
Appeal Decision

Site visit made on 25 April 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/J1915/W/17/3169481

4 Stansted Road, Bishop's Stortford, Hertfordshire CM23 2DX

- 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 Tee Jay Property Co Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1519/FUL, dated 28 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is the sub-division of existing first floor two bed flat into 2 No. one bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The council have directed me to policies within the East Herts District Plan (Pre-Submission Version). This is at a relatively early stage and is yet to be formally examined. Therefore I am only able to attach limited weight to the emerging policies within this plan. I have therefore determined the appeal on the basis of the policies within the decision notice and the Bishop's Stortford Town Neighbourhood Plan (BSTNP).

Main Issues

3. The main issue is the effect of the development on the living conditions of future occupiers with specific regard to space, outlook and daylight.

Reasons

4. The Government issued its Written Ministerial Statement in March 2015 (WMS) that affects how housing standards should be approached. The WMS sets out that where local planning authorities have an adopted policy relating to internal space standards, they can apply the Nationally Described Space Standards 2015 (NDSS).
 5. Policy HDP3 of the BSTNP (adopted July 2015) requires developments to meet the guidelines on internal space as set out in the RIBA publication, "The case for Space: The Size of England's New Homes (September 2011)". This publication requires a 1 person 1 bedroom flat to provide a minimum 37 sq. m internal floor area.
 6. The proposed conversion would result in two flats of approximately 22 sq. m and 30 sq. m respectively. Whilst both flats would provide a kitchen/living
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room, a shower with WC and a bedroom, their size would be considerably less than the minimum required by the NDSS.

7. They would both therefore provide a cramped, sub-standard level of residential accommodation and would be in conflict with policy HDP3 of the BSTNP and policy ENV1 of the East Herts Local Plan Second Review April 2007 (LP) which both seek, among other things, to ensure a satisfactory standard of living conditions for occupiers.
8. Following the sub-division both flats would receive daylight through existing windows. The kitchen/living room and bedroom for each flat would have a window to receive natural light and I am not convinced that living conditions of occupiers would be compromised in relation to daylight and poor outlook. In this respect, I find the proposal to be in compliance with policy ENV1 of the LP which seeks, among other things, to ensure satisfactory standard of living conditions for occupiers.

Other Matters

9. I have carefully considered the appellant's argument that there is a need for smaller units of accommodation to meet his client's needs. I have also taken into account the site's sustainable location which is close to shops, employment and transport links. However, this matter does not outweigh the harm to living conditions that I have identified above.
10. I have taken into account the representation about parking at the site but this is a matter that does not affect my findings on the main issue.

Conclusion

11. Whilst I have found that the proposed development would be acceptable in terms of the outlook and daylight received, this does not outweigh my findings on the issue of living space. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR



Appeal Decision

Site visit made on 16 May 2017

by **Graham Wyatt BA (Hons) MRTPI**

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

Decision date: 1st June 2017

Appeal Ref: APP/J1915/W/17/3169242

19 Thornbera Road, Bishop's Stortford, Hertfordshire CM23 3NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Samuel Faulkner against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1748/OUT, dated 20 July 2016, was refused by notice dated 20 October 2016.
 - The development proposed is demolish existing four bedroom bungalow and erect 4 No. new dwellings (2 No. bungalows and 2 No. houses) with associated parking and altered access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is outline with all matters reserved for future consideration. An indicative site plan (drawing 3) and street scene (drawing 4) have been provided detailing how the site could be developed with 4 new dwellings. I have treated these as illustrative drawings for the purposes of the appeal.

Main Issue

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

Reasons

4. The appeal site is within an established urban area. Most properties have been extended or altered and the road contains a variety of designs with two storey dwellings the prevailing house type. Generally, most properties have parking areas to the front and long rear gardens. The bungalow at the appeal site is an anomaly in the area and is sited on a slight bend in the road with a vehicular access and parking areas to the side. The site benefits from a wider, and consequently, larger rear garden than the majority of other dwellings in the vicinity.
5. The proposed development would demolish the existing bungalow and replace it with a pair of semi-detached 2 storey dwellings to the front of the site. A further 2 detached bungalows and garaging would be erected to the rear of the site, resulting in a backland development. I note from the Officer's delegated report that the Council do not object in principle to the replacement of the

Appeal Decision

Site visit made on 24 April 2017

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

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

Decision date: 24th May 2017

Appeal Ref: APP/J1915/W/17/3166373

12 Winters Lane, Walkern, Hertfordshire SG2 7NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steve Hart against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1855/OUT, dated 12 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is building of a new dwelling at the bottom of the gardens of 12 and 14 Winters Lane.
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Decision

1. The appeal is allowed and planning permission is granted for building of a new dwelling at the bottom of the gardens of 12 and 14 Winters Lane, Walkern, Hertfordshire SG2 7NZ in accordance with the terms of the application, Ref 3/16/1855/OUT, dated 12 August 2016, subject to the conditions set out in the Schedule attached to the decision.

Procedural Matter

2. The application was made in outline with all detailed matters reserved and I have dealt with the appeal on that basis. An outline house design and 1:200 scale block plan showing layout, floor area and parking arrangements were submitted with the application which I have taken to be for illustrative purposes only.

Main Issue

3. The main issue is whether the proposal would comply with planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

4. The village of Walkern has a historic north-south axis with the High Street running roughly parallel with the River Beane to its east. Winters Lane is a minor road leading east from the High Street and crossing the river. There is frontage housing along the south side of Winters Lane as far as its junction with the narrow Trotts Lane, which runs south alongside the undeveloped meadows adjacent to the river which are used for horses to graze.
 5. The dwelling plot is provided by the combined rear parts of the back gardens to 12 and 14 Winters Lane, the end properties, and the proposed dwelling would
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front onto and take access from Trotts Lane. The dwelling is about 100m west of the River Beane and faces the meadows which are quite evidently part of its flood plain.

6. Policy ENV19 of the East Herts Local Plan Second Review of 2007 (LP) restricts development in areas liable to flood including where this might increase the risk to people and property. More up-to-date policy is contained in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). This national policy aims to steer new development to areas with the lowest probability of flooding by requiring a sequential test.
7. Paragraph 99 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
8. The application was accompanied by a site specific Flood Risk Assessment¹ as required by the PPG for a development shown to be located in Flood Zone 2 according to the Environment Agency (EA) Flood Map for Planning. Zone 2² is land with a medium (between 1 in 100 and 1 in 1,000 annual) probability of river flooding. A dwelling house is classed as development that is 'More Vulnerable' to flood risk in the PPG where in Table 3: *Flood risk vulnerability and flood zone 'compatibility'* it is indicated as 'appropriate'. However, this indication of being appropriate is provisional upon the carrying out of the sequential test to identify whether there are any available alternative sites for the proposal in a lower flood risk area.
9. I agree with the Council that by looking no further than recent approvals of dwellings in Walkern the appellant had not considered housing site availability within a wider part of the District which would have been the reasonable requirement to meeting the sequential test. However, during the course of the appeal the EA has accepted the appellant's flood map challenge³. This has provided evidence that the existing EA Flood Map had inaccurately represented the extent of the 1968 flood, as relating to the appeal site, upon which the extent of Flood Zone 2 was based. The Council has been consulted on this further evidence but provided no further comment.
10. The Council has refused this proposal solely on the failure of the proposal to meet the required sequential test in regard to development and flood risk. Although the evidence suggests that flood levels have reached close to the appeal site the EA has agreed to the appellant's flood risk challenge and indicated that the Flood Map will be altered in July 2017 to place the site of the proposed dwelling in Flood Zone 1.
11. The PPG states⁴ that it should not normally be necessary to apply the sequential test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of

¹ 12 - 14 Winters Lane, Walkern SG2 7NZ Flood Risk Assessment by RAB Consultants - 12 February 2016

² Planning Practice Guidance Table 1: Flood Zones (Paragraph: 065 Reference ID: 7-065-20140306)

³ 12 - 14 Winters Lane, Walkern SG2 7NZ Flood Map Challenge. RAB Consultants - 29 March 2017

⁴ Paragraph: 033 Reference ID: 7-033-20140306

climate change). I am aware of no such information that might require the sequential test to be applied to Flood Zone 1 in this location. Consequently, I find there to be insufficient grounds to find this proposal contrary to either LP Policy ENV19 or the Framework in respect of development and flood risk.

Other Matters

12. Consideration has been given to the further matters raised by interested parties at both the application and appeal stage. Concerns over the dwelling being out of character with the village, having poor access and comprising inappropriate development of garden land were not supported by the Council. Given the relatively early stage reached by the Walkern Neighbourhood Plan, which might otherwise have had a bearing on this decision, I find these other matters insufficient to weigh against the development being allowed.

Conditions and Conclusion

13. In addition to the standard conditions for an outline planning permission governing the time limits and submission of reserved matters, a condition is necessary in the interests of certainty to specify the site to which the approval relates. In the interests of character and appearance and to ensure resilience in the event of an exceptionally high flood level a condition requires the prior agreement to finished ground floor levels. Subject to these conditions, and having taken into account all matters raised, I conclude the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/J1915/W/17/3166373
12 Winters Lane, Walkern, Hertfordshire SG2 7NZ

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan scale 1/500, location plan 1/1250 and proposed development site scale 1:200.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

---End of conditions---

Appeal Decision

Site visit made on 25 April 2017

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

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

Decision date: 12th May 2017

Appeal Ref: APP/J1915/W/17/3166645 **94 Burnham Green Road, Welwyn AL6 0NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Graham Lund against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1901/ARPN, dated 18 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the change of use of an agricultural building from agricultural use to residential use (Class C3).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building from agricultural use to residential use (Class C3) at 94 Burnham Green Road, Welwyn AL6 0NQ in accordance with the terms of the application Ref 3/16/1901/ARPN, dated 18 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P002, P003, P004 and P005.
 - 2) No development shall commence until a scheme to deal with potential contamination of land and/or groundwater has been submitted to and approved in writing by the local planning authority. The scheme shall include a desk-top study and a site investigation along with a written method statement for the remediation of any land and/or groundwater contamination. The site shall be remediated in accordance with all of the approved measures and a verification report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.
 - 3) Prior to the first occupation of the development hereby permitted, details of the means of access, including the siting of any entrance gates, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.
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Procedural Matters

2. The description of the proposed development is taken from the appeal form rather than the application form for clarity.
3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) of the Use Classes Order 1987 (as amended), and any building operations reasonably necessary to convert the building.
4. Although not explicit in the application form, it is clear from the plans and documents submitted for this proposal that the appellant seeks both a change of use of the appeal building and any land within its curtilage as well as building operations reasonably necessary to convert the building. The area of land around the building within the red line on the site location plan (drawing no. P005) appears to be no greater than the land area occupied by the building as required by Paragraph X of the GPDO in terms of curtilage. I have therefore treated this proposal as relating only to the building and the land within the red line boundary on the site location plan.
5. Schedule 2, Part 3, Paragraph W(3) states that a local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any specified conditions, limitations or restrictions. It was on this basis that the Council refused to grant prior approval.

Main Issue

6. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to the use of the building.

Reasons

7. Class Q requires the use of a building to be in agricultural use at the time that the change of use is being considered. In addition, there is a requirement in Paragraph Q.1(a) that the building was used solely for agricultural use as part of an agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use. Paragraph X of the GPDO defines an agricultural building as a building used for agriculture and which is so used for the purposes of a trade or business.
8. The appeal building is situated to the north-east of 94 Burnham Green Road within a large area of rough grassland separated from the domestic garden of No 94. At my site visit, I observed that the western half of the building is being used to house pigs, with the eastern half used for the storage of animal feed and bedding along with farm-related machinery and equipment. Notwithstanding the observations of the Council and neighbouring residents, I saw little evidence of general or domestic storage within the building.
9. The appellant has sought to demonstrate that he has kept pigs at 94 Burnham Green Road since at the spring of 2006 and has operated as a partnership trading pigs since April 2011. Although the site and livestock numbers are

small, it would appear from the documents provided that activities have consisted of more than just hobby farming, with movements and sales of pigs in a commercial capacity. The fact that the business has previously operated as a loss makes no difference to its commercial nature.

10. Based on the above evidence, I am satisfied that the appeal building is currently in an agricultural use for the purposes of a trade or business, and has been in such use since at least 20 March 2013 as part of an established agricultural unit. Therefore, the criteria under Paragraph Q.1(a) are met. There is no evidence before me to indicate that any other criteria contained within Paragraph Q.1 would be conflicted and so I consider the proposal to be permitted development.
11. I have considered the prior approval matters under Paragraph Q.2(1)(a) to (f) taking into account comments made by the Council and interested parties. In terms of transport and highway impacts, Burnham Green Road runs relatively straight past the appeal site with a reasonable level of visibility in both directions. The road appears to be busy at times as a through route with some on-road parking. However, the visibility conditions and modest scale of development means that there would be an acceptable impact subject to the provision of a satisfactory access details of which could be secured by condition. Any effects arising from construction traffic would be temporary.
12. There are a number of existing dwellings along Burnham Green Road and the proposed development would be set back from the road with no extensions to the existing structure. Thus, there would little negative impact on the living conditions of occupants of nearby properties in terms of noise. Furthermore, the external alterations would be sympathetic to the surrounding area in terms of materials and detailing with no extensions to the existing structure. Thus, there would be an acceptable effect in terms of the design and external appearance as well as for the outlook for occupants of nearby properties.
13. The effect on Green Belt is not one of the matters for consideration under paragraph Q.2(1), nor is the loss of agricultural activity or the effect on wildlife. Burnham Green has a village shop and public house and a bus stop albeit with a limited range of services to nearby towns. Thus, the location of the building is not impractical or undesirable in terms of the proximity of services and facilities.
14. The Council has indicated that contamination risks can be addressed by condition and no flood risk issues are raised. Thus, in the context of this appeal, I consider that none of the matters set out in Paragraph Q.2(1)(a) to (f) indicate that prior approval should be withheld.

Conditions

15. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans. A condition relating to contaminated land is necessary given the comments of the Council's Environmental Health department and the current use of the building. A condition relating to access details is also necessary in the interests of highway safety noting the comments of the Highway Authority.

16. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary to impose a separate time limit.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and prior approval granted.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 16 May 2017

by **Graham Wyatt BA (Hons) MRTPI**

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

Decision date: 24th May 2017

Appeal Ref: APP/J1915/W/17/3167800

5a Highfield Road, Hertford SG13 8BH

- 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 Hoggett against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2480/FUL, dated 1 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is the demolition of existing house and erection of detached replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and erection of detached replacement dwelling at 5a Highfield Road in accordance with the terms of the application, Ref 3/16/2480/FUL, dated 1 November 2016, subject to the conditions on the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Hertford Conservation Area.
 - The effect of the development on the living conditions of the occupiers of The Lodge with specific regard to outlook.

Reasons

3. The existing dwelling at 5a is not visible from Highfield Road and the Council confirm that their objection to the development results from its impact on the Conservation Area when viewed from Balsams Close and The Arbour.
 4. The appellant makes reference to planning permission for two storey front, side and rear extensions approved under application 3/14/0812/FP on 1 July 2014 which could be constructed in lieu of the proposed dwelling. This permission remains extant and is a fallback position for the appellant. In the absence of any evidence that this permission would not be carried out should this appeal fail, it is a fallback position to which I attach significant weight.
 5. The existing dwelling at the site is clearly visible as one enters Balsams Close and it is read as part of that street scene. The dwellings along Balsams Close are a variety of designs with no defining character. That is not to say it does not have a pleasing quality to the area.
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6. The proposed dwelling would be notably larger and bulkier than the existing dwelling and that allowed under the extant permission. The design of the dwelling would introduce a larger flank wall on the east elevation when viewed from Balsams Close. However, this elevation would be largely hidden from view by The Lodge until it is viewed from The Arbours, which reduces its overall impact.
7. In addition, the proposed dwelling would have three hipped roofs and a series of equally spaced windows at first floor level that would create a pleasant pattern to the roofscape and rear elevation. The hipped roofs also reduce the overall bulk of the building. The substantial hedge to the side reduces the visual impact the building may have. I therefore find that the size, bulk, siting and design of the building would have a neutral effect and would preserve the character and appearance of the Hertford Conservation Area.
8. On the first main issue I conclude that the proposal would preserve the character and appearance of the Hertford Conservation Area. The proposal therefore complies with Policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 which seek, among other things, to ensure that developments within a Conservation Area are sympathetic to the general character and appearance of the area.

Living Conditions

9. The Council in their decision notice refer to an "overbearing" development that, as a result of the size and siting of the proposed dwelling, would harm the living conditions of the residents of The Lodge. However, the Council has assessed this harm when compared to the existing dwelling and fail to consider the fallback position of the appellant.
10. The proposed dwelling would have a depth of 15m compared to 12.5m for the permitted extensions, although not all of the increase is to the rear as the proposed dwelling would be sited slightly forward of the existing dwelling. However, the proposed dwelling would not be sited any closer to The Lodge than the permitted extensions. I do not find this increase in the depth of the proposed dwelling to harm the living conditions so substantially when compared to the permitted extensions.
11. In reaching this conclusion I have taken into account the appellant's fallback position to erect two storey front, side and rear extensions to the existing dwelling. On the second main issue I therefore conclude that the proposed development would comply with Policy ENV1 of the East Herts Local Plan Second Review April 2007 which seeks, among other things, to ensure that developments respect the amenity of occupiers of neighbouring buildings.

Conditions

12. As the appeal is allowed and planning permission is granted, I accept the need for conditions relating to the standard time limit and samples of materials. For certainty I also impose a condition requiring the development to be carried out in accordance with the approved plans. In order to protect the living conditions of the adjoining occupier, the windows on the first floor east elevation should be obscurely glazed. In addition, given the proximity of adjoining residential properties it is necessary to secure a construction management plan and to

restrict hours of construction. It is also reasonable that building slab levels and ground levels are agreed in order to achieve a satisfactory appearance.

13. There isn't an access to the site from Balsams Close. Concerns are raised that during demolition and construction access would be created to the site via Balsams Close which would impact on the residents living conditions. As a result, I agree that access to the site should be via Highfield Road.

Conclusion

14. I have found that the proposed dwelling would preserve the character and appearance of the Hertford Conservation Area and would not impact on the living conditions of adjoining occupiers. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 3) There shall be no means of vehicular access to the site other than from Highfield Road.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 12103-P001-G and 12103-P002-G.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) Demolition or construction works shall take place only between 0800 to 1800 on Mondays to Fridays, and between 0800 and 1330 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) any wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) The building hereby permitted shall not be occupied until the windows at first floor level on the east elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Appeal Decision

Site visit made on 11 April 2017

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 12 May 2017

Appeal Ref: APP/J1915/D/17/3169037

6E Broad Green Wood, Bayford, Hertfordshire, SG13 8PS.

- 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 and Mrs J and J Bambra against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2612/HH, dated 23 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is for a two-storey side extension and porch.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I shall be mindful of the emerging local plan in my deliberations. However, as this has yet to complete its examination process I can only give limited weight to the emerging policies to which I have been referred.

Main Issues

3. I consider the main issues in this case are:
 - a) whether the proposal constitutes inappropriate development in the Green Belt;
 - b) the effect of the proposal on the architectural integrity of the host property, the character and appearance of the area and openness of the Green Belt; and
 - c) if the development is inappropriate development in the Green Belt, 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

4. The property the subject of this appeal, 6E Broad Green Wood, is one half of a semi-detached house located on a small residential estate of similar semi-detached houses in the Metropolitan Green Belt. The houses are located around a village green style amenity area.
5. The appellants propose the construction of a two-storey side extension and porch. The proposed addition would be similar in design to extensions to a number of other dwellings in the development.

Whether the proposal is inappropriate development in the Green Belt

6. The National Planning Policy Framework (the Framework) advises at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, one of the six exceptions given to this 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.
7. I understand from the Council's evidence, and this is not contradicted by the appellants, that the original dwelling, including an outbuilding to the side of the dwelling, had a floor area of some 119.4 square metres. It goes on to advise that the proposed extension would represent a 62% increase in floor area.
8. From the evidence I note that planning permission (Ref: 3/16/0441/HH) was granted on the 28 April 2016 for a similar extension to that proposed here, albeit that, according to the appellants' evidence, it represented a smaller increase in floorspace to that now proposed of about 3.6% less.
9. On balance, and while having regard to the permitted extension, the planning permission for which is still extant, I consider that in this case an increase in floor area of 62% would, alone in itself, not result in a disproportionate addition over and above the size of the original building.
10. However, the Framework refers to 'size'. Consequently in addition to floorspace it is the overall size increase of the building in terms of volume and external dimensions that need to be taken into account. In my judgement, because of its height and overall three dimensional form, the appeal proposal would increase the amount of built development on the site over that previously approved, which, would result in a disproportionate addition over and above the size of the original building.
11. I therefore conclude in respect of the first main issue that the proposal is inappropriate development in the Green Belt.

Architectural integrity, the character and appearance of the area and the openness of the Green Belt

12. The proposed extension would be narrower than that allowed by the extant permission. However, it would project about 1.5 metres in front of the main façade of the original dwelling and extend partially across that façade to form a new porch addition. Although set just below the ridgeline of the main house, the ridge of the proposed extension would be considerably higher than that approved and thereby overall would not appear as such a well balanced subservient addition. It would thereby detract from the architectural integrity of the host building. In addition, despite the number of similar extensions to neighbouring properties at Broad Green Wood, I consider that the extension as designed would cause harm to the character and appearance of the area.
13. The Government attaches great importance to Green Belts of which the essential characteristics are their openness and their permanence. Despite the extension having been designed to be slightly narrower than the approved addition, because of its height, overall three dimensional form, and the building's location on the edge of the development at Broad Green Wood, it would, in a small but nevertheless material way, impact on the openness of the Green Belt.
14. I therefore conclude, in respect of the second main issue, that by reason of the host building's location, height of the extension and its overall mass, the proposal would,

while detracting from the host building and the character and appearance of the area, also have a harmful impact on the Green Belt's openness and the purposes of the Green Belt as set out in the Framework.

15. The proposal would therefore not accord with Policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007 as they reflect the guidance in the Framework in respect of the protection of the openness of the Green Belt, the quality of development and its setting.

Other considerations

16. I have found that in terms of its height and overall three dimensional form, the proposal would increase the amount of built development which in turn would result in a disproportionate addition over and above the size of the original building and therefore would be an inappropriate form of development. I therefore give no weight to the identified limited percentage increase in floor area in the Green Belt balance.
17. I agree that a lean-to roof over the proposed porch may well be more attractive than a flat roof. I accept that the ridgeline of the extension would be set below that of the main house. However, overall I do not find that the proposed extension, when compared to that previously approved, would result in such a well-balanced subservient addition. I therefore give no weight to the appellants' contention that the visual changes between the approved and proposed scheme designs should attract weight in the overall balance.
18. In reaching my conclusion I have been mindful of similar extensions to neighbouring dwellings. However, having regard to my concerns about the design of the proposal before me, the existence of similar extensions nearby is not an appropriate justification for permitting one here as designed. I therefore give this consideration limited weight.
19. The proposal is inappropriate development, which by definition is harmful to the Green Belt, and the Framework requires substantial weight to be attached to that harm. I have also found harm to the openness of the Green Belt, the character of the host property and the character and appearance of the area. For the appeal to succeed the combined weight of the other considerations must clearly outweigh the totality of the harm arising. Having taken account of the other considerations and found that they do not clearly outweigh the totality of the harm that would be caused, I consider that very special circumstances to justify the development do not exist.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is not in accordance with the development plan, when read as a whole, and that the appeal should not be allowed.

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 24 April 2017

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

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

Decision date: 19th May 2017

Appeal Ref: APP/J1915/D/17/3172191

88 Mangrove Road, Hertford, Hertfordshire SG13 8AN

- 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 James Brunton against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2807/HH, dated 16 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is single storey rear extension, two storey side and rear extension, hip to gable and pitched roof dormer.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, two storey side and rear extension, hip to gable and pitched roof dormer at 88 Mangrove Road, Hertford, Hertfordshire SG13 8AN in accordance with the terms of the application, Ref 3/16/2807/HH, dated 16 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: D160303/2 B
 - 3) Prior to the commencement of the development approved the existing garage shall be removed and, other than that occupied by the development allowed, the area restored as part of the open rear garden.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

3. The side and rear extensions are proposed to a semi-detached house. This dwelling is located within a street frontage of similarly designed and arranged properties which fall within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in Green Belt. One of the exceptions to this is the extension or alteration of a building
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provided that it does not result in disproportionate additions over and above the size of the original building.

4. An earlier proposal to similarly extend this dwelling had recently been refused and the appeal¹ dismissed. This earlier decision is a material consideration to which I have had careful regard. In that proposal the additions proposed, including an earlier extension and taking into account the removal of a detached garage building in the rear garden, had amounted to an overall increase in floorspace of some 81% compared to that of the original house.
5. This proposal would reduce the extent of the rear single storey extension proposed so that the overall increase in floorspace compared to that of the original house would be 61%. This would be slightly less than the 63% increase in floorspace allowed² by the Council at No 86, the other dwelling in this semi-detached pair. This proposal would match approximately the additions allowed at this next-door house.
6. The reduced floor area of the additions, which would balance the appearance of the semi-detached pair, would be sufficient to swing the balance in favour of this proposal not resulting in disproportionate additions over and above the size of the original building. In arriving at this conclusion account has been taken of the appeal decisions allowing extensions at No 90³, the dwelling on the other side, and dismissing a proposed larger extension to No 86⁴.
7. The extension proposed would comply with Policy ENV5 of the East Herts Local Plan Second Review of April 2007 (LP) through not having a significantly detrimental effect on the character, appearance and amenities of the existing and adjoining dwellings. The proposal would not be inappropriate development in the Green Belt under LP Policy GBC1 which allows limited extensions or alterations to existing dwellings in accordance with Policy ENV5. LP Policy GBC1 is considered to be consistent with paragraph 89 of the Framework. As the proposal would therefore be not inappropriate development there is no further requirement to consider its effect on the openness of the Green Belt.

Conclusion

8. In addition to the standard time limit, a condition specifying the relevant drawing is imposed as this provides certainty. As the removal of the garage is fundamental to my consideration over this proposal not resulting in disproportionate additions over and above the size of the original building a condition is necessary preventing the development being carried out before this takes place. Subject to these conditions this proposal would be not inappropriate development in the Green Belt. Given that I find no other harm would arise from what is proposed I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

¹ APP/J1915/D/16/3160510

² Reference 3/10/2131/FP, allowed 25 January 2011

³ APP/J1915/D/15/3137704

⁴ APP/J1915/D/16/3162847

Appeal Decision

Site visit made on 22 May 2017

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

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

Decision date: 30th May 2017

Appeal Ref: APP/J1915/D/17/3172757

42 Cublands, Hertford, Hertfordshire SG13 7TS

- 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 and Mrs T & H Forrest against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0009/HH, dated 3 January 2017, was refused by notice dated 10 February 2017.
 - The development proposed is single storey rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the extensions on the character and appearance of the surrounding area.

Reasons

3. The appeal property is an end dwelling in part of a modern estate which comprises groups of modestly-scaled terraced houses. A single-storey extension is proposed at the rear of the property which would wrap around part of the side elevation. This quite modest addition would have little harm to the intrinsic character of the house. However, the lateral extension would occupy part of narrow strip of open land which runs alongside the adjacent footpath onto which a row of similarly-scaled dwellings face.
4. The part of this open strip of land adjacent to the side of No 42, which would be occupied by this extension, is within the ownership of this dwelling and the planting within it is quite overgrown. Nevertheless it provides a degree of openness and visual relief alongside the footpath which separates the side elevation of No 42 from the perpendicularly-sited terraced houses to its south-west.
5. This landscaped strip of land is not part of the larger areas of open space which are publicly maintained, such as that which No 42 faces onto to its north-west, and the siting of the side extension within it would have little adverse effect on the street scene as viewed from the estate road. Despite this, the open strip of land is significant in respect of the open character of the immediate area of housing alongside the adjacent footpath and the side extension would detract harmfully from this.

6. By encroaching on the open area adjacent to the footpath there would be some harm to the character and appearance of this locality. This would conflict with the aims of Policy ENV1 of the East Herts Local Plan Second Review 2007 (LP). Although this area is somewhat overgrown by vegetation, the proposal would conflict with LP Policy ENV2 which expects landscape features of developments to be retained. Although in the appellant's ownership the land at the side of No 42, occupied by the extension proposed, forms a part of the communal amenity land around housing developments, not adopted by the local authority, that LP ENV7 seeks to be retained.
7. Although the impact would be localised this proposal would detract from the level of openness this landscaped strip provides. This would result in material harm to the character and appearance of this part of the housing development contrary to the aims of the aforementioned policies.

Conclusion

8. For the above reasons I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR