
Appeal Decision

Site visit made on 8 December 2015

by **John Bell-Williamson MA MRTPI**

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

Decision date: 24 December 2015

Appeal Ref: APP/J1915/W/15/3026334

Toad Cottage, Brickendon Lane, Brickendon, Hertfordshire SG13 8NX

- 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 J Courtney against the decision of East Herts Council.
 - The application Ref 3/15/0007/FP, dated 5 January 2015, was refused by notice dated 27 February 2015.
 - The development proposed is conversion of existing garage to Annexe.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage to an annexe at Toad Cottage, Brickendon Lane, Brickendon, Hertfordshire SG13 8NX. The permission is granted in accordance with the terms of the application, Ref 3/15/0007/FP, dated 5 January 2015, 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 plan: 11786-P001 (plans and elevations as proposed).
 - 3) The annexe hereby permitted shall only be occupied by persons in connection with and ancillary to the occupation of the main dwelling house (Toad Cottage, Brickendon Lane, Brickendon, Hertfordshire SG13 8NX) and for no other purpose at any time.

Main Issues

2. As the appeal site is within the Metropolitan Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt and the character and appearance of the surrounding area; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.
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Reasons

3. The appeal building is a single storey structure located to the north of the host dwelling, Toad Cottage, which is one of a small group of properties sited along this part of Brickendon Lane within the Metropolitan Green Belt. The surrounding area is open countryside.

Whether the proposal is inappropriate development

4. The proposal involves the conversion of the existing building which was originally used for agricultural purposes and more recently as a garage and store, to a self-contained one bedroom residential annexe to Toad Cottage. The existing building is of permanent and substantial construction. Consequently, in accordance with paragraph 90 of the Framework, the form of development proposed in this case may not be inappropriate provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in it. These matters are considered in detail below under other main issues.
5. Policy GBC1 of the East Herts Local Plan Second Review 2007 (the Local Plan) referred to by the Council, also addresses the re-use of rural buildings, particularly by reference to Policies GBC9 and GBC10. However, these policies concern the re-use of agricultural and other non-residential/domestic rural buildings, which is not the case here given that the building is ancillary to a residential use. Accordingly, I have placed greater reliance on the more recent guidance in the Framework.
6. The Council is concerned that the size and position of the building – in its view outside the curtilage of Toad Cottage – means that it is capable of being used as a dwelling in its own right. Although the proposal is for a residential annexe to Toad Cottage rather than a standalone dwelling, this matter should be considered as part of this main issue particularly given the high degree of protection accorded to the Green Belt by the Framework and development plan policy from inappropriate forms of development.
7. While the Framework is silent on the specific issue of residential annexes, Policy ENV8 of the Local Plan does address such matters. In particular, it includes criteria for assessing proposals for conversion of an existing outbuilding to a residential annexe as in this case. The first two criteria concern the design, appearance and size of the proposed annexe. The design and appearance are considered under other issues below.
8. I accept the Council's assessment that the building has a relatively large footprint, although the size of the dwelling that would result from the proposal is dictated by the re-use of the existing building. While the building is intended for use by the appellant's elderly relative, I agree with the Council that due to its internal facilities it would be capable of independent residential occupation, although I acknowledge that is not what is proposed here. However, the use of the building needs to be considered in the long term as well as in relation to any initial occupation. As such, the other requirements of Policy ENV8 – ensuring that the outbuilding is appropriately located to the main dwelling and that there are means to ensure that the annexe's occupation remains tied to the main dwelling – are particularly important.

Appeal Decision

Site visit made on 1 December 2015

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 19 January 2016

Appeal Ref: APP/J1915/W/15/3130591

Land adjacent to 1 The Causeway and 5 Lower Cottages, Brent Pelham, Buntingford, Hertfordshire SG9 0HW

- 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 Major T P E Barclay, Mrs E A Barclay and Mr M J Barclay against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0132/FP, dated 21 January 2015, was refused by notice dated 30 April 2015.
 - The development proposed is the erection of one detached residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached residential dwelling at land adjacent to 1 The Causeway and 5 Lower Cottages, Brent Pelham, Buntingford, Hertfordshire SG9 0HW in accordance with the terms of the application, Ref 3/15/0132/FP, dated 21 January 2015, subject to the conditions listed on the schedule to this Decision.

Procedural Issue

2. In the interests of clarity I have used the appeal site address set out on the Council's decision notice, and subsequently referred to by both parties.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the rural character of the site and surrounding area, and,
 - whether the proposed dwelling would, in principle, be appropriate in such a location given relevant local and national policies.

Reasons

Rural Character

4. The appeal site is located within a fairly uniform line of semi-detached cottages on The Causeway, opposite a row of terraced single-storey bungalows and their parking area. The site has the appearance of a neglected garden and the space interrupts the rhythm of the existing built form along this section of The Causeway.
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5. The plot itself is long and linear with a narrow road frontage and although the dwellings on the Causeway back onto agricultural land, the site is viewed wholly in the context of the road, neighbouring dwellings and their gardens, rather than the adjacent farmland or countryside. The Council has concerns in respect of the extent of hard-standing in front of the dwelling, but neighbouring properties also have fairly large parking areas which do not detract significantly from the street scene. Consequently, the development would not be to the detriment of the existing pattern of the street scene or detract from the rural character, especially as the design is sympathetic to the prevailing building type. I give this significant weight and find it consistent with the aims of the National Planning Policy Framework (the Framework) which requires that the intrinsic beauty and character of the countryside be taken into account.
6. The boundary of the Brent Pelham Conservation Area (CA) runs through the site, a few metres from the boundary with 5 Lower Cottages. There is no Conservation Area Assessment available, but as noted above, the development would take on a traditional design which would be in keeping with the adjacent properties within the CA boundary. It would also be consistent with the building line and overall building pattern of those properties. In addition, the boundary hedgerow would be replaced. The Council has not raised any concerns in respect of the CA and I see no reason to disagree with their conclusion. Consequently, I am satisfied that the development would not harm local character or appearance, and thereby the objective of preserving or enhancing the character and appearance of the CA would be met.

Sustainable development

7. I acknowledge that Brent Pelham is one of the settlements where Policy GBC3 of the Local Plan¹ (LP) allows only specific types of development, and where new residential development is considered unacceptable. However, the Council is unable to demonstrate a five year supply of housing land, and in this instance, Paragraph 49 of the Framework states that policies concerned with the supply of housing should not be considered up to date. I consider Policy GBC3 (LP) to be such a policy. Consequently, Policy GBC3 (LP) is out of date, and I also note that it was adopted some time before the Framework was published.
8. Given these circumstances, I have considered the appeal in the light of Paragraph 14 of the Framework which states that permission should be granted for development unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, unless specific policies in this Framework indicate development should be restricted.
9. The Council notes that Paragraph 55 of the Framework seeks to avoid the development of isolated homes in the countryside and goes on to argue that as Brent Pelham is a remote village, this should apply in this instance. However, whilst I acknowledge that Brent Pelham has few facilities, it is an established settlement, and the dwelling proposed would be contained within a row of dwellings within the village. Consequently the development would not represent an isolated dwelling in the countryside.
10. In addition, I have found no harm in respect of character and appearance. I acknowledge there are limited facilities but there are villages nearby which

¹ East Herts Local Plan Second Review 2007

provide additional services. Moreover, whilst isolated dwellings are to be avoided, Paragraph 55 of the Framework actively promotes housing in rural communities where it would support the local economy, particularly, as in this case, where amenities are shared between clusters of villages such as the Pelhams, Hare Street and Great Hornead. Although the development would add to the level of car dependency within the village, this minor harm is not sufficient to outweigh the benefits of providing an additional dwelling, when considered against policies in the Framework as a whole.

Other matters

11. With reference to the representation from a neighbour, although I appreciate the development would have a rear projection, it would be single-storey and would not project beyond the flank walls of the development. There would be adequate separation between the proposed dwelling and existing dwellings such that there would not be an adverse effect on the living conditions of the occupiers of these neighbouring properties.
12. I have taken account of the dismissed appeal for a site in the nearby village of Hare Street². In that case the Inspector concluded that the proposal would harm the character and appearance of the area and took this into account in terms of the overall assessment of sustainable development. That proposal was also for four dwellings on a larger site. The circumstances in that case were therefore materially different to those relevant to the appeal before me, and each appeal must be considered on its own merits.

Conditions

13. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. I have imposed conditions to ensure the local planning authority can exercise proper control over the appearance of the completed building, garden and hardstanding areas, to preserve the character and appearance of the area. I have also imposed a condition on working hours during the construction phase, to ensure that the works do not have an unacceptable adverse effect on the living conditions of neighbours. In addition, I have imposed a condition to survey the site for protected species prior to development, and to ensure appropriate mitigation is adopted to safeguard any such species, should they be found on the site.
14. Other than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans. Where appropriate for a development of this scale, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

15. For these reasons and taking into account all other matters raised, I conclude that the appeal should be allowed.

Amanda Blicq

INSPECTOR

² Ref APP/J1915/W/15/3033718

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no 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:

GA/00A	Location Plan
GA/02A	Proposed Floor plans
GA/03A	Proposed Elevations
GA/04B	Detailed Site Plan
GA/05	Long Elevation
- 3) Plant or machinery being used in connection with site clearances, demolition, site preparation or construction works shall only be in use between the hours of 0730 - 1830 hrs Monday - Friday, and 0730 - 1300 hrs Saturday, and shall not be operated at any time on Sundays or Bank Holidays.
- 4) Prior to the commencement of the development, a reptile survey shall be carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should reptiles be found, shall be submitted to the local planning authority and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of the development, details of all materials to be used for external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of the development, details of hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - a) means of enclosure;
 - b) hard surfacing materials to the front of the dwelling;
 - c) a plan showing the extent of any hedging to be removed;

The development shall be carried out in accordance with the approved details.

Appeal Decision

Site visit made on 15 December 2015

by **Nigel Harrison BA (Hons) MRTPI**

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

Decision date: 31 December 2015

Appeal Ref: APP/J1915/W/15/3133859

East End Green Farm, East End Green, Hertford, SG14 2PD

- 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 Joseph Rochford Gardens Limited against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/0277/FUL dated 11 February 2015, was refused by notice dated 8 April 2015.
 - The development proposed is change of use of part of farmyard and 1 No bay of existing building from agriculture to storage (B8) use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of part of farmyard and 1 No bay of existing building from agriculture to storage (B8) use at East End Green Farm, East End Green, Hertford, SG14 2PD in accordance with the terms of the application Ref: 3/15/0277/FUL dated 11 February 2015, and the plans submitted with it, subject to the following condition:
 - 1) The site shall be used for the storage and the washing/valeting of cars only and for no other purpose (including any other purpose in Class B8 of the Schedule to the *Town and Country Planning (Use Classes) Order 1987*, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Procedural Matter

2. The appeal seeks to retain development already carried out; namely change of use of part of the farmyard and one bay of an existing farm building for the storage of vehicles awaiting re-sale.

Main Issues

3. I consider the main issues in this case are: a) whether the proposal amounts to inappropriate development in the Green Belt; b) the effect of the proposal on the openness of the Green Belt; c) the effect on the character and appearance of the surrounding countryside; d) the adequacy of the road network and the effect of the proposal on highway safety, and e) if it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

4. The appeal site comprises part of a farmyard separated from the original farmhouse. Other converted farm buildings nearby are in residential use. The area proposed for open storage is hard-surfaced and was previously the sheep pen area. The proposed indoor storage area forms part of a large portal frame barn which is otherwise in agricultural use. The site is on the edge of the small hamlet of East End Green within the Metropolitan Green Belt.
5. The yard and part of the barn has been let to a tenant for approximately four years. The tenant uses the land and barn for the storage and washing/valeting of cars prior to selling them to private individuals.

Whether the proposal is inappropriate development in the Green Belt

6. National policy on Green Belt (GB) development is set out in the *National Planning Policy Framework* (the Framework). Paragraphs 87, 89 and 90 should all be read together and consequently, development in the GB is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in paragraphs 89 and 90.
7. Saved Policy GBC1 of the *East Herts Local Plan Review* (LP), April 2007 sets out the presumption against inappropriate development in the GB. Criterion (h) says the re-use and adaptation of rural buildings in accordance with Policies GBC9 and GBC10 may not be inappropriate. These include where the buildings are of permanent and substantial construction, are suitable for conversion, and where the proposed use would be sympathetic to the rural character of the building and its surroundings. I find no conflict between these policies and the Framework in these respects. In accordance with paragraph 90 of the Framework I consider the use of part of the building for storage would not detract from the openness of the GB or the purposes of including land within it. Consequently it does not amount to inappropriate development in the GB and would comply with development plan policy and the Framework.
8. I shall now turn to the open storage area. Although LP Policy GBC9 concerns the adaptation and re-use of rural buildings, it extends to include the use of associated areas, provided it does not result in the creation of visually intrusive hardstandings or significant levels of outdoor working or storage. Saved LP Policy GBC1 says the material change of use of land in the Green Belt will not be inappropriate provided that it maintains openness and does not conflict with the purposes of including land within the Green Belt.
9. The hard standing has previously been used for agricultural purposes, and is not before me. No engineering operations are involved. Rather it is the use of this hard standing to store cars which is at issue. It has historically been used for the parking of tractors and other farm vehicles, and as such I need to consider to what extent, if any, the storage of cars materially detracts from the openness of the GB, taking the historic use into account. The area concerned is modest, is contained by existing buildings, and the appellant has stated that the maximum number of vehicles stored at any one time would be no more than 15.
10. I am satisfied on this basis that the outside storage element would not materially conflict with any of the five purposes of including land in the GB as set out in paragraph 80 of the Framework, and this does not appear to be

disputed by the Council. With regard to openness, this relates to the absence of buildings and structures rather than any visual impact. Given the historic use of the site, and the potential which exists to revert to the previous use, I consider that any additional impact on openness arising from the stored cars would be slight.

11. I therefore conclude that the development as a whole is not inappropriate development in the GB. It follows that it is not necessary for me to consider whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The question does not arise. Nonetheless, other issues and material considerations need to be considered in the overall balancing exercise, and I shall now address these.

Effect on the character and appearance of the countryside

12. I have considered whether the character and appearance of this part of the GB would be harmed. The commercial car storage use is essentially urban in character, and may be perceived as being at odds with the rural environment. However, given the scale of the operation, its containment by existing buildings, and the fact that views from public vantage points would be limited, I conclude that the proposal would not significantly harm the character and appearance of the surrounding countryside.

Highway Safety

13. The Council's second reason for refusal states that the development would generate additional traffic on narrow rural roads to the detriment of highway safety. Saved LP Policy TR20 says development will not be permitted where increased traffic would have a significant adverse effect on the character of the road or residential properties along it.
14. Additional information has been submitted which sets out that there is an average turnover of 1.5 vehicles per week, and that overall there are less than 10 vehicle trips to and from the site in a typical week made by the sole operator. Therefore, although the approach roads are narrow with few passing places, I share the (revised) views of the Highway Authority that the proposal is unlikely to have a severe impact on highway safety and the free and safe flow of traffic on the public highways. As such, I find no conflict with saved LP Policy TR20.

Other Matters

15. Paragraph 28 of the Framework supports economic growth in rural areas in order to create jobs and prosperity, and saved LP Policy GBC8 encourages farm diversification. The appellant says the storage use will secure additional income which is essential for the sustainability of the agricultural operation. Even though the business is low key and the economic benefits modest, this factor adds weight in favour of the scheme.
16. Although this issue has not been raised by the Council, the site lies within a Conservation Area (CA) and I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*. Overall, given the modest scale and containment of the proposed use within a farm complex, I am satisfied that the

essential character and appearance of this part of the East End Green Conservation Area would be preserved.

Conditions

17. I have considered the conditions put forward by the Council in the light of the advice in paragraphs 203-206 the Framework and the Government's *Planning Practice Guidance* (PPG). As the development has already taken place the standard condition requiring it to commence within 3 years is not necessary. The condition requesting details of a parking layout for 10 parking spaces has not been adequately justified, and the laying out of marked bays would serve no useful planning purpose in my view. The restriction to 10 vehicles implied by this condition would also be unreasonable and difficult to enforce. The site is small in area and to that extent self-regulating in terms of the numbers of vehicles it can accommodate.
18. Nor is the suggested condition restricting the area of storage to the appeal site necessary or justified. Any enlargement of the area shown on the approved plans, would, in any event, require further planning permission. However, for the avoidance of doubt, I shall impose an additional condition restricting the permitted storage use to cars only. As a consequence, any other use within Class B8 (which could potentially have a greater impact on the openness of the GB and surrounding rural area) would also require planning permission.

Conclusion

19. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Appeal Decision

Site visit made on 8 December 2015

by **J Bell-Williamson MA MRTPI**

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

Decision date: 24 December 2015

Appeal Ref: APP/J1915/W/15/3023008

The Stables, London Road, Hertford, Hertfordshire SG13 7NS

- 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 C Abbiss against the decision of East Herts Council.
 - The application Ref 3/15/0336/HH, dated 18 February 2015, was refused by notice dated 13 April 2015.
 - The development proposed is conversion of existing carport and store to 'granny' annexe.
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Procedural Matter

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for conversion of existing carport and store to 'granny' annexe at The Stables, London Road, Hertford, Hertfordshire SG13 7NS. The permission is granted in accordance with the terms of the application, Ref 3/15/0336/HH, dated 18 February 2015, 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: location plan, 267/14 101 (proposed site plan) and 267/14 103 (proposed plans and elevations).
 - 3) The materials to be used in the construction of the external surfaces of the converted parts of the building hereby permitted shall match those used in the existing building.

Main Issues

3. As the appeal site is within the Metropolitan Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt and the character and appearance of the surrounding area; and
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- if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

4. The Stables is one of a small group of residential properties located adjacent to Jenningsbury Farm in the Metropolitan Green Belt. The site is situated just beyond the urban area of Hertford and is rural in character and appearance. The appeal building is located along the same concrete driveway as The Stables but to the south of the host dwelling with a courtyard area and built development forming part of No 4 between the two buildings.

Whether the proposal is inappropriate development

5. The proposal involves the conversion of the existing building comprising an open-fronted car port with an integral store, to a self-contained one bedroom residential annexe to The Stables. While the conversion of the building to enable its re-use includes the enclosure of the open frontage and some other changes to the building's external appearance, in its current form it is of permanent and substantial construction.
6. Consequently, in accordance with paragraph 90 of the Framework, the form of development proposed in this case may not be inappropriate provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in it. These matters are considered in detail below under other main issues. Policy GBC1 of the East Herts Local Plan Second Review 2007 (the Local Plan) referred to by the Council, also addresses the re-use of rural buildings, particularly by reference to Policies GBC9 and GBC10. However, these policies concern the re-use of agricultural and other non-residential/domestic rural buildings, which is not the case here given that the building is ancillary to a residential use. Accordingly, I have placed greater reliance on the more recent guidance in the Framework.
7. Of particular concern to the Council is its view that the building is capable of being used as a dwelling in its own right with no association with The Stables. Although the proposal is for a residential annexe to The Stables rather than a standalone dwelling, this matter should be considered as part of this main issue particularly given the high degree of protection accorded to the Green Belt by the Framework and development plan policy from inappropriate forms of development.
8. While the Framework is silent on the specific issue of residential annexes, Policy ENV8 of the Local Plan does address such matters. In particular, it includes criteria for assessing proposals for conversion of an existing outbuilding to a residential annexe as in this case. The first two criteria concern the design, appearance and size of the proposed annexe. The design and appearance are considered under other issues below. The size is dictated largely by the re-use of the existing building, although the proposal retains a parking space to meet another criterion of ENV8. While the building is intended for use by the appellants' elderly relative, I agree with the Council that due to its internal facilities it would be capable of independent residential occupation, although I acknowledge that is not what is proposed here.



Costs Decision

Site visit made on 8 December 2015

by **J Bell-Williamson MA MRTPI**

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

Decision date: 24 December 2015

Costs application in relation to Appeal Ref: APP/J1915/W/15/3023008 The Stables, London Road, Hertford, Hertfordshire SG13 7NS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs C Abbiss for an award of costs against East Herts Council.
 - The appeal was made against the refusal of planning permission for conversion of existing carport and store to 'granny' annex.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and such behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellants claim that costs should be awarded because the Council failed to assess the proposal adequately against relevant development plan policies, particularly Policies GBC1 and ENV8 concerning, respectively, development in the Green Belt and residential annexes; and that the Unilateral Undertaking submitted by the appellants was not taken into account by the Council, despite it being submitted before the application was determined.
4. The Council's principal concern relates to the distance between The Stables and appeal building and that a functional relationship could not be established between the two buildings. As such, it is stated clearly in the officer's report that the proposal failed, in its view, to meet criterion (c) of Policy ENV8 to be appropriately located in relation to the main dwelling. This led to the Council's conclusion that the proposal would equate to a new dwelling and, therefore, would be inappropriate development in the Green Belt in accordance with Policy GBC1. The Council also concluded that the proposal would be harmful to the openness of the Green Belt and to the rural character of the area.
5. I acknowledge the appellants' concern that the policy position was not as fully set out as might be expected. For example, the Council subsequently explained that assessment of re-use of the building against Policy GBC1 was not applicable as this element of the policy referred to Policy GBC9 and GBC10 which concern re-use of agricultural and other non-residential/domestic rural

buildings, which is not the case with the appeal building. This was not, however, as clearly stated as it might have been in the officer's report. Similarly, the proposal was not explicitly assessed against all the relevant criteria of Policy ENV8 or more up-to-date guidance in the National Planning Policy Framework.

6. I accept also the appellants' contention that the Council should have referred to the submitted Unilateral Undertaking and assessed its purpose and effect in relation to the proposal. However, while again this is a shortcoming in the report, the Council explains that in the terms of Policy ENV8 a condition or undertaking could not overcome the conflict it had already established with the policy. I note in this regard that the relevant section of the policy says that where planning permission is granted for a residential annexe conditions may be imposed or a legal agreement sought. In this case, the Council had already established that in its view there was conflict with the policy and I accept its argument that the Undertaking could not overcome this. Nonetheless, I consider that this matter should have been addressed in the officer's report.
7. Despite these shortcomings of detail in the report, even had these matters been included there is no basis to suggest that they would have changed the Council's overall assessment of the proposal or its decision. The physical and functional relationship between the host dwelling and appeal building are central to the Council's assessment and decision and, ultimately, consideration of these issues involves matters of judgement.
8. Therefore, it does not automatically follow that the Council would have taken a different decision had it had regard to the matters referred to by the appellants. Consequently, there is no clear basis to conclude that the appeal would have been unnecessary if the Council had addressed these matters. While the appellant disagrees with the Council's decision to refuse permission, specific reasons were given in the officer's report for the Council's position and, therefore, I find no unreasonable behaviour on the Council's part.
9. Accordingly, I conclude for the reasons given that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

J Bell-Williamson

INSPECTOR



Appeal Decision

Site visit made on 8 December 2015

by **J Bell-Williamson MA MRTPI**

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

Decision date: 16 December 2015

Appeal Ref: APP/J1915/D/15/3132554

142 Heath Row, Bishops Stortford CM23 5DQ

- 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 Patrick Forrest against the decision of East Herts Council.
 - The application Ref 3/15/0380/HH, dated 23 February 2015, was refused by notice dated 21 May 2015.
 - The development proposed is first floor extension and conversion of garage to habitable room.
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Preliminary Matter

1. The appellant indicates that the description of development has changed from that initially used, to now include reference to conversion of the garage to a habitable room. I have, therefore, used this more comprehensive description.

Decision

2. The appeal is allowed and planning permission is granted for first floor extension and conversion of garage to habitable room at 142 Heath Row, Bishops Stortford CM23 5DQ. The permission is granted in accordance with the terms of the application, Ref 3/15/0380/HH, dated 23 February 2015, 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: location plan, site plan, ATAC.HR.15.2, ATAC.HR.15.3 and ATAC.HR.15.4.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

3. The main issue is the effect on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey semi-detached dwelling in a residential road of similar property types and detached dwellings. The layout of dwellings
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in this part of Heath Row is characterised by single storey elements, typically garages or rooms, to the side of properties. This provides a good degree of separation and openness between dwellings.

5. The Council refers to Policy ENV6(b) of the East Herts Local Plan Second Review 2007 (the Local Plan). This requires a one metre gap to be retained between first floor extensions and the common curtilage with a neighbouring property to prevent a damaging 'terracing' effect.
6. The appeal property has a particularly large gap at first floor level between it and No 144 due to the garages being adjacent to each other. The proposal would bring built development at first floor level up to the existing side elevation at ground floor level. I acknowledge that the gap between the extended property at first floor level and the common curtilage would be less than the one metre referred to in Policy ENV6(b). However, I note that the policy includes some flexibility as it refers to the metre gap being the minimum required 'as a general rule'.
7. While the proposed extension would materially reduce the existing gap, an open aspect would remain due to the gap above No 144's garage and the hipped roof of the extended dwelling angled away from the boundary. There are other examples of extended and unaltered properties within the street scene which display a similar size gap. Consequently, the proposal would not be uncharacteristic of the area. While the extension would be level with the existing two storey front elevation, the width of the extended dwelling would not be incongruous or unusual and the retained gap to No 144 would avoid any terracing effect between properties. The slightly angled boundary would not have a significant effect in this regard.
8. I acknowledge the Council's concerns that permitting the current proposal could set a precedent for further similar proposals and its particular concern if a similar extension at No 144 were to be applied for. However, I am mindful of the principle that development proposals must be considered on their individual merits and I have found above that no unacceptable harm would result from the current proposal. Any future development proposals would need to be similarly considered on their merits against policies and circumstances pertaining at the time. However, current concerns about such proposals coming forward are not of sufficient weight to lead to a different overall conclusion in this case.
9. Therefore, for the above reasons I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of the street scene. As such, there is no conflict with Policies ENV1, ENV5 and ENV6 of the Local Plan as they relate to design and the effects of development on the character and appearance of the locality.

Conditions

10. Of the Council's suggested conditions, I have imposed the standard time condition and one which requires the materials used to match those of the existing dwelling, which I agree is necessary in the interests of the character and appearance of the area. To avoid doubt and in the interests of good planning, I agree also that a condition which requires development to be carried out in accordance with the approved plans is necessary.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

J Bell-Williamson

INSPECTOR

Appeal Decision

Site visit made on 3 November 2015

by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 14 December 2015

Appeal Ref: APP/J1915/W/15/3106039

50 Pepper Hill, Great Amwell, Ware, Herts SG12 9RZ

- 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 Palmer against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0393/FUL, dated 25 February 2015, was refused by notice dated 28 April 2015.
 - The development proposed is the demolition of an existing bungalow and garages to build a new two-storey house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site lies within the Green Belt. The comments of the main parties were sought as to whether the development is inappropriate, its impact on the openness of the Green Belt, and if the development is inappropriate, whether 'very special circumstances' exist.

Main Issues

3. The site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework and any relevant development plan policies;
 - the openness of the Green Belt and the character and appearance of the area;
 - the living conditions of the occupiers of 48 Pepper Hill, having regard to light and outlook.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings are inappropriate unless they involve the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. In this particular case, the replacement dwelling
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would be materially larger by reason of the extent of additional area and volume and thus would be inappropriate development under the Framework.

5. However, both parties have pointed to the location of the appeal site within a 'washed over' Green Belt within a densely built-up area of a village. Within this village, Policies HSG7 and OSV2 of the East Herts Local Plan Second Review (LP) 2007 permit residential infill development in principle subject to meeting certain design criteria. Under this policy, it would be possible to grant planning permission to replace a dwelling that is materially larger than the one that it replaces. As part of a village development strategy, the policies take into account an objective to prevent the coalescence of settlements and urbanisation of the Green Belt. Both parties have indicated that the effect of the proposal on the purposes of the Green Belt would be minimal. Taking all these considerations into account, I place greater weight on these development plan policies than the Framework in this instance and find that the proposal would not be inappropriate development.

Openness

6. Openness is an essential characteristic of the Green Belt. It would be reduced by the increased floor area, size and scale of the replacement dwelling. However, the overall loss of openness from this replacement dwelling would not be so significant that it would cause any material harm to the Green Belt.

Character and appearance

7. The neighbouring dwelling at 52 Pepper Hill is two storey whilst that at 48 Pepper Hill is a bungalow with first floor dormer accommodation. The surrounding area consists of dwellings of varied scales and designs.
8. The proposed dwelling would be located close to the boundary with 48 Pepper Hill. At this point, the dwelling would have accommodation within a pitched roof facing the road and a flank gable with a hipped roof above. This flank gable wall would be of some considerable height given the high eaves of the hipped pitched roof and depth. This would contrast markedly with the smaller scale of the neighbouring property, particularly when seen alongside the single storey extensions to its side. For this reason, the mass of the dwelling at this point would be visually intrusive and consequently the proposal would adversely affect the character and appearance of the area.
9. The dwelling would also be designed with a two storey projecting frontage bay alongside No 52. This design feature is not present on other dwellings within the street but given the variation of scale and designs on other dwelling, this would not look out of place. Its blank two storey side elevation would also be sited alongside that of No 52 and extend no further forward than this dwelling. Thus, I find this part of scheme to be acceptable.
10. In conclusion, the development would harm the character and appearance of the area for the reasons indicated. Accordingly, the proposal would be contrary to Policy ENV1 of the LP, which amongst other matters, require development to be of a high standard of design that relates well to the massing and height of adjacent buildings and to the surrounding townscape. Furthermore, it would conflict with a core planning principle of the Framework which requires planning to achieve a high standard of design.

Living conditions

11. There is a west facing kitchen opening contained within the single storey extended part of the dwelling at 48 Pepper Hill. By reason of its orientation, this opening faces down a gap between the dwelling and the fence separating this property from the appeal property. To the rear of No 48, there is also a bay window which has a side window flanking onto the appeal property.
12. Kitchens are not used in the same way as other rooms in a dwelling, such as a lounge, where the enjoyment of an adequate light particularly during the daytime is particularly important. For this reason, the loss of sunlight to the kitchen opening would not be significant given that it is not a main living area of the dwelling. In terms of daylight, this would be received from directions other than from the replacement dwelling. There would be no adverse loss of light to the rear room of the neighbour's dwelling served by the bay window because it has multiple windows receiving light from directions other than the replacement dwelling. On my site inspection, there were no other side windows affected by the replacement dwelling,
13. In comparison with the existing dwelling, there would be a greater extent of first floor built form closer to the neighbour's property. However, the outdoor space between the common boundary and the neighbour's property is narrow and constricted. The kitchen opening does not directly face the replacement dwelling but rather towards its garden and does not serve a main living area for the reasons previously indicated. The window on the rear bay is not a main window. Thus, there would be no significant loss of outlook for the occupiers of the neighbouring dwelling.
14. In conclusion, the development would not harm the living conditions for the occupiers of 50 Pepper Hill in term of light and outlook. Accordingly, the proposal would comply with Policy ENV1 of the LP, which amongst other matters, requires a high standard of design respecting the amenity of occupiers, including with reference to daylight, sunlight and overshadowing. Furthermore, the proposal would comply with a core planning principle of the Framework which requires planning to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

15. I have found that the appeal proposal would be acceptable in terms of its effect upon the living conditions of the occupiers of the neighbouring property. However it would cause harm to the character and appearance of the area by reason of the mass of the replacement dwelling for the reasons indicated.
16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

Appeal Decision

Site visit made on 15 December 2015

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 21 December 2015

Appeal Ref: APP/J1915/W/15/3132566

Land west of Orchard Road, Tewin, Hertfordshire, AL6 0HN

- 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 Mark Lloyd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/0396/FUL dated 24 February 2015, was refused by notice dated 12 May 2015.
 - The development proposed is a new agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for a new agricultural barn at land west of Orchard Road, Tewin, Hertfordshire, AL6 0HN in accordance with the terms of the application, Ref: 3/15/0396/FUL dated 24 February 2015, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. I consider the main issues in this case are: a) whether the proposal amounts to inappropriate development in the Green Belt; b) the effect of the proposal on the openness of the Green Belt and the character and appearance of the surrounding countryside; and c) if it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

3. The site lies in open countryside on the edge of Tewin village within the Metropolitan Green Belt. It is proposed to construct an enclosed barn measuring approximately 18.2m wide x 9.15m wide x 4.67m high. It would be located alongside an existing pole barn at the edge of the field. The proposal has been revised following a previous refusal and is now positioned alongside the existing pole barn backing onto a hedgerow. Previously it was orientated at right angles to this building.

Whether inappropriate development in the Green Belt

4. National policy on development in Green Belts is set out in the *National Planning Policy Framework* (the Framework). Paragraph 89 says the

construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to certain exceptions, including, specifically buildings required for agricultural purposes. Saved Policy GBC7 of the *East Hertfordshire Local Plan Second Review April 2007* (LP) reflects this in that it is generally permissive of new agricultural buildings in the Green Belt, and I find no fundamental conflict with the Framework in this regard.

5. It is not disputed that the proposed barn is required for agricultural purposes, and would be used for hay storage as well as secure storage of agricultural machinery for the holding. I therefore conclude that the proposed development is not inappropriate development in the Green Belt. Consequently, there is no need for me to consider the question of very special circumstances.

Effect on openness of the Green Belt and the character and appearance of the countryside.

6. Saved LP Policy GBC7, whilst permitting agricultural buildings in the Green Belt, says the building must be located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. It adds that where an isolated position is essential, the site should be chosen to minimise impact on the character and appearance of the countryside.
7. On the basis of my observations on site and having considered the evidence, I am not persuaded that the site is particularly isolated. The building would be sited fairly unobtrusively along the edge of the field adjacent to an existing barn. The presence of boundary vegetation, and the functional design and sympathetically coloured cladding of the building mean that it would not significantly detract from the prevailing character or appearance of the surrounding countryside. I consider the building is not excessive in terms of its size, and is commensurate with the scale of the enterprise. Nor do I find any conflict with saved LP Policy ENV1 which relates to design and environmental quality.
8. The proposed building would inevitably have some effect on the openness of the Green Belt. However, the effect on openness would not be so significant in my view that it would cause material harm to the Green Belt.
9. There is an existing dilapidated barn adjacent to the site access on Orchard Road, and the Council suggests that a new building would be more appropriately located there, saying it would have a lesser impact on the countryside. However, I find no overriding reason to question the appellant's operational needs to locate the building on the proposed site, and in any event it would appear that the roadside building is not within the appellant's ownership or control.

Conditions

10. The Council has put forward a list of suggested conditions should I be minded to allow the appeal, and I have considered these in the light of the advice in the Government's *Planning Practice Guidance* (PPG). In addition to the standard time condition, a condition is needed to secure compliance with the submitted (revised) plans for the avoidance of doubt and in the interests of proper planning.

11. I am satisfied that conditions to secure retention of existing planting, together with conditions requiring the submission, approval and implementation of a landscaping scheme are necessary in the interests of the appearance of the surrounding countryside.

Conclusion

12. I have found that the proposal does not amount to inappropriate development in the Green Belt; that there would be no significant harm to the character and appearance of the countryside; and there would be no significant harm to the openness of the Green Belt. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Schedule of 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: 3314-102 Revision C; and 3314-103 Revision D.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include means of enclosure; vehicle parking; hard surfacing materials; planting plans, and a schedule of plants noting species, planting sizes, and numbers/densities where appropriate.
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the building hereby approved being brought into use, or in accordance with a programme agreed with the local planning authority. Any trees or plants that within a period of five years from planting are removed, die, or become seriously damaged or defective, shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.
- 5) All existing trees and hedges shall be retained, unless shown on the approved plans as being removed. In the event that any tree or hedging dies, or is removed without the prior consent of the local planning authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees and hedging of such size, species, and in such number and positions as may be agreed with the local planning authority.

Appeal Decision

Site visit made on 1 December 2015

by **Amanda Blicq BSc (Hons) MA CMLI**

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

Decision date: 13 January 2016

Appeal Ref: APP/J1915/W/15/3078112

4 Thorn Grove, Bishop's Stortford, Hertfordshire CM23 5LD

- 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 Croft Group UK Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0555/FUL, dated 8 March 2015, was refused by notice dated 12 May 2015.
 - The development proposed is erection of 1 detached house. Land rear of 4 Thorn Grove, Bishop's Stortford, Herts.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area, with particular regard to the amount and scale of development.

Reasons

3. The proposed development lies to the rear of 4 Thorn Grove which is a large dwelling situated in a generous and mature plot on a residential tree-lined street of similar properties. The building line is generally set well back from the road, and there are glimpsed views of mature trees and shrubs in rear gardens, which give the area a sylvan character. The development itself would be a substantial 5-bedroomed residence with detached garage, located to the rear of the host dwelling.
4. The Council has not objected to the principle of development as Policy HSG7 of the Local Plan ¹(LP) allows limited infill in Bishop's Stortford, subject to the proposals meeting other policy criteria.
5. The footprint of the development would be similar to that of the host dwelling and broadly comparable to that of other buildings in the vicinity. However, the pattern of development in the immediate area is predominantly linear, as nearby dwellings have road frontages. The infill dwellings next to 2a Thorn Grove, 1b and 1c Hallingbury Road (No.s 1b and 1c), were constructed on

¹ East Herts Local Plan Second Review 2007

former residential amenity land but both have road frontages. In this respect, I find the proposal deviates from the immediate pattern of development.

6. The appellant has provided information relating to plot density and coverage for new dwellings in the area, and has drawn particular attention to backland development on land to the rear of 7 Thorn Grove which is opposite the appeal site. However, whilst I acknowledge that plot coverage percentages are reasonably consistent with what is proposed, I do not have before me the full planning history of each development to explain context, nor details of the planning policies prevailing at the time of their approval. Consequently, I am not persuaded that previous development sets an irresistible precedent for the current appeal. In any case, each application or appeal must be considered on its own merits.
7. The buildings proposed are imposing and reflect the architectural style of the host dwelling. However, the overall effect of the height and mass of the structures, combined with the extensive area of vehicular hardstanding, would be to dominate this rear garden plot. This would be to the detriment of the prevailing character of the area, as nearby dwellings are set within more spacious plots on the road frontage. In addition, the positioning and proximity of the garage in front of the dwelling would add to the impression of a development that is constrained by its site.
8. Furthermore, I am not persuaded that the dwelling would be unobtrusive from the road; the ridge height would be higher than any screen fencing or planting would be likely mitigate, particularly given the narrowness of the landscaped areas on either side of the drive. Moreover, the drive would open up views beyond the frontage of the host dwelling. Long views beyond the frontages are also out of character with properties in the immediate area.
9. Due to the difference in level between the appeal site and adjacent properties on Hallingbury Road, the development would be particularly prominent from the rear of 1b Hallingbury Road, as it would be at a higher level. Moreover, its ridge height would be noticeably higher than that of No.s 1b and 1c. I also consider the development would be obtrusive in the outlook from the host dwelling, 4 Thorn Avenue, as the development would directly face its rear elevation.
10. Consequently, I consider the development would be poorly sited in the context of nearby buildings, and would be obtrusive and overly large in relation to the size of plot, all to the detriment of the prevailing character of the local area. This is contrary to the aims of Policy HSG7 (LP) which expects infill housing to be well-sited and unobtrusive in relation to surrounding buildings, not to be over-intensive, and to complement the character of the local area.
11. In addition, the building would not reflect local distinctiveness as required by Policy ENV1 (LP), which requires development to relate to the massing and height of adjacent buildings, and to demonstrate compatibility with the structure and layout of the surrounding area.
12. Policy ENV1 (LP) also expects development to consider the impact of the loss of open land on the character of the area. I acknowledge that there are no Tree Preservation Orders on the site, and the site is not currently managed as a garden. Nevertheless there is mature vegetation and site constitutes a key component of the wider expanse of rear amenity space at the back of Thorn

Grove, Hallingbury Road and The Sycamores. This block of rear gardens contributes greatly to the character of the area and the rear outlook of properties on those streets. The development would significantly encroach into this openness and consequently diminish the impact of the remaining gardens. This is contrary to Policy ENV1 (LP), as outlined above, and Policy HSG7 (LP) which requires development to have regard to the pattern of open spaces in their surroundings.

13. Although some mature trees would be retained, the proposals would remove small trees and shrubs currently found to the rear of the appeal site. This vegetation provides an important buffer to the amenity space of 1 Hallingbury Road. I am not persuaded that the landscape proposals presented would provide adequate mitigation for clearance of this vegetation but could, were the appeal to be allowed, be addressed through a planning condition.

Conclusion

14. I appreciate that the overall scale of the development proposed has been reduced during the application process, and that the Council has not expressed any concerns regarding general design, finish or materials. Nevertheless, I consider the dwelling, garage and hardstanding would be too large a development for this particular backland location, and consequently detrimental to the pattern of built form and overall character of the area.
15. For these reasons and taking into account all other matters raised, including the submissions from other residents and interested parties, I conclude that the appeal should be dismissed.

Amanda Blicq

INSPECTOR

Appeal Decision

Site visit made on 14 December 2015

by **M Brookes BA MSc MRTPI**

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

Decision date: 21 December 2015

Appeal Ref: APP/J1915/D/15/3133166

21 Lindsey Road, Bishops Stortford, Hertfordshire, CM23 2TA

- 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 J Trant against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0665/HH, dated 27 March 2015, was refused by notice dated 9 June 2015.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 21 Lindsey Road, Bishops Stortford, Hertfordshire, CM23 2TA in accordance with the application Ref 3/15/0665/HH, dated 27 March 2015, 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: T/3182/15/EX-01, T/3182/15/PL-01 and T/3182/15/PL-02.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the existing building and the surrounding area.

Reasons

3. Development in Lindsey Road predominantly consists of semi-detached houses set back from the road beyond small front gardens. The houses are largely of the same design with two-storey bays on the front elevation and with small gaps between each pair of properties. Although there have been some alterations and extensions, including some side hip-to-gable roof extensions, the original form and symmetry of the front elevations largely remain intact. As a consequence there is a uniformity, harmony and rhythm to the street scene that makes a substantial contribution to the character and appearance of the area.
4. There is much less symmetry and uniformity to the rear elevations of the properties, which have extensions of a variety of sizes and designs. In

particular, there is a large flat-roofed dormer and a flat-roofed single storey extension on the rear of the appeal property and a smaller pitched-roof dormer and a longer single storey extension with a pitched roof on the rear of the attached property at 23 Lindsey Road. These have significantly compromised the original uniformity and symmetry of the rear elevations. There are also garages and other outbuildings of utilitarian design and appearance close to the rear elevations of many of the houses, including a pair of garages at 19 and 21 Lindsey Road.

5. The rear elevations of the individual properties generally make a limited contribution to the character of the buildings as a whole and, not being in general public view, make little contribution to the character and appearance of the area as a whole. The adjacent garden areas also have no material effect on the street scene in Lindsey Road or on the character or appearance of the surrounding area. However, the ends of the long rear gardens are generally undeveloped and do provide a common and distinctive feature of the area.
6. The proposal involves an extension to the existing flat-roofed single storey extension up to a store which would replace the existing free standing garage. Taken as a whole, the extension and store would be deeper and would have a greater footprint than the existing house. The Council's objection is that because of its size, scale and flat-roofed design the development would be harmful to the character and appearance of the existing dwelling and of the surrounding area.
7. Whilst I understand the Council's concern, the existing garage is currently close to and linked to the house by a high wall and the exposed external walls of the proposed store would be clad with timber boarding to continue to differentiate it from the extended living accommodation which would be constructed with walls rendered to match the existing house. The overall extent of flat roof would also not be substantially greater than already exists. I therefore do not find the development to harm the already compromised character and appearance of the rear of the existing building at 21 and 23 Lindsey Road.
8. The extension would not be conspicuous in views from Lindsey Road, with only a small part visible through a narrow gap between the appeal property and the house at No 19 Lindsey Road. Substantial parts would also be screened from the rear gardens of the houses on either side by extensions and freestanding buildings at those properties. A long section of the rear garden would remain undeveloped with no part extending further than the existing garage. The extension would not therefore have an unacceptably harmful effect on the character or appearance of the surrounding area.
9. The extension would not conflict with Policies ENV1 or ENV5 of the East Herts Local Plan Second Review (April 2007), which require extensions to be of a high standard of design and to reflect local distinctiveness, with Policy ENV6, which allows for flat-roofed single storey extensions, or with the development plan as a whole. Nor would it fail to respond to the character or identity of the local surroundings in conflict with the National Planning Policy Framework.

Conditions

10. I agree with the Council that a condition requiring compliance with the application plans is necessary for the avoidance of doubt and in the interests of proper planning. However, the suggested condition requiring the use of

matching external materials is not necessary or appropriate in this case because the approved plans clearly specify walls of matching render but also of cedar cladding, which would not match the existing dwelling but would be acceptable.

Conclusion

11. For the reasons set out above and having regard to all other matters raised the appeal is allowed.

M Brookes

INSPECTOR

Appeal Decision

Site visit made on 6 January 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 12 January 2016

Appeal Ref: APP/J1915/D/15/3133268

20 Warren Park Road, Hertford, Hertfordshire SG14 3JD

- 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 Malcolm Kelly against the decision of East Herts District Council.
 - The application Ref 3/15/0753/HH, dated 13 April 2015, was refused by notice dated 16 June 2015.
 - The development proposed is an extension to existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed extension to the garage would preserve or enhance the character or appearance of the Hertford Conservation Area.

Reasons

3. The application site is part of a small development of seven, modern, detached houses that was granted planning permission in 2007. The site lies entirely within the Hertford Conservation Area. Three of the dwellings face Warren Park Road, including No 20. The remaining four are sited around a short cul-de-sac, Owens View. This is a private shared-surface road with a circular-shaped turning head.
 4. Each house has a garage that is set back from the street and is clearly subordinate to the host dwelling. Each driveway in front of the garage has sufficient space in which to park a vehicle. There was no on-street parking at the time of my site visit. Different colours of block paving have been used to differentiate between the private and shared space within the development.
 5. No 20 has a single detached garage with a pitched roof at the end of its rear garden. It is accessed from Owens View. It is set back from the street so as to provide an additional parking space in front of the garage. The proposal is to extend this garage by building forward of the existing one to create a tandem garage capable of accommodating two vehicles.
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6. The existing development as a whole has been carefully laid out to provide a sense of openness within a relatively small area and to respect the character of the conservation area. Nevertheless, it is dominated by hard surfacing and there is only a limited amount of space to accommodate any vegetation and landscaping to soften the area's appearance. There are small areas of shrubs, but an absence of more traditional front gardens. In this context, the small areas of planting take on a significance that is important and out of proportion to their actual size. In my view any loss of greenery arising from the proposal would be harmful to the overall character and appearance of the development.
7. There are brick walls enclosing the rear gardens of Nos 18 and 20. Whilst these walls provide essential privacy for the occupants of these dwellings they are large, hard features that could dominate the appearance of the area in the absence of appropriate landscaping. A narrow strip of ground has therefore been provided immediately adjacent to the wall at No 20 in which an immature hedge is growing. This growth covers less than half the height of the wall, but makes a significant contribution to softening its appearance.
8. The enlargement of the garage would result in the loss of a section of the vegetation next to the wall at the rear of No 20. Any that could be retained in this area would be between two walls and would be at risk of a lack of light and inadequate growing conditions. It is therefore unlikely to thrive. I accept that the existing immature hedge between the driveways of No 20 and No 1 Owens View would not be removed. However, it would no longer be a free-standing section of landscaping, as it would be adjacent to the flank wall of the enlarged garage. Its context would therefore change and could significantly affect the growing conditions. I consider this would be harmful to the landscaping of the development, adversely affecting its overall appearance.
9. In addition, the enlarged garage would materially increase the bulk of development within the cul-de-sac and introduce new sections of brick wall and an extended roof that would be visible from the surrounding area. No 20 would lose its open parking area, which is a key characteristic of the houses in Owens View. The proposed garage would be sited with its south eastern corner immediately adjoining the shared surface area, which would be out-of-keeping with the layout of the remainder of the development. In my view this combination of changes would result in this part of Owens View appearing to be more enclosed.
10. I note that the four dwellings in Owens Close and No 18 each have a double garage, but Nos 20 and 22 only have single garages. The appellant suggests that providing only one garage at his property is insufficient. However, the Council's requirements in relation to parking are likely to have been based on the number of spaces per dwelling, rather than their specific form. I consider that a mix of single and double garages, together with additional parking spaces on driveways, was an appropriate means of providing for sufficient parking. It enabled the required standards to be met, whilst respecting the limited size of the site.
11. Irrespective of whether or not tandem garages were formally rejected when the original development was assessed, it seems to me that the shape of the extended garage, with its long flank wall, would be at odds with the surrounding street scene.

12. I acknowledge that the proposed enlargement of the garage would integrate satisfactorily with the existing building as a consequence of its simple design and use of matching materials. I accept that there was no objection from the Town Council and I have had regard to the comments of other residents in the locality as part of my considerations of the appeal proposal. I am satisfied that there would be no harm to the living conditions of adjoining occupants.
13. However, these positive aspects of the scheme do not diminish my concerns about the loss of landscaping, the increased length of the flank wall and the introduction of additional built form in such close proximity to the shared surface. I consider these aspects of the scheme would be detrimental to the character and appearance of the area.
14. The development would not directly affect any historic asset and is not visible from the wider conservation area. However, the remainder of Warren Park Road is characterised by mature development with associated vegetation and trees. The loss of greenery would therefore be detrimental to one of the distinguishing features of this part of the Hertford Conservation Area, which would not be preserved.
15. This combination of factors leads me to conclude that the proposed enlargement of the garage would be harmful to the character and appearance of the area. It would therefore fail to comply with saved Policies ENV1, ENV2 and ENV6 of the East Herts Local Plan Second Review. These policies require development to respect its setting, including providing and retaining appropriate landscaping. It would also be contrary to the objectives of the National Planning Policy Framework, which states that development should aim to deliver places that are visually attractive as a result of good architecture and appropriate landscaping.
16. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 8 December 2015

by **J Bell-Williamson MA MRTPI**

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

Decision date: 15 December 2015

Appeal Ref: APP/J1915/D/15/3132602

**The Walled Manor, St Marys Lane, Hertingfordbury, Hertfordshire
SG14 2LX**

- 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 Taylor against the decision of East Herts Council.
 - The application Ref 3/15/1147/HH, dated 28 May 2015, was refused by notice dated 24 July 2015.
 - The development proposed is single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. As the appeal site is within the Metropolitan Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt and the character and appearance of the host dwelling and surrounding area; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal property is a detached two-storey dwelling with surrounding garden enclosed by a brick boundary wall and front entrance gates. It is located with a small group of other detached dwellings and a school on the edge of the village of Hertingfordbury within the Metropolitan Green Belt.

Whether the proposal is inappropriate development

4. The Framework makes clear at paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
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5. The Council refers to Policies GBC1 and ENV5 of the East Herts Local Plan Second Review 2007 (the Local Plan). Policy GBC1 concerns development in the Green Belt and criterion (d) specifically addresses extensions or alterations to existing dwellings by reference to Policy ENV5. This states that outside defined settlements an extension to a dwelling will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling. It also refers to the effect on the openness and rural qualities of the surrounding area, which are considered under other main issues.
6. I am unaware of the definition of 'original dwelling' with regard to these policies, whereas the Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. Despite this and the fact that these development plan policies refer to dwellings rather than buildings, they otherwise accord with more recent guidance in the Framework.
7. The original dwelling was approved in 2001 and shortly afterwards extensions were permitted and subsequently built, which amount to a 65% enlargement of the dwelling as first built. The current proposal of around 140m² would increase the extent of the additions to the dwelling to over 100% of its original size in terms of floor area.
8. Assessing proportionality is primarily an objective test based on size. A doubling of the floor area of an original building is a significant degree of change using this measurement. However, I agree with the appellant that it is also important to consider the physical effects of the changes sought.
9. I accept that the existing wing to the western side has added to the dwelling's overall size, but these changes cannot be considered to be part of the original building. Notwithstanding this later addition, the original building is highly uniform in appearance to the front and while the proposed single storey extension would add further width to the frontage, this would not be significant in relation to the proportions of the original form. Neither would its height add substantive bulk or mass to the existing two-storey dwelling.
10. The extension would adjoin the eastern side of the original building that has the greatest depth. It would extend some four metres beyond this existing rear building line and, consequently, taking account of its combined width and depth, it would add a substantive additional development at ground floor level running from the front of the building to well beyond its rear.
11. This extension proposed to the eastern side together with that to the west would result in the form of the original building being substantively changed by the nature of these alterations, extending in each case significantly beyond the original rear and front building lines. I acknowledge the appellant's contention that the enclosed nature of the appeal site means that the altered dwelling would not be readily visible from the surrounding area. However, the question of whether alterations to a building are disproportionate is not dependent on the visual impact or prominence of what is proposed. I shall address this matter when considering the other main issues.
12. For the reasons set out above, the combination of the numerical extent of the change in floor area together with the extent of the physical changes lead me

to conclude that the proposal would result in a disproportionate degree of change to the original building. It would, therefore, be inappropriate development for the purposes of national and local policy, which is, by definition, harmful to the Green Belt.

Effect on the Green Belt and character and appearance

13. The single storey extension would not add considerable bulk or mass in terms of its height, but as already found the combined width and depth would add a substantive element of built development to the eastern side of the dwelling. As this is currently open garden, the proposal would result in built development where there is currently none, which would have a material effect on the openness of the Green Belt. Given the limited height of what is proposed balanced with its form as a whole, the proposal would result in moderate harm to the openness of the Green Belt in this location.
14. In terms of character and appearance, I agree with the Council that the proposed fake entrance with its large pediment and columns would compete with and detract from the front entrance in the main elevation. Additionally, despite its limited height, the depth of the extension would have an unbalancing effect on the relatively compact and uniform built form of the main dwelling. However, I accept in terms of the effect on character and appearance that views of the proposed extension would be limited due to the screening effects of the boundary wall. As such, the proposal would not result in unacceptable harm in this regard. Consequently, there is no conflict in regard to this particular issue with Policies ENV1, ENV5 and ENV6 of the Local Plan as they relate to design and the effects of development on the character and appearance of the host dwelling and locality.

Other considerations

15. The appellant rightly asserts that the proposal would not be prominent or otherwise readily visible from locations outside the appeal site. However, the lack of visibility of the proposed extension is not sufficient to overcome the permanent harm that would be caused to the openness of the Green Belt, albeit that this harm would be moderate. As such, I give these considerations about the visual effects of what is proposed limited weight.
16. While I note that Hertford Town Council did not object to the proposal, I give the absence of this or other objections limited weight in the context of my overall assessment of the proposal, which was based on all the appeal submissions and site inspection.

Overall Conclusions

17. The proposal would represent inappropriate development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that weight must be attached to the harm that would result to the openness of the Green Belt. Conversely, there would be no harm to the character and appearance of the host dwelling and surrounding area.
18. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt, nor is this outweighed by

the lack of harm with regard to the effect on character and appearance. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework and to Policies GBC1 and ENV5 of the Local Plan, which essentially reflect national guidance on development in the Green Belt. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR



Appeal Decision

Site visit made on 6 January 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 12 January 2016

Appeal Ref: APP/J1915/D/15/3134496

290 Ware Road, Hertford, Hertfordshire SG13 7EX

- 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 R & N Hill against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1302/HH, dated 19 June 2015, was refused by notice dated 11 August 2015.
 - The development proposed is a first floor front extension.
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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 host property and the surrounding area.

Reasons

3. The section of Ware Road in which the appeal property is located is characterised by pairs of semi-detached properties that differ from each other, but all have a symmetrical form. The dwellings are set back from the road and above it as the land rises steeply to the south.
 4. No 290 is paired with No 292. At present this pair of chalet bungalows has identical front gables that project from below a half hipped roof. Each dwelling has a number of other identical, mirrored features. These include a small flat roof front-facing dormer window, a small mono-pitched roof above the window in the gable and a chimney stack positioned just below the hip end of the roof. Their front gardens are enclosed by a continuous, low boundary wall above which is an area of grass and some bushes partly forming a hedge.
 5. The proposal seeks to remove the chimney stack and enlarge the gable feature, so that its ridge would be the same height as that of the main roof. This would enable the insertion of an additional window in the front elevation to serve a new bedroom.
 6. The increased height and bulk of the front gable and its additional window would result in a fundamental change to the appearance of the front of the dwelling. There can be no doubt that the proposal would disrupt the existing symmetry of this pair of semis. These changes would be visible from the street scene, particularly given
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the position of the dwellings above the road. I consider this would be harmful, especially as the semis in the immediately surrounding area each have a strong sense of symmetry.

7. The appellant drew my attention to the adjoining pair of semis at Nos 286 and 288. Permission was granted for a front extension to No 288 in 2000, Ref: 3/00/0642. However, no other details of this approval or the way in which the Council assessed it were provided. The appellant went on to suggest that some years later a similar first floor extension was added to No 286, which restored the symmetry. However, there was no evidence to substantiate this claim and it seems likely to me that both applications were assessed under different policies from those in the East Herts Local Plan Second Review, which was adopted in 2007.
8. On my site visit I saw that Nos 286 and 288 currently have a symmetrical appearance and that this was the dominant feature of the pair, notwithstanding minor differences of brick colour. However, I have no substantiated evidence before me relating to the original form of this pair of semis or their appearance during the period when they were unbalanced due to one being extended before the other. I therefore consider that the changes to Nos 286 and 288 cannot be directly compared with the proposal before me, which I have assessed on its individual merits having regard to current planning policies. In any event, there was no suggestion that if planning permission were granted for the appeal proposal a similar scheme would be implemented at No 292. The disruption to the symmetry of this pair of semis could therefore be a permanent feature of the street scene.
9. For these reasons I conclude that the proposed extension would be harmful to the character and appearance of the host property, the pair of semis of which it forms a part, and the surrounding area. It would therefore fail to comply with saved Policies ENV1 and ENV6 of the Local Plan, which require extensions to dwellings to be complementary to the original building and to relate well to the massing and height of adjacent buildings. It would also be at odds with the Government's commitment to the promotion of good design. The National Planning Policy Framework (paragraph 56) states that good design is a key aspect of sustainable development.
10. I note there is some lack of clarity about the proposed works to reduce the area of front garden and increase the area available for parking of vehicles. However, the drawings do not show any changes to the front boundary wall and a small area of planting and grass would remain adjacent to the proposed retaining wall. The appearance from the street would therefore be largely unchanged and the retention of an area of planting would mitigate any harmful visual impacts. This feature could be secured by condition if the development was otherwise acceptable. Similarly, the materials used for the hard-standing could be controlled by condition in the event that the appeal was successful.
11. However, for the reasons set out above, I have found the proposed extension to be harmful and find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR

Appeal Decision

Site visit made on 6 January 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 13 January 2016

Appeal Ref: APP/J1915/D/15/3134245

12 Waterford Common, Waterford, Hertfordshire SG14 2QD

- 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 Steve Dale against the decision of East Herts District Council.
 - The application Ref 3/15/1315/HH, dated 22 June 2015, was refused by notice dated 26 August 2015.
 - The development proposed is an extension to an existing triple garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal on the Green Belt as follows:
 - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the visual amenities of the Green Belt;
 - Whether the proposal would result in an unacceptable increase in flood risk.
 - 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 within the Green Belt

3. Waterford Common is a narrow single-track road within the Metropolitan Green Belt. There are a series of detached properties along its western side. No 12 is accessed from a driveway at the end of the lane and is physically and visually separate from the other dwellings. The site is surrounded by open countryside and there are views towards St Michael and All Angels Church to the west.
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4. The Government's approach to protecting the Green Belt is set out in Section 9 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of a replacement building, provided that it is in the same use and is not materially larger than the one it replaces. Saved Policies GBC1 of the East Herts Local Plan Second Review is broadly consistent with this approach. Saved Policy ENV5 also requires extensions and outbuildings, either individually or cumulatively, not to result in disproportionate additions to the original dwelling.
5. The proposal is described as an extension to an existing triple garage. It would include storage space in the roof served by a roof light. However, the location proposed for the garage is currently unoccupied. I understand that the garage, which previously stood on the site, was removed in 2013. No substantiated evidence about the floor area or appearance of this garage was presented with the appeal. However, the Council state that the current proposal is more than double the size of the original. Whilst I cannot be precise, it seems highly likely that the replacement garage would be materially larger than the one it purports to replace. It would therefore fail the test of Paragraph 89 of the Framework. In any event, as there is now no building on the site the exception of allowing a replacement cannot, strictly speaking, apply in this case.
6. The Council has stated that the original dwelling has also been subject to extensive renovation and enlargement, which has increased the size of the house to 160% of its original floor area of about 101 sq.m. The appellant has not contested these figures. The proposed garage would further increase the overall floor area on the site. Taken together, I consider the existing extensions and the proposed garage would amount to a disproportionate increase in the amount of floorspace on the site. The proposal would therefore be contrary to local policy to protect the Green Belt.
7. I conclude that the proposed garage would be inappropriate development that would, by definition, be harmful to the Green Belt. It would conflict with national and local policy to protect the Green Belt. This is a matter to which I attach substantial weight.

The effect of the proposed development on the openness of the Green Belt

8. Paragraph 79 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development.
9. The introduction of a building of the size and scale proposed would represent a modest increase in the footprint of development on the site. Although the garage would only be single storey it would have a pitched roof, which would add volume and bulk to the overall scale of the building. The proposal would therefore erode the openness to the Green Belt in this locality.
10. I conclude that the introduction of the proposed garage would be harmful to the openness of the Green Belt, contrary to national and local policy to protect it. This is a matter to which I attach moderate weight.

The effect of the proposal on the visual amenities of the Green Belt.

11. The site is prominent in views from the surrounding area, which is open and undeveloped. The building would be partially screened by mature trees and vegetation that surround the site. However, to the rear there are open views towards the river and the church. The introduction of another building on the site would therefore be apparent from the surrounding area and appear as a further intrusion into this undeveloped landscape. This would be contrary to one of the key purposes of the Green Belt, which is to safeguard the countryside from encroachment.

12. I conclude that the proposal would be harmful to the visual amenities of the Green Belt. It would therefore conflict with national and local policy to prevent intrusion and encroachment into the countryside. This is a matter to which I attach moderate weight.

The effect of the proposal on flood risk

13. The siting of the proposed garage falls within Flood Zone 3/3b. It is therefore in an area of high flood risk and it is for the appellant to demonstrate that the proposal would not result in an increased risk of flooding, either on the site or elsewhere. In his grounds of appeal the appellant suggested that information required by the Council in relation to floor levels could have been made available. However, these were not submitted with the appeal. I therefore cannot be satisfied that the development would not increase the risk of flooding in this sensitive location.

14. I conclude that the proposal could result in increased flood risk, contrary to saved Policy ENV19 of the Local Plan and the advice set out in Paragraph 103 of the Framework.

Other considerations

15. The presence of the previous garage on the site is a material consideration of some weight. However, it is for the appellant to provide information about its size and appearance in support of his case in relation to this appeal. In the absence of such details I am not in a position to make an assessment of the relative impact of the proposal and must exercise a precautionary approach.

16. The Council granted permission for a similar-sized replacement garage in 2011, Ref: 3/11/1200/FP. I understand that this permission, which is no longer extant, was granted on the basis that it represented an improvement on what was there at the time. I appreciate that the appellant therefore considered he could remove the previous garage having secured planning permission for its replacement. However, this permission was subject to the standard time limit requiring commencement within three years.

17. The appellant referred to the building regulations application (approved in July 2013) and 'unfortunate' delays to the foundation works. However, no other reasons for deferring implementation of the scheme after 2011 were presented with the appeal. The appellant would have been aware that the permission was only valid until July 2014. In these circumstances delays that occurred following demolition of the existing garage in 2013 are a matter to which I can only give limited weight.

The Green Belt Balance

18. I have concluded that the proposed extension would be inappropriate development that would conflict with national and local policy to protect the Green Belt. I have also found that it would be harmful to the openness and visual amenities of the Green Belt and could give rise to an increased risk of flooding.
19. The presence of a previous garage on the site and the lapsed permission for its replacement with a larger one are considerations that weigh in the scheme's favour. However, in the absence of precise details about the size and appearance of the previous garage and any substantive reasons as to why construction of the replacement was delayed, I can only attach limited weight to these matters.
20. I conclude that these considerations do not clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

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

Sheila Holden

INSPECTOR