrax Park, Stanstead Abbots, Ware, SG12 8AR

- 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 Woodcock against the decision of East Hertfordshire District Council.
 - The application Ref 3/12/0969/FP, dated 8 June 2012, was refused by notice dated 9 August 2012.
 - The development proposed is the erection of barn for storage of machinery and equipment required for management of amenity land and woodland.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of barn for storage of machinery and equipment required for management of amenity land and woodland at land associated with 1 Warrax Park, Stanstead Abbots, Ware, SG12 8AR in accordance with the terms of the application, Ref 3/12/0969/FP, dated 8 June 2012, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The application form expands the site address to include 'land associated with 1 Warrax Park.' Since this more accurately describes the site location, I have used it in paragraph 1 above.

Main Issues

3. The main issues in this case are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework *Section 9 Protecting Green Belt Land* and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development is inappropriate, 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

Whether the proposal would be inappropriate development

4. The appeal site sits within the Metropolitan Green Belt. The proposal is for the erection of a building measuring some 6.1m by 8.8m and would be located in an area of woodland adjoining the Warrax Park residential development. The appeal building would store equipment used for the maintenance of the woodland and adjoining grassed area.
5. Whilst both parties agree that the woodland and grassed area does not fall within the residential curtilage of Warrax Park, there is a difference of opinion over its status. In its statement the Council considers that the land was historically used for grazing and that permission has not been granted for a change of use. However, it does not explain when the change to the current function of the land took place and the limited amount of historical evidence presented suggests that it was used as garden in the second half of the 20th century¹ and accommodated greenhouses in the latter part of the 19th century². In the absence of clear evidence to the contrary therefore, and having regard to the current character and function of the land which I saw on the site visit, I am more inclined to the appellant's description of it as amenity land.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) states that new buildings in the Green Belt will be inappropriate development except in six specified circumstances. These include the provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The uses set out in this exception are clearly defined and, as the appellant accepts, the appeal would not comply with it.
7. The *East Herts Local Plan Second Review* (LP) was adopted in 2007. Policy GBC1 also categorizes new buildings in the Green Belt as inappropriate development with certain exceptions. Exception (c) concerns essential facilities for cemeteries and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The appellant argues that there is only a limited degree of conflict between the policy and the Framework and, therefore, based on the advice at paragraph 214 of the Framework, the LP policy should be accorded substantial weight. The LP policy is more open regarding the uses to which it applies. However, the underlying aim of ensuring that new buildings serve uses which preserve openness and the purposes of including land within the Green Belt is consistent with the Framework. Therefore, I find that there is limited conflict between LP policy GBC1 and paragraph 89 of the Framework and have determined the appeal in accordance with the LP policy.
9. Whilst there are remnants of a former kitchen garden enclosure, the amenity land is essentially free from built development. It is, therefore, open and serves the Green Belt purpose of safeguarding the countryside from encroachment, as required by LP policy GBC1(c). The Council argues that the

¹ Statutory Declaration by Richard Legge dated 23 November 2012 submitted on behalf of the appellant.

² The Conservation Officer's consultation response on the application.

land is not required to be maintained in its current condition and could be used for agricultural or livestock purposes. However, there is nothing to indicate that such a change of use is likely to take place and I have already concluded that the current use of the land meets the policy test.

10. The next question is whether the proposed building is essential. The directive attached to the decision notice indicates that the Council accepts that some form of storage at the site is essential. Nevertheless, in its final comments, Council argues that there is no requirement for the storage of garden implements. However, it has already been established that the land is not within a residential curtilage, serves a different function, and, therefore, that a different policy provision applies.
11. The Council also objects to the size and location of the proposed building. The land to be maintained extends to almost 1.5 hectares and the appellant lists the equipment employed and the space required to store it. This list has not been challenged by the Council and, whilst the proposed building would be somewhat larger than a domestic garage, I am satisfied that it is proportionate to the size of the land to be maintained. I also accept that a building is required to protect the equipment from theft and the weather.
12. 1 Warrax Park is no longer in the same ownership as the amenity land and, consequently, its garden area is not available as an alternative location for the proposed building. There is no substantive evidence to indicate that a more suitable location for the building exists within the amenity land.
13. Overall therefore, I consider that the proposed building would meet the requirements of LP policy GBC1(c) and, as such, it would not be inappropriate development.

Effect on Openness

14. Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The proposed building would be located in an area of woodland where, notwithstanding the presence of open storage, there is currently no built development. Therefore, the erection of a building would, inevitably, reduce openness and, as the Inspector in the Oaks Cross Farm decision³ found, the screening provided by surrounding woodland would not negate that effect. However, in that case, the proposal was significantly larger and found to be inappropriate development.
15. The appeal proposal is a moderately sized, single storey building and the associated works are limited to a gravel drive situated within a large area of land which otherwise preserves the openness of the Green Belt effectively. Therefore the reduction in openness which I have identified would cause limited harm to the Green Belt.

Other Matters

16. The site falls within the Stanstead Abbots Conservation Area. This designation covers an extensive area and, in the vicinity of the appeal site, is characterised by loose knit development merging with the open countryside. There is

³ Appeal Ref APP/J1915/A/2165955

evidence of outbuildings in the area in the past and the proposed building would be well screened by substantial planting. As such, whilst the Council considers that the proposal would not enhance the Conservation Area, there is no substantive evidence to indicate that it would fail to preserve the Area. The proposal would, consequently, meet the aims of paragraph 131 of the Framework which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account.

Conditions

17. The Council has suggested a list of conditions. I find that each of the conditions meets the test set out in Circular 11/95. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling the finish used on the external timberwork is necessary to safeguard the character and appearance of the area. A condition controlling the use of the building is necessary in the interests of limiting its effect on the Green Belt having regard to the requirements of LP policy GBC1. I have amended the wording to refer to the management of the grassland as well as the woodland area.

Conclusions

18. I have found that the proposal would not be inappropriate development for the purposes of the development plan policy on Green Belts. Whilst it would cause limited harm to the openness of the Green Belt, this is outweighed by the need to store equipment for the maintenance of the amenity land which otherwise preserves openness and safeguards the countryside from encroachment. For the reasons outlined above, the appeal should be allowed.

Simon Warder

INSPECTOR

**Schedule of Conditions attached to:
Appeal Ref: APP/J1915/A/12/2184193
1 Warrax Park, Stanstead Abbots, Ware, SG12 8AR**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BRD/12/029/001; 307.12.1A Appendix G; 307.12.2B Appendix H; 307.12.3B and WP/01.
 - 3) All external timberwork for the development hereby permitted shall be provided with a black paint or bitumen-based finish and shall thereafter be retained as such.
 - 4) The development hereby permitted shall be used solely for storage purposes related to the management of the woodland and grassland and not for any commercial or habitable use.
-



Appeal Decision

Site visit made on 5 February 2013

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 15 February 2013

Appeal Ref: APP/J1915/D/13/2190203

12 Thornfield Road, Bishops Stortford CM23 2RB

- 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 W Parry against the decision of East Herts District Council.
 - The application Ref: 3/12/1214/FP dated 16 July 2012, was refused by notice dated 10 October 2012.
 - The development proposed is erection of double garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in this appeal is the effect of the proposal on the street scene.

Reasons

3. The appeal property is a detached dwelling on the east side of Thornfield Road, which is a no-through residential road, off Hadham Road, with a mix of both detached and semi-detached dwellings. The properties on the west side of the road are generally spaced more closely and are sited nearer to the road frontage compared with the detached properties on the east side of the road. These dwellings are of individual design and are generally set well back from the road frontage with generous front gardens. As a result of the siting of the dwellings, particularly on the east side, there is an attractive, open and verdant aspect to the street scene.
4. The proposed double garage would introduce a substantial structure into the front garden area of the appeal site. Given its dimensions and its siting, and the open nature of the front garden area, the garage would be very visible in views from outside of the site, and particularly approaching the site from the south. The proposed garage would stand out from the dwelling as a separate structure and would be visually intrusive and a discordant feature in the more open and verdant street scene. In reaching this view, I have taken into account the landscaping proposals, which could be secured by condition were planning permission to be granted, and which I agree would help to soften the

appearance of the built form. However, on the information before me I am not persuaded that the proposed landscaping would overcome the harm I have identified and that the proposed garage, given its siting and size, would remain a discordant feature in the street scene.

5. I therefore conclude that the proposed double garage would harm the street scene and this would conflict with Policy ENV1 of the East Herts Local Plan Second Review 2007, which amongst other things, seeks for new development to respect the local grain of development.
6. I have noted the siting of the garage at No 8 but this is of a smaller scale and furthermore, relates well to the existing building and does not read as a separate unrelated structure. As a result it has limited impact on the street scene. I have also noted the side extension to the property to the north, which I agree with the Appellant is prominent in the street scene. However, this clearly relates to and forms an end stop to built development sited at right angles to the appeal site. It does not, therefore, in my view create a precedent for the appeal proposal.
7. I have sympathy with the Appellant's reasons for seeking the proposed garage as well as the difficulties with locating the proposed garage to the side of the property because of the interference with the protected trees which are along the northern boundary (TPO/489). I also note the attempts by the Appellant to reduce the impact of the proposed garage in order to overcome previous refusals. However, these considerations do not outweigh the harm I have found from the proposal, the subject of this appeal, to the street scene.
8. For the reasons given above and having regard to all other matters raised, including in letters of representation, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR