

## Appeal Decision

Site visit made on 14 March 2016

by **Jonathan Price BA(Hons) DipTP MRTPI DMS**

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

Decision date: 18 April 2016

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**Appeal Ref: APP/J1915/W/15/3138282**

**Land adjacent Beecroft Lane, Walkern, Hertfordshire SG2 7PE**

- 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 I Grey against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/0893/FUL, dated 29 April 2015, was refused by notice dated 13 July 2015.
  - The development proposed is a new residential dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a new residential dwelling at land adjacent to Beecroft Lane, Walkern, Hertfordshire SG2 7PE in accordance with the terms of the application, Ref 3/15/0893/FUL, dated 29 April 2015, subject to the conditions set out in the Schedule.

### Main Issue

2. The main issues in this case are the effect of the proposed dwelling on the character and appearance of the area and the degree of support offered by a general presumption in favour of sustainable development.

### Reasons

#### *Character and appearance*

3. The appeal site fronts onto the High Street which runs north-south through this attractive linear village. It is situated at the entrance to Beecroft Lane on its southern side and is occupied by a small garage building. The housing in Beecroft Lane is limited to its northern side and forms part of a cluster of dwellings, including the small estate of more recent development at Glebe View, on the west side of the High Street at the northern end of the village.
  4. The dwelling proposed would be at the end of a small undeveloped gap along the High Street between Manor Farm and Beecroft Lane. There are views across this gap from the High Street but at the Beecroft Lane junction these are interrupted by the existing garage. The dwelling proposed would be of a modest scale and a design sympathetic to the traditional housing nearby. The loss of view would be limited, and this small cottage would not be visually over-dominant, such that this proposal would not detract from the character and appearance of the street scene.
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5. The site is in a Conservation Area and this scheme would satisfy the legal requirements to preserve its character or appearance and the setting of nearby listed buildings. It would not establish a clear precedent for the development of any more of the open gap and this would remain in the Council's control.
6. The appeal site, as well as the existing housing to its north, is outside the Walkern Settlement Boundary defined in the East Hertfordshire Local Plan<sup>1</sup> (EHLP). It falls within the Rural Area Beyond the Green Belt wherein inappropriate development would be restricted under EHLP Policy GBC2 other than for purposes set out in Policy GBC3, none of which would apply to this proposal.
7. Notwithstanding the lack of harm found to the character and appearance of the village this proposal would not comply with EHLP Policies GBC2 and GBC3 due to its location outside of the defined Settlement Boundary. Walkern is defined as a Category 1 Village through EHLP Policy OSV1. However, this proposal would not be addressed by the criteria set out in this policy as it would fall outside of the defined confines of the village.

*General presumption in favour of sustainable development*

8. The National Planning Policy Framework (the Framework) is a material consideration and Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst outside the development limits defined in the EHLP, this proposal would nonetheless be in the actual village and within a convenient walking distance of its services. It would therefore be a sustainable location for a new dwelling in this respect.
9. The Council is unable to demonstrate the five year supply of deliverable housing sites required by Paragraph 47 of the Framework and, under Paragraph 49, relevant policies for the supply of housing should therefore not be considered up-to-date. EHLP Policies GBC2 and GB3 are considered relevant policies in this respect as they act to restrict the location of housing and consequently its supply. These policies are therefore not up-to-date and afforded only limited weight in this decision.
10. Whilst the single dwelling proposed would make only a very small contribution to the supply of housing, it would nonetheless provide a positive benefit in this respect. The proposal would cause no harm to the character and appearance of the village. Therefore there would be no adverse effects in this respect to significantly and demonstrably outweigh the benefit this proposal would offer. Under the presumption in favour of sustainable development the proposal would therefore gain support through Paragraph 14 of the Framework.

**Other Matters**

11. The statements of interested parties have been considered. Whilst there are plans for a Walkern Neighbourhood Plan this has not been published. Therefore it would not have reached a stage where any significant weight could be attached to it in deciding this appeal. The development of 85 dwellings on land south of Frogmore Lane has recently been allowed on appeal<sup>2</sup>. However, this has not materially altered the overall under supply of housing within the

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<sup>1</sup> East Herts Local Plan Second Review - April 2007.

<sup>2</sup> APP/J1915/W/15/3127807

District and this decision would not be reasonable grounds to prevent further development in Walkern.

12. Whilst this site might currently be a garden and parking for 2, Beecroft Lane the displacement of these uses would not provide sufficient reason to resist this proposal. Adequate on-site car parking would be provided for the dwelling proposed and it would not have a materially adverse effect upon the interests of highway safety or result in significant parking problems elsewhere.
13. There is no evidence that this proposal would lead to additional flood risk and the appellant is amendable to a condition governing surface water drainage arrangements.

#### **Conditions**

14. Regard has been given to the conditions suggested by the Council. A condition setting a time limit for the commencement of the development is necessary in the interests of proper planning. Similarly, and also for the avoidance of doubt, a condition is required that the development be carried out in accordance with the approved plans. In the interests of character and appearance prior agreement of all external materials to be used is subject to a condition, as is the implementation of agreed hard and soft landscaping. In the interests of highway safety the provision of visibility splays at the site access is conditioned but only as can be reasonably provided within land controlled by the appellant. A condition governing a programme of archaeological work is necessary as well as one securing an agreed scheme for surface water drainage.

#### **Conclusions**

15. On the basis of the above, this proposal would be the sustainable development supported by the Framework. I conclude therefore, having had regard to all other matters raised, that this appeal should be allowed.

*Jonathan Price*

INSPECTOR

**Schedule of conditions for  
Appeal Ref: APP/J1915/W/15/3138282  
Land adjacent Beecroft Lane, Walkern, Hertfordshire SG2 7PE**

- 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: Project no. 371WAL drawing no. 01.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until plans for vehicle visibility at the site access onto Beecroft Lane shall have been submitted to, and approved in writing by, the local planning authority. The access splays shall be provided in accordance with these agreed details prior to occupation of the dwelling and thereafter be maintained to contain no obstruction higher than 600mm above the level of the adjacent road.
- 5) 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 and these works shall be carried out as approved. These details shall include planting plans, means of enclosure, car parking layouts and hard surfacing materials.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 8) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to the Non-statutory technical standards for sustainable drainage systems<sup>3</sup>, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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<sup>3</sup> Sustainable drainage systems: non-statutory technical standards – Department for Environment, Food and Rural Affairs 23 March 2015.

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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## Appeal Decision

Site visit made on 11 April 2016

by **Zoe Raygen DipURP MRTPI**

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

Decision date: 6<sup>th</sup> May 2016

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**Appeal Ref: APP/J1915/W/16/3142717**

**Wildacre Log Yard, Wildacre Nursery, Hare Street Road, Buntingford, Herts SG9 0AD**

- 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 Dennis Wright against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/0993/FUL, dated 7 May 2015, was refused by notice dated 4 August 2015.
  - The development proposed is the erection of 1.5 storey 3 bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would provide a suitable site for housing with particular regards to the principles of sustainable development and housing land supply.

### Reasons

3. Wildacre Log Yard is sited on a bend in the road. The buildings associated with the log yard are located a long distance from the road and screened by trees and shrubs from views from the road. The premises are bounded by hedges, wooden fencing and trees. To the north is a densely vegetated area and to the east is open countryside. Residential properties are sited to the west and south of the site.
  4. The proposal is to locate a house to the front of the existing buildings on the site for the appellant to live in, to allow the family log yard business to continue to thrive and grow. The case is put that the family's continuous presence on site will reduce unproductive home to work travel time, increase security, improve working conditions, make supervision, training and service less restricted and allow the appellant to maintain his level of practical and productive input while reducing hours spent away from home.
  5. The site is located within the Rural area beyond the Green Belt as designated within the East Herts Local Plan Second Review April 2007 (the Local Plan). Policy GBC 3 of the Local Plan restricts new development within the rural area beyond the Green Belt other than for twelve specific exceptions.
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6. The appellant considers that the development would comply with exception (a) (h) and (j). Exceptions (a) and (j) allow for new buildings in relation to agriculture or forestry and other small scale facilities meeting a local need appropriate in a rural area. While I accept that timber logging may be classified as forestry for the purposes of the policy, a new house would not be solely for the purposes of forestry, nor would it be a small scale facility.
7. Exception (j) allows agricultural, forestry or other occupational dwelling in accordance with Policy GBC5. I understand though that Policy GBC 5 was not saved. Paragraph 55 of the National Planning Policy Framework (the Framework) states that new isolated homes in the countryside should be avoided unless there are special circumstances, one of which is the essential need for a rural worker to live permanently at or near their place of work in the countryside.
8. From my observations it is apparent that unauthorised access to the site could be achieved relatively easily because of the nature of the boundary treatment. I appreciate therefore that a house on the site would help significantly with security. Furthermore the ability to reduce the journey to work to allow more productive time either training or in the community would be desirable. However neither of these outcomes, while important, would form an essential need for the appellant to live on the site in the way that having to be on site day or night to deal with emergencies within the business or essential care would be.
9. I share the concerns of the appellant that high security fencing could have a harmful effect on the character of the open countryside but other security systems such as CCTV or alarms are available.
10. I therefore do not consider that the special circumstances within Paragraph 55 of the Framework have been achieved. It follows therefore that the development does not form one of the exceptions to saved Policy GBC 3 and therefore it is contrary to the requirements of the Policy.
11. However there is no dispute between the parties that the Council does not have a five year supply of housing. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. I therefore give Policy GBC 3 limited weight. Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development and where the relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. Paragraphs 7 and 8 explain that the three mutually dependent dimensions to sustainable development are social, economic and environmental.
12. A new house on the site would lead to a small number of jobs during construction and the number of occupiers although small could help generate more spending in the local economy, enhancing and maintaining the vitality of the community.
13. The house would provide a small contribution to the undersupply of housing and therefore would be a social benefit. It would though be located some distance from Buntingford which is the nearest settlement with a range of

facilities which would meet the day to day requirements of the future occupiers of the house in terms of shops, medical, education and leisure facilities. The road to Buntingford is narrow and unlit. This together with the distance involved leads me to believe it unlikely that future occupiers would walk or cycle to reach services. Furthermore I have not been advised of any regular bus service. It is likely therefore that future occupiers would be reliant on the car to access most services other than employment which would be adjacent to the site for the appellants

14. However, I understand the appellants live in Buntingford which is about 2 miles away. The reduction of only three or four short journeys a day would not be significant against a dependence on the car for all other services. Moreover it cannot be guaranteed that the house would always be linked to the occupation of the log yard. The size of the plot and configuration means the two units could feasibly be occupied independently.
15. The appellants have referred me to appeal decision APP/J1915/W/14/3001168 regarding the change of use of a building to a dwelling in the rural area beyond the Green Belt a similar distance from Buntingford as the appeal site. This decision relates to an application for prior approval where the National Planning Practice Guidance sets out that the permitted development right does not apply a test of sustainability of location. Nevertheless the Inspector addressed the issue and concludes that while the majority of journeys would be by car the new dwelling would not be any further from services than existing surrounding houses.
16. However Paragraph 17 of the Framework makes it clear that growth should be managed to make the fullest possible use of public transport, walking or cycling. Furthermore the reliance on the motor car would not fulfil the environmental role of planning of moving to a low carbon economy. While I note the Inspector's comments therefore I am not convinced that in this instance the proposal would meet these requirements of the Framework.
17. Where views are available of surrounding houses it is evident that there is little uniformity of design. Most though are bungalows and some have dormer windows. The new dwelling is a modest three bedroom bungalow with dormer windows on the east elevation. Although constructed of logs, which is not a typical building material in the area, its location within the site means that it would be largely screened by existing vegetation. As a result only infrequent glimpses would be available of it from the road. Moreover it would not encroach into the open countryside.
18. While not particularly visible a further benefit would be the removal of a prefabricated building to the south west of the log yard to facilitate the construction of the dwelling. Therefore I do not consider that the intrinsic character and beauty of the countryside would be harmed and the natural environment would be preserved.
19. The proposal would have economic benefits. The provision of one house would also have a small benefit of contributing to the undersupply of housing. However the provision of only one house would be unlikely to make a significant contribution in either case and I give these benefits limited weight. Consequently the substantial harm I have found caused by the reliance of future occupiers on the car leading to a functionally isolated form of development would not be significantly or demonstrably outweighed by the



limited benefits when assessed against the policies in the Framework as a whole. Moreover the inability to fulfil the environmental role of planning means that the proposal does not represent sustainable development as defined by the Framework. It follows therefore that there may be no presumption in favour of it.

20. For the reasons above I conclude that the proposal would not provide a suitable site for housing with particular regards to the principles of sustainable development and housing land supply and therefore is contrary to saved Policy GBC 3 of the Local Plan and the requirements of Paragraphs 7, 8 and 14 of the Framework.

### **Other matters**

21. The appellant refers to both the Councils emerging District Plan (to 2031) (the District Plan) and the Draft Buntingford Community Area Neighbourhood Plan (2011-2031) (the NP), which he considers are well advanced, pointing to several policies which he considers supports the proposal. The Council advises that both plans are in a very early stage of preparation and therefore do not carry significant weight. I have been given no further information regarding the plans and so am not aware of how far in the process towards adoption either has reached.
22. Even if I were to give weight to both plans I note that policies in the District Plan are similar to those in the Local Plan with which I have already found that the proposal would be in conflict. Furthermore one of the objectives of the NP is to provide housing as required by the District Plan. I therefore consider that the proposal would be contrary to both emerging documents.
23. The appellant refers to support from Homestead Parish Council and a District Councillor. While I have taken these comments into account in my determination of the appeal I have nonetheless found harm base on the Council's reason for refusal.
24. The Council's internal processes regarding the determination of the planning application are not part of my consideration of the appeal and therefore I can make no further comment on this issue.

### **Conclusion**

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

*Zoe Raygen*

INSPECTOR

## Appeal Decision

Site visit made on 22 March 2016

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

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

**Decision date: 15 April 2016**

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**Appeal Ref: APP/J1915/W/15/3138854**

**The Ancient Raj, Knight Street, Sawbridgeworth, Hertfordshire CM21 9AX**

- 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 A J Wadhams and Co Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/1004/FUL, dated 14 May 2015, was refused by notice dated 29 July 2015.
  - The development proposed is demolition of existing single storey Indian restaurant and 3 no garages/stores and construction of 5 no new houses.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Following concerns raised in respect of land ownership on the southern site boundary, the appellant has provided amended plans which amend the site layout. Although even minor changes have the potential to materially alter the nature of an application, I am satisfied that in this instance, the correction of the site boundary and the consequent revision to the layout would not be prejudicial to other interested parties.

### Main Issues

3. The main issues are the effect of the development on:
  - the character and appearance of the Sawbridgeworth Conservation Area; and,
  - the living conditions of occupiers of 7 Church Street, with particular regard to outlook.

### Reasons

#### *Character and appearance*

4. The appeal site is L-shaped and lies to the rear of, and parallel with, Knight Street. It contains a single-storey building formerly used as a restaurant, with ancillary storage buildings and car parking areas. To the east, the site is bounded by the rear garden of 7 Church Street (No 7), and to the south by the commercial premises of 5 Church Street (No 5). To the west, the southern half of the site lies adjacent to two-storey apartments which appear to sit hard by
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the site boundary, and to the north, the site abuts a vehicular access and beyond that, a school.

5. The site lies within the Sawbridgeworth Conservation Area (SCA), and the key features of the area are listed in the Conservation Area Appraisal<sup>1</sup> (CAA). Relevant features include the tight building pattern of Knight Street and Church Street, which form part of the town's medieval core and the associated building pattern of rear yards, and the church and its courtyard, which lies immediately the east of No 7. The SCA also identifies the remaining burgage boundaries; one corresponds to the western boundary of the appeal site and another to the eastern garden boundary of No 7. It is also noted in the CAA that No 5, No 7 and the school to the north are considered to be buildings of positive merit within the SCA. Another building on Church Street, to the south-west of the appeal site, is a listed building. Consequently, the site provides the setting to neighbouring features of heritage interest and as the existing buildings are in a dilapidated condition, I acknowledge that appropriate development would present an opportunity to improve the character and appearance of the site as a whole.
6. The development would comprise three terraced dwellings (Plots 1-3) perpendicular to Knight Street, through which a further two semi-detached dwellings (Plots 4 and 5) would be sited parallel to Knight Street and accessed via an undercroft. Plots 1-3 would be sited with amenity space and parking areas to their rear, and the school playground and access road to their front. As such, these three dwellings would be a logical extension to the existing building pattern of the town centre, as they would square off the development pattern around the rear yards and parking areas behind Knight Street. Notwithstanding that the conservation officer has raised concerns in respect of the number and height of the units, the Council states that Plots 1-3 would not have an unacceptable impact on the SCA. Although the design of these buildings would be somewhat bland, having taken note of the design of other recent development in the town centre, I see no reason to disagree with this view, particularly given the need to improve the current situation.
7. However, the semi-detached Plots 4 and 5 would be sited on a long, narrow section of plot to the south. The building would be some 17 metres in length, and the entire front elevation of Plot 4 would be little more than 4 metres from the adjacent apartment building, which according to the information before me, is significantly taller. In addition, the rear elevation of Plot 4 would be 2 metres from No 7's garden boundary, which has mature shrubs along most of its length, which are taller than the fence-line. There is also taller development to the immediate south of the site, at No 5. Consequently, there would be limited distances to site boundaries on all three sides of Plot 4, and the height and proximity of both neighbouring buildings and nearby mature vegetation, would dominate and overwhelm this section of the development.
8. Plot 5 is largely positioned beyond the neighbouring apartments, and the front access and garden face a boundary fence separating the building from an adjoining car park. However, although Plot 5 would not look onto another building, it would be seen in the context of the taller apartment building, and the distance to the boundary with No 7 would be as for Plot 4. As such, I conclude that the distances between Plots 4 and 5 and the adjacent site

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<sup>1</sup> Sawbridgeworth Conservation Area Appraisal, December 2004

boundaries would be insufficient to provide an adequate setting for these dwellings, which would appear cramped on the plot to the detriment of the character and appearance of the SCA.

9. I appreciate that the appellant has provided a montage of examples of similarly tight development within the town centre. However, having reviewed this evidence the examples that most closely match the configuration of this appeal are not directly comparable. For example, although on Station Road (15 and 16) there are parallel buildings reasonably close together, there is open space at each end of the buildings, which would not be the case for Plots 4 and 5. For other examples, the pinch points appear to be limited in extent. In addition, I do not have information before me to indicate the particular planning policy context of each development shown, and in any case, every appeal is determined on its own merits, and precedent does not necessarily justify perpetuating a situation that would result in harm.
10. In the light of the above, the development would be contrary to Policy ENV1 of the Local Plan<sup>2</sup> (LP) which requires development to demonstrate compatibility with the structure and layout of the surrounding area, and to relate well to the massing and height of adjacent buildings. It would also be contrary to the Policy HSG7 (LP) which requires infill housing to be well sited in relation to surrounding buildings and not appear over intensive, and Policy BH6 (LP) which requires new development in Conservation Areas to be sympathetic in terms of scale, height and proportion in relation to the general character and appearance of the area.

#### *Living conditions*

11. As noted above, Plots 4 and 5 would be approximately 2 metres from the side boundary of No 7, and be some 7 metres tall and 17 metres long. By virtue of their positioning, height, and particularly length, Plots 4 and 5 would have a significant enclosing effect when viewed from the rear of No 7, and the outlook would appear overbearing. I acknowledge that that there are similar, if not directly comparable, juxtapositions of buildings in the town's historic core. However, No 7 lies towards the edge of the town's medieval core where the prevailing development pattern becomes more spacious around the setting of the church. Consequently, I conclude that the overbearing effect of the development would be to the material detriment of the living conditions of occupiers of No 7. As such, the development would be contrary to policy ENV1 (LP) in that it would not respect the amenity of occupiers of neighbouring buildings.

#### *Conservation Area*

12. As the cramped nature of part of the proposal would have an adverse effect on the character and appearance of the SCA, I conclude that the development would neither preserve nor enhance the character or appearance of the Conservation Area.
13. Paragraph 134 of the National Planning Policy Framework requires that where a development would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefit, including securing the optimum viable use of the site. In this instance, as the

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<sup>2</sup> East Herts Local Plan Second Review April 2007

appeal site is not prominent in the general street scene, and the features of heritage interest would not be affected other than in respect of their setting, I acknowledge that the development would cause less than substantial harm. I also acknowledge that there would also be some economic and social benefits to be derived from additional dwellings and the redevelopment of the site. However, the cramped settings of Plot 4 and 5 are particularly harmful to the SCA and that, in combination with the harm that would be caused to the living conditions of No 7's occupiers, leads me to conclude that the benefits of the development would not outweigh the harm so identified.

**Conclusion**

14. Consequently, for these reasons and taking all matters into account, I conclude that the development would not comply with the relevant policies of the Council's Local Plan and that the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR

## Appeal Decision

Site visit made on 12 April 2016

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

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

Decision date: 4 May 2016

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**Appeal Ref: APP/J1915/W/15/3138674**  
**88 Kingsway, Ware, Hertfordshire SG12 0QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Hannah O'Neil against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/1535/OUT, dated 21 July 2015, was refused by notice dated 3 September 2015.
  - The development proposed is to demolish existing double garage and build new 3 bedroom house on side.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposal is made in outline with all matters reserved except for appearance, layout and scale. I have had regard to all the plans submitted with the planning application.
3. I note from the appellant's appeal statement that a revised planning application has been submitted for a first floor side extension above the existing garage along with a resubmission of the refused planning application with some minor alterations. I do not have details of either application, but nevertheless, I have determined this appeal on its own merits.

### Main Issues

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

### Reasons

5. Kingsway is a residential street consisting mostly of two-storey semi-detached properties. The topography rises and falls along the road which also bends. There are reasonable gaps between properties, often occupied by single storey flat roofed garages. In a few cases, there are two-storey side extensions which tend to be around half as wide as the original property.
  6. 88 Kingsway is situated prominently on a bend in the road as well as on a corner plot with Clarks Close, a side road which drops down from Kingsway. No 88 has an existing double garage attached to the side of the property and a single storey rear extension. Notwithstanding these additions, No 88 and the
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adjoining semi-detached property at No 86 maintain a balanced appearance with the semi-detached properties on the other side of the Clarks Close junction (Nos 90 and 92).

7. The proposed development would attempt to mirror No 88 in terms of scale, appearance and layout. It would unmistakably be a new individual dwelling and would match the detailing of the existing dwelling. The existing plot is just about large enough to accommodate the width of the new dwelling. While there would be a relatively short distance to the side boundary, the new dwelling would have the benefit of a corner location to provide a gap to the next property at No 90. As such, the proposed development would not appear particularly cramped, congested or poorly detailed.
8. However, because of the site's prominent corner location, the proposed development would introduce considerable extra bulk into the street scene. The continuation of the existing roof slope would result in a much longer built form and terraced appearance unlike anywhere else on Kingsway. The side elevation would be close to the boundary with Clarks Close and would again appear considerably long because of the single storey element at the rear. The lack of openings in the side elevation, presumably to avoid negative privacy issues, would exacerbate the bulky effect. In addition, the balanced appearance that currently exists between Nos 88/86 and Nos 90/92 would also be lost.
9. As a consequence, the proposed development would be overly dominant, intrusive and imposing in the street scene. This would especially be the case when viewed from lower ground along Clarks Close and when approaching from the east along Kingsway as the road bends to reveal the site.
10. While the existing double garage is a large and prominent feature, it retains a subservient relationship with No 88. Furthermore, it highlights the sensitivity of the corner location and the effect additional development can have on the street scene. Thus, the existing garage has not altered my findings on the negative effects of the proposed development.
11. Concluding on the main issue, the proposed development would have an unacceptably harmful effect on the character and appearance of the surrounding area by virtue of its scale, massing and layout. As a consequence, it would not comply with Policy ENV1 of the East Hertfordshire Local Plan Second Review April 2007 ('the Local Plan') which, amongst other things, expects proposals to complement the existing pattern of development and relate well to the massing and height of the surrounding townscape. It would also not comply with Policy HSG7 of the Local Plan which, amongst other things, seeks new dwellings that are well sited in relation to their surroundings and do not appear obtrusive or over intense.

### **Conclusion**

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

*Tom Gilbert-Wooldridge*

INSPECTOR

## Appeal Decision

Site visit made on 11 April 2016

**by Zoe Raygen DipURP MRTPI**

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

**Decision date: 6<sup>th</sup> May 2016**

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**Appeal Ref: APP/J1915/W/15/3140417**

**27 Bramfield Road, Datchworth, Hertfordshire SG3 6RX**

- 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 P & SJ Chappell against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/1834/FUL, dated 7 September 2015, was refused by notice dated 23 November 2015.
  - The development proposed is the conversion of a redundant hay and storage barn into a dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant hay and storage barn into a dwelling at 27 Bramfield Road, Datchworth, Hertfordshire SG3 6RX in accordance with the terms of the application, Ref 3/15/1834/FUL, dated 7 September 2015 subject to the conditions set out in the schedule to this decision notice.

### Main Issues

2. The main issues are:
  - i) whether the proposal is inappropriate development in the Green Belt;
  - ii) the effect on the character and appearance of the area, and
  - iii) 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

#### *Inappropriate development*

3. Saved Policy GBC 1 of the East Herts Local Plan Second Review 2007 (the Local Plan) lists the adaption and reuse of rural buildings in the Green Belt as not inappropriate subject to compliance with saved Policies GBC 9 and GBC 10 of the Local Plan. Saved Policy GBC 10 relates to the change of use of an agricultural building. The appeal building is a former stable and therefore the policy has not been determinative in this instance.
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4. Saved Policy GBC 9 concerns the adaption and reuse of agricultural buildings and in particular part II is relevant to reuse for residential purposes. This permits such conversions subject to criteria, two of which are particularly pertinent in this instance. These state that the building should be worthy of retention, that the residential use should not detract from the character and appearance of the area and the retention of the building is unable to be facilitated by conversion to a business use or part of a scheme for business re-use, leisure, tourism, community or other purposes compatible with the rural area. The Council consider the proposal does not meet these criteria.
5. The Council contend that the requirements of saved Policy GBC 9 are in accordance with those of the National Planning Policy Framework (the Framework) and therefore they should be accorded full weight. However I note that the Local Plan is somewhat dated and prepared prior to the introduction of the Framework. The appellant has referred me to appeal reference APP/J1915/C/13/ 2190207 where the Inspector found that the two criteria of Policy GBC 9 (II) relevant to this appeal were not found in the Frameworks approach to the conversion of rural buildings and considered them to be inconsistent with the Framework. He consequently gave any conflict with the Policy limited weight.
6. While the appeal was in relation to a building not in the Green Belt I consider the same judgement applies here. In particular Paragraph 90 of the Framework outlines certain forms of development that are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within the Green Belt. One of these is the re use of buildings provided that the buildings are of permanent and substantial construction. The considerations within Policy GBC 9 (II) are not therefore found within the Frameworks approach to conversion of buildings in the Green Belt.
7. The appeal building is constructed from brick with timber boarding and a slate roof and therefore I consider that it is of a permanent and substantial construction. There is no dispute from the Council on this fact. Although the building is not of particular architectural merit, it is well designed. Given the Frameworks support for the re use of buildings, I consider that it is worthy of retention.
8. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The building exists and would not be extended as part of the proposal. Furthermore there is already an existing flagged area which would form the patio area. The site is bounded by hedges on all sides.
9. I note that the highway authority require that the first 5 metres of the proposed access be hard surfaced. Although having no height this feature would contrast with the existing grassed surface. However given the small area involved I consider that, taking this into account, the proposal would only have a very limited effect on the openness. As a result I consider that the openness of the Green Belt would be preserved.
10. Paragraph 80 of the Framework sets out the five purposes of the Green Belt. I consider the only purpose with which the proposal may conflict would be safeguarding the countryside from encroachment. However the appeal site is already contained by hedges and existing intervening distances to neighbouring

residential properties would be maintained. I consider therefore that the proposal would not materially encroach into the countryside.

11. The Council point out that there are many buildings capable to conversion to other uses within the rural area of the district covered by Green Belt designation. Moreover the allowance of the conversion of buildings only after a short time from their construction would undermine the credibility of the Green Belt. The appellant has not put forward any particular case as to why the building could not be put to any other use than for residential purposes and in this respect therefore the proposal is not in accordance with Policy GBC 9.
12. However, I have found that the requirements of saved Policy GBC 9 II, which are relevant here, are not found in the Frameworks approach to the re use of buildings in the Green Belt. I therefore find these requirements to be inconsistent with the Framework and I give limited weight to any conflict with them. Furthermore it is the specific circumstances of the appeal proposal that would make it not inappropriate. This may not be the case for all buildings in the Green Belt.
13. Accordingly as the conversion complies with the requirements of Paragraph 90 of the Framework I conclude that the proposal would be not inappropriate development within the Green Belt.

#### *Character and appearance*

14. The appeal building is located to the north of 27 Bramfield Road within a small cluster of residential buildings, set in large landscaped plots surrounded by countryside. It is single storey having the appearance of a stable building and set behind hedges and a group of trees. The area therefore has a strong rural character and appearance that the stable building positively contributes to.
15. Due to the vegetation and the naturally undulating land the building is not particularly prominent from Bramfield Road. It is though more noticeable from the adjacent public footpath which runs along the western boundary of the site.
16. The alterations proposed to the building are modest and where possible would take advantage of existing openings. The addition of roof lights would allow the sensitive alteration of the roof to allow first floor accommodation. The Council draw attention to the proposed large windows and Juliette balcony particularly on the northern elevation which would be visible from the footpath should the trees be removed.
17. The changes to the building would detract, in a limited way from its character as a stable. Nevertheless it would be viewed in the context of the existing surrounding houses which are of a similar if not larger scale than the proposal. Furthermore the significant landscaping in and around the site means the physical changes would be largely hidden from the wider landscape.
18. Even if the trees would need to be removed to allow light into the room, I am not convinced, given the context of the surrounding residential properties that the alterations would significantly detract from the existing character and appearance of the area. Furthermore no new access is required to the property.
19. In normal circumstances, a change of use to residential would bring rights to permitted development to enlarge or alter the building, including such matters

as changes to its roof, adding a porch, and constructing outbuildings, additional hardstandings or fuel storage containers. Some of these items may be obscured by adjoining landscaping. However, to prevent obtrusive or incongruous additions being made that would harm the openness of the Green Belt or the character and appearance of the area, I consider that it is necessary to withdraw permitted development rights to these kinds of changes, thus requiring prior scrutiny by the local planning authority if they are to occur.

20. Overall, and subject to the condition I have identified as being necessary, I find that the proposal would be generally in keeping with the rural character and appearance of the area and therefore there would be no conflict with saved Policy GBC 9 which requires that a residential use would not detract significantly from the rural character and appearance of the area.
21. I have given Policy GBC 9 limited weight with regard to the first main issue. However I find that its requirement regarding the character and appearance of the area to be broadly in accordance with Paragraph 17 of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. Therefore I have given the Policy full weight in relation to the second main issue.

#### *Very special circumstances*

22. I have concluded at the first main issue that the proposal would not be inappropriate development in the Green Belt. There is therefore no need to demonstrate the existence of very special circumstances in accordance with paragraph 88 of the Framework.

#### **Other matters**

23. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However no directly similar or comparable sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

#### **Conditions**

24. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. To achieve clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
25. I have noted the comments of the Highway Authority and would concur that further details of the proposed access are required to ensure that highway safety is maintained. Furthermore details of parking and turning areas are required to ensure the narrow access remains obstruction free and that there is no conflict with the public footpath. I have not imposed a condition regarding visibility splays as I understand that the area in question is in public ownership.
26. The Environmental Health Officer has also suggested a condition to require the treatment of contamination, if discovered. I have though seen no evidence that such a condition is necessary in order for planning permission to be given.

## **Conclusion**

27. I have found that the proposal would not be inappropriate development in the Green Belt which would preserve the openness and the character and appearance of the area. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Zoe Raygen*

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: 12026-S001, 12026-P001-C
- 3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details of the vehicular access to the site from Bramfield Road have been submitted to and approved in writing by the local planning authority. The access shall be provided in accordance with the approved details prior to the first occupation of the dwelling.
- 4) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details of the turning space and parking arrangements for two vehicles have been submitted to and approved in writing by the local planning authority. The spaces for turning and parking vehicles shall be provided in accordance with the approved details before the dwelling hereby permitted is first occupied and thereafter retained and made available at all times for the approved purposes.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no development shall be carried out within the terms of Classes A to F of Part 1 of Schedule 2 of the Order.

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## Appeal Decision

Site visit made on 22 March 2016

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

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

**Decision date: 15 April 2016**

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**Appeal Ref: APP/J1915/W/15/3139266**

**Rear of 36 West Road, Sawbridgeworth, Herts CM21 0BN**

- 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 L and R Developments against the decision of East Hertfordshire District Council.
  - The application Ref 3/15/1921/FUL, dated 17 September 2015, was refused by notice dated 11 November 2015.
  - The development proposed is erection of two bedroom bungalow with ancillary parking and turning facilities.
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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 area.

### Reasons

3. The appeal site lies within the rear garden of 36 West Road (No 36) which is a chalet bungalow situated on the corner of West Road and the access road to Mandeville Primary School. The site currently houses a large detached garage. To the north of the appeal site is 34 West Road (No 34), a chalet bungalow of recent construction built within the former rear garden of No 36. To the left of No 36, two-storey dwellings line the road frontage, with long gardens which back onto the school premises. To the right of No 36, beyond the school access road, the building pattern continues along the road frontage, again with properties with relatively long rear gardens. However, at the rear of these gardens the dwellings of Crofters End form a line parallel to the frontage development of West Road; No 34 aligns more or less with these buildings on Crofters End, albeit on the other side of the access road.
  4. The development would be a modest bungalow, located approximately midway between Nos 34 and 36, and forward of a line set by their flank elevations. It would also introduce development between the parallel frontages of West Road, and that of No 34 and Crofters End, and encroach into the openness that separates these two lines of development. As such the proposals would interrupt the pattern and grain of development.
  5. The bungalow would be closer to the access road frontage than Nos 34 and 36, which would be reflective of cramped development, and distances to other site
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boundaries would be limited. There would be approximately 1m to the west, and some 3.6 and 4.5 metres to the boundaries with Nos 36 and 34 respectively, where the gable projections of the main bedroom and kitchen extend beyond the main body of the building. I appreciate that the current design has responded to concerns regarding the separation between adjoining dwellings, following a previous appeal on this site<sup>1</sup>. However, the separation distances proposed are not commonplace in the area. Although properties forming the West Road frontage generally have limited lateral separation, they have long rear gardens. The building of a second additional dwelling in one of those rear gardens would be over-intensive development, especially as the rear garden of No 36 would also be significantly reduced in length. The bungalow proposed would also be significantly bulkier than the garage that currently occupies the site, and would be prominent in the street scene from both directions, despite being of lower height than its immediate neighbours.

6. I appreciate that the development before me is single storey and that the site is 1 metre wider than the previous application, which was for a chalet bungalow. However, the Council notes that the footprint of this development is larger than that of the previous application and I see no reason to disagree with this view.
7. I concur with the appellant that there is no dispute between the main parties in respect of the sustainability of the location. However, it does not necessarily follow that a site in a sustainable location is appropriate for development. In addition, having reviewed the Inspector's comments for the previous appeal, I disagree with the appellant that it was concluded that the site was suitable for a dwelling. The Decision states that although the site was physically large enough to accommodate the dwelling in terms of adequate amenity space and parking areas, there were sufficient concerns in relation to distances between the dwelling, site boundaries and nearby dwellings, to conclude that the development would be cramped on the site. Notwithstanding the changes made to the development's design and minor increase in site depth, I have similar concerns in relation to the development's setting and relationship to its surroundings. In any case, every appeal is determined on its own merits.
8. I also note that permission for No 34 was given as the Council considered that its positioning related to the building pattern on Crofters End, and therefore extended an existing building line. Notwithstanding that No 34 has limited distances to its site boundaries, this is not immediately apparent as a reasonable distance is retained between No 34 and No 36, albeit largely comprising the garden of No 36.
9. The introduction of a further, smaller dwelling on a limited site, against the prevailing pattern of development and in a prominent position, would be harmful to the character and appearance of the street scene. Consequently, the development would be out of character with the prevailing grain of development, and by virtue of distance from the road frontage and other site boundaries, would appear, in this context, to be cramped within the site.
10. The proposals would, therefore, be contrary<sup>2</sup> to Policy ENV1 of the Local Plan<sup>2</sup> (LP) which requires development to demonstrate compatibility with the layout of the surrounding area, and complement the existing grain of development. It

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<sup>1</sup> APP/J1915/A/14/2222278

<sup>2</sup> East Herts Local Plan Second Review April 2007

would also be contrary to Policy HSG7 (LP) which expects infill housing to be well sited in relation to the surrounding buildings and not to appear over intensive.

**Conclusion**

11. Although the provision of an additional dwelling would be of some limited benefit, it would not outweigh the harm identified above. Consequently, the proposals would be contrary to the relevant policies of the Council's Local Plan, and for these reasons and taking all matters into account, I conclude that the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR