
Appeal Decision

Site visit made on 8 July 2014

by **G J Rollings BA(Hons) MA(UD) MRTPI**

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

Decision date: 28 August 2014

Appeal Ref: APP/J1915/A/14/2217180

2 Chandlers Way, Hertford, SG14 2EB

- 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 Neil Burgess against the decision of East Hertfordshire District Council.
 - The application Ref 3/13/2100/FP, dated 18 November 2013, was refused by notice dated 16 January 2014.
 - The development proposed is a new two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

Character and appearance

3. The appeal site comprises an end-of-terrace, three-storey house. The side of the property abuts Alexander Road, with the rear boundary adjacent to Welwyn Road. The house is located within a planned residential estate which predominantly comprises two and three storey houses and although some extensions and additions are visible in the vicinity of the appeal site, the character of the estate is largely intact.
4. The proposed dwelling would be located in a narrow strip between the edge of the existing dwelling and Alexander Road. This part of the site is presently landscaped and slopes upwards towards the rear of the site. The dwelling would be approximately the same width as the existing dwelling to which it would be attached, with a front garden parking space, and rear garden area with some retained border vegetation. The ground floor of the dwelling would sit slightly higher than that of the existing dwelling, but the external materials and detailing would reflect that of the rest of the terrace.
5. Side extensions are not unprecedented within the estate, with a similar two-storey extension on a three-storey terrace across the road from the appeal site, at 2 Alexander Road, and an extension to lengthen the existing two-storey terrace at 1 Alexander Road. However, in the case of the appeal site, the dwelling has a symmetry that it shares with the site opposite at 1 Sadlers Way,

and together these dwellings create a gateway effect into the entrance of the estate. Because of their similar appearance and form, as well as the similar amount of space between their respective terraces and Alexander Road, the 'gateway' is apparent on both entry to, and exit from, the estate. The proposed dwelling would result in a change to this symmetry which would be detrimental to the character of the entrance. The new dwelling would also restrict the space in the entrance to create a narrower gap between the Chandlers Way and Sadlers Way terraces than exists at present, which would create a visual 'pinch point'. Such a piecemeal addition would also be out of character with the largely planned nature of the estate, and as such, would be harmful to both its character and appearance.

6. I have taken into account the appellant's comments regarding the potential removal of the landscaping on the site. Although the Council has noted that the proposal would restrict the potential for landscaping of the site, my concerns are largely based on the reduction of openness and the impact on the character and appearance of this part of the estate. The open parts of the estate are generously landscaped and a reduction of openness would be detrimental to the character of the estate, with a resultant reduction of opportunities for landscaping.
7. *East Herts Local Plan Second Review (2007)* Policy ENV1 notes that all development proposals should reflect local distinctiveness, as well as the local structure, pattern and scale of development, amongst other factors. The presence of similar additions within the estate does not negate the impact that this proposal would have on the appearance of the entrance, and thereby its compatibility with the layout of the surrounding area. I note that extensions were allowed on the property in the past, but in this case I have made my decision in accordance with the currently adopted development plan policy.
8. I therefore conclude that the proposed development would have a harmful impact on the character and appearance of the area, and would conflict with Policy ENV1 of the Council's Local Plan, for the reasons set out above.

Other issues

9. The appellant has noted that a five-year supply of deliverable housing land cannot be identified in the area. The Council has not provided any information on this matter. Nonetheless, I consider that the contribution that this development would make towards addressing any undersupply of housing does not outweigh the harm the scheme would cause to the character and appearance of the area, and it is not thus the sustainable development for which the *National Planning Policy Framework* holds a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47 to 49 of the Framework and its guidance that planning should always seek to secure high quality design (paragraph 17).

Conclusion

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR



Appeal Decision

Site visit made on 31 July 2014

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

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

Decision date 13 August 2014

Appeal Ref: APP/J1915/A/14/2219275

199 London Road, Bishops Stortford, Herts CM23 3JX

- 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 RT & CG Ltd against the decision of East Herts Council
 - The application Ref 3/14/0418/FP, dated 24 February 2014, was refused by notice dated 28 April 2014
 - The development proposed is for 2 garages adjoining house no 7 (single storey)
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Decision

- 1 The appeal is allowed and planning permission is granted for 2 garages adjoining house no 7 (single storey) at 199 London Road, Bishops Stortford, Herts CM23 3JX in accordance with the terms of the application 3/14/0418/FP, dated 24 February 2014, subject to the following conditions
 - 1 The development hereby permitted shall begin not later than three years from the date of this decision
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1, 2, 3, 4, 5 & 6

Procedural Matter

- 2 The appellant was not represented at the site visit, however I was able to carry out an adequate inspection of the site from the footpath that runs adjacent to its southern boundary. Therefore I have determined the appeal on the basis of an unaccompanied site visit.

Main Issue

- 3 The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

- 4 The appeal site is situated within an area comprising mixed architectural forms, building scales and uses. Plot widths in the locality vary, although their depths are relatively uniform, giving rise to a quite close knit urban grain. The majority of rear gardens within close proximity are visually self-contained.
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- 5 To the rear of the site and currently demarcated from a gravel parking area by timber sleepers, is an unmanaged/self-seeded soft landscaped area. This area is visible from the public realm, but does not add any particular value to it. The proposals would see this area reduced, but retained as a communal garden, in conjunction with other works that would include a more formally laid out external parking area and 7no cycle spaces
- 6 By virtue of its single storey nature, the garage extension would appear as a subordinate addition to the existing building, marking a logical end to built development on the site. I consider that there would remain an adequate degree of separation between it and the rear boundary such that it would not appear cramped within the site. Whilst there would be an erosion of the soft landscaped area, I find that the visual impact of the increased hardstanding would be limited
- 7 Consequently I consider that the proposed extension, by reason of its depth, in conjunction with previous extensions that have been added to the building would not result in a cramped form of development. The Council's concerns with regard to the reconfiguration of the hard and soft landscaped areas are noted, but on balance I consider that the proposal would not be out of keeping with or harmful to the character and appearance of the area. In coming to this decision I have been mindful of the previous appeal decisions by my colleagues (APP/J1915/A/12/2173713 & APP/J1915/A/12/2185363), and in particular the latter one which was for a standalone two storey building. In contrast the current proposal would enable the site's current openness to be largely maintained
- 8 The proposal complies with policy ENV1 of the East Herts Local Plan Second Review (2007) in that it would be of a high standard of design and layout, and would be compatible with the existing grain of development in the locality

Conclusion and Conditions

- 9 For the above reasons and having regard to all other matters raised I conclude that the appeal should succeed
- 10 In addition to the standard time limit condition, the Council has suggested that a condition be imposed that requires the development to be completed in accordance with the approved plans. I consider such a condition to be necessary, in the interests of the character and appearance of the area, and for the avoidance of doubt as to the scope of the planning permission

C J Tivey

INSPECTOR

Appeal Decision

Site visit made on 19 August 2014

by **Paul Freer BA (Hons) LL.M MRTPI**

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

Decision date: 22 August 2014

Appeal Ref: APP/J1915/D/14/2221754

Sandy Nook, Welwyn Road, Hertford SG14 2BP

- 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 Nigel Marsden against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/0475/FP, dated 12 March 2014, was refused by notice dated 9 May 2014.
 - The development proposed is a new detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area, including the likely long-term effect on the adjacent Sycamore tree.

Reasons

3. The proposed garage would be located in a prominent position at the front of the site from where, due to the elevated position, it would be clearly visible in both short and longer distance views from Welwyn Road. In these views, although the proposed garage would project further forward than the existing house, it would mostly be seen in association with the mature Sycamore tree adjacent to the site and against the backdrop of the houses to the rear of the appeal site. The proposed garage would therefore not be unduly intrusive, not least because it would be largely subservient to the large Sycamore tree in these views.
4. The proposed garage would be of a domestic scale and appearance and, as such, would not be an inappropriate addition in this primarily residential location. I accept that this part of Welwyn Road is not characterised by prominent garages within front gardens. Nonetheless, in the particular circumstances of the appeal site and especially the presence of the Sycamore tree, I consider that the garage proposed would not be harmful to the character of the area by reason of its design or location.
5. However, the large Sycamore tree adjacent to the appeal site is a dominant feature in the street scene and has a high amenity value. The retention of this tree would be essential, not only in general street scene terms but also in

providing the setting for the proposed garage. This assumes even greater importance given that the existing boundary fence already provides a visually harsh frontage to this property. In the absence of the Sycamore tree, this fence would become even more prominent, notwithstanding the appellants' offer to plant landscaping in the limited space available in front of the fence.

6. The appellant has provided an Arboricultural Implication Study and Method Statement (Method Statement), which confirms that the footprint of the proposed garage encroaches within the calculated root protection area for the Sycamore tree. However, the Method Statement considers that, because the site has previously been excavated, it is unlikely that any significant roots of the Sycamore tree would be present beneath the proposed foundations. The Method Statement therefore concludes that no special measures are necessary.
7. In my view, this approach is too simplistic and does not appear to have been based on any survey evidence. I am also mindful that the proposed development would include the partial excavation of the existing landscape bank, and it is not clear to me that this landscape bank has been previously excavated. I therefore cannot discount the possibility that there may be significant roots of the Sycamore tree in this area, and which may be affected by the foundations for the proposed development.
8. The Sycamore tree is of such importance to the overall street scene, and the acceptability of the proposed garage within it, that the loss of this tree would not be acceptable. Adopting the precautionary approach, I therefore consider it essential that the precise impact of the proposed development on the Sycamore tree is known before construction commences and that, if necessary, appropriate mitigation measures are put in place to protect the health and longevity of this tree. The Method Statement provided by the appellant is not sufficient for that purpose, and consequently I cannot be certain that the proposed development would not adversely affect the long-term health of the Sycamore tree.
9. I have given consideration to whether this issue could be addressed by the imposition of a condition but, because the presence and significance of any roots in the relevant area is an unknown quantity at this time, I consider that a condition would not be appropriate.
10. I conclude that it has not been demonstrated that the proposed development would not adversely affect the long-term health of the Sycamore tree, and that the proposed development would therefore have an unacceptable effect on the character and appearance of the area. The proposed development would therefore be contrary to Policies ENV1 and ENV2 of the East Herts Local Plan Second Review 2007 which, amongst other things, require that the loss or damage to any important landscape features is minimised and the submission of detailed surveys of landscape features.
11. Having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Freer

INSPECTOR