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## Appeal Decision

Site visit made on 1 August 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: 8<sup>th</sup> September 2017

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**Appeal Ref: APP/J1915/W/17/3172039**

**Unadopted Track South East Perrywood Lane to the Moat House, Watton at Stone SG14 3RB**

- 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 GCK Developments Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/2005/FUL, dated 1 September 2016, was refused by notice dated 1 November 2016.
  - The development proposed is construct two detached dwellings.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
  - (b) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
  - (c) the effect of the proposal on the character and appearance of the area, including Watton at Stone Conservation Area; and
  - (d) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. The appeal site is within the Metropolitan Green Belt on the edge of Watton at Stone. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate in the Green Belt unless it relates to a number of exceptions listed in bullet points. The Council considers that the most relevant exception is the final bullet point in paragraph 89 which provides for "limited infilling or the partial or complete redevelopment of previously developed sites

- (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.
4. Policy GBC1(i) of the East Herts Local Plan Second Review 2007 ('the Local Plan') states that limited infilling or redevelopment of 'Major Developed Sites', identified on the Proposals Maps, in accordance with Policy GBC4, would not be inappropriate development. This policy approach is narrower as it focuses on specific defined sites rather than a broader consideration of previously development sites as set out in the NPPF. I have thus applied the policy approach of the NPPF given its broader scope.
  5. There is a stable building in the south-eastern half of the site. The stable building is surrounded by hard surfacing, but further to the north-west the site is overgrown grassland. Three smaller structures to the south-east of the stables as shown on the plans were not visible at the time of my site visit. The appellant states that a lawful development certificate (LDC) exists for the site for use of the land and buildings for storing building materials including associated plant, equipment and vehicles. However, the Council argues that the LDC was granted for the adjacent site to the south-east. The evidence before me regarding the LDC is limited. Nevertheless, given the existence of the stable building and associated land, it is plausible to consider the appeal site, at least in part, as a previously developed site and brownfield land.
  6. The proposed development would represent the complete redevelopment of the site with the removal of the stable building and existing hard surfacing and the construction of two houses with private gardens. In order to consider whether or not this type of building would be inappropriate development, I need to consider the effect on Green Belt openness and purposes. This leads me to the next main issue.

*Effect on the openness and purposes of the Green Belt*

7. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The appeal site is located on the countryside edge of Watton at Stone accessed via a track leading off Perrywood Lane. The appeal site is largely screened from the lane by thick boundary vegetation and a change in levels. However, there is a public footpath along the site's south-western boundary and Watton Green open space is situated to the south-west.
9. Apart from the stable building and fencing, the appeal site contains little in the way of built structures. The stable building is single storey and modest in scale. The proposed development would be considerably larger in terms of footprint, height, floor space and volume, with two spacious two storey dwellings each with a linked double garage. Although the site is largely screened from Perrywood Lane to the north by the thick boundary vegetation, the space within the appeal site would reduce significantly as a result of the development. Even allowing for the screening, the development would be visible from the public footpath and Watton Green open space. Thus, the development would have a greater impact on the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from

encroachment than the existing development. Give the scale of development and its visibility from the public footpath and open space, the negative effects would be significant.

10. I note that the previous application sought to provide three dwellings on the site, with a greater footprint area than the proposed development. I have not been provided with elevational or floor plan drawings of this previous application so cannot be certain of the overall impact. Nevertheless, the proposed development would result in a greater loss of openness and a greater encroachment of built development than currently exists on site.
11. Consequently, when considered as the complete redevelopment of a previously developed site, its greater impact on the openness of the Green Belt and the purpose of including land within it means that the proposal considered under the paragraph 89 exception in the NPPF would be inappropriate development in the Green Belt.

#### *Character and appearance*

12. Perrywood Lane is a narrow lane with sporadic residential development. Properties are large and detached, set back from the lane on spacious plots. Perrywood Lane and land either side of it including Watton Green is situated within Watton at Stone Conservation Area. The conservation area is focused in part on the High Street through the centre of the settlement but also incorporates a large area of green space to the south of the High Street around the church where built development is limited. The lane is secluded and green while Watton Green has an open and rural character with little encroachment of built development. These qualities make a positive contribution to the significance of the conservation area.
13. The thick boundary vegetation around the northern extent of the appeal site lies within the conservation area according to the map provided by the Council and contributes positively to its significance. The remainder of the appeal site outside of the conservation area makes little contribution given its overgrown and redundant condition, with the conservation area appraisal identifying the land for proposed enhancements. However, in its relatively undeveloped state, it does not visually encroach on the open and rural character of Watton Green.
14. The development would protect the thick boundary treatment around the appeal site's northern extent with no built development proposed within the conservation area. It would be largely screened from Perrywood Lane like existing detached dwellings to the east of the lane. However, the development would be visible from Watton Green as large and prominent dwellings and would visually encroach on the open and rural character of this area.
15. Concluding on this main issue, the proposed development would have a moderate adverse effect on the character and appearance of the area, including the conservation area, and there would be harm to the significance of the conservation area through negative change within its setting. Thus, there would be conflict with Policies ENV1 and BH6 of the Local Plan which seek development that is compatible with the layout of the surrounding area and is sympathetic in terms of siting. The harm to significance would be less than substantial as a relatively small part of the conservation area would be affected, but still carries moderate weight given the effects on the open and rural character. Paragraph 134 of the NPPF requires such harm to be weighed

against the public benefits of the proposal, which shall be carried out in the next section.

*Other considerations*

16. The proposed development would provide a boost to local housing supply in a district where the Council accepts it cannot demonstrate a five year housing land supply and where the appellant indicates that the supply is at 3.1 or 3.6 years. There would also be some economic benefit through the construction and maintenance of the dwellings. However, the amount of development is limited to two houses, and so I can only afford modest weight to these benefits.
17. The proposed development would represent a more effective use of land by reusing land that has been previously developed and would help to enhance a currently overgrown and redundant site. I also note the support from some interested parties and that the Parish Council had no comments to make on the proposal. However, it has not been demonstrated that the development is the only solution in terms of redeveloping and enhancing the site, and so I can only give moderate weight to this benefit.
18. The site is not particularly far from the centre of Watton at Stone and its train station, which provide a reasonable degree of services and facilities, although the nature of the lanes leading to the site would not necessarily encourage non-car modes of transport at all times. This benefit carries moderate weight in favour of development.
19. Two houses are under construction to the south-east. According to the Council these houses were not considered to be materially larger than the buildings they replaced, and so were not regarded as inappropriate development. Thus, I can give their presence little weight in favour of the proposal. The dwellings would also seek to be energy efficient, but such benefit could apply to any scheme and so carries little weight.
20. The absence of any negative effects on highway safety, flood risk or biodiversity is not a benefit and so carries no weight in terms of other considerations.
21. The appellant argues that because the Council cannot demonstrate a five year housing land supply, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF and that the presumption in favour of sustainable development set out in paragraph 14 applies. However, paragraph 14 states that 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 NPPF taken as a whole; or specific policies in the NPPF, including policies relating to Green Belt, indicate the development should be restricted. As I have already found that the NPPF policies relating to Green Belt and heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.

*If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal*

22. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in significant negative effects in terms of the openness of the Green Belt and the purposes of including land within it. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In terms of other harm, I have identified moderate harm to the character and appearance of the area and the significance of Watton at Stone Conservation Area.
23. Cumulatively, moderate weight can be attached to the benefits of development that make up the other considerations. Although there is a housing land supply shortfall, the Planning Practice Guide confirms that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances necessary to justify inappropriate development on a site within the Green Belt.
24. The other considerations do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, the development would not accord with Policy GBC1 of the Local Plan or the aims of the NPPF which seek to protect Green Belt land from inappropriate development.

### **Conclusion**

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

*Tom Gilbert-Wooldridge*

INSPECTOR

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## Appeal Decisions

Site visit made on 16 August 2017

by **J Gilbert MA (Hons) MTP MRTPI**

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

Decision date: 05 September 2017

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### **Appeal A Ref: APP/J1915/D/17/3170056**

**8 Millbrook Court, Collett Road, Ware SG12 7JN**

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/2744/HH, dated 12 December 2016, was refused by notice dated 2 February 2017.
  - The development proposed is described as "rear dormer loft conversion."
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### **Appeal B Ref: APP/J1915/D/17/3176009**

**8 Millbrook Court, Collett Road, Ware SG12 7JN**

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0447/HH, dated 21 February 2017, was refused by notice dated 19 April 2017.
  - The development proposed is described as "rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable."
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## Decisions

### **Appeal A Ref: APP/J1915/D/17/3170056**

1. Appeal A is dismissed.

### **Appeal B Ref: APP/J1915/D/17/3176009**

2. Appeal B is allowed and planning permission is granted for a rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable at 8 Millbrook Court, Collett Road, Ware SG12 7JN in accordance with the terms of the application, Ref 3/17/0447/HH, dated 21 February 2017, subject to the following 3 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: 08/01A, 08/02A, 08/03A and unnumbered Block and Location Plans.

- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 08/02A and the application form.

### **Procedural Matter**

3. As set out above, there are 2 appeals on this site, referred to as Appeal A and Appeal B. They differ only in respect of the size and design of the proposed rear dormer window extensions. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.

### **Main Issue**

4. The main issue in both Appeals A and B is whether the proposed development would preserve or enhance the character or appearance of the host dwelling, the street scene, and the Ware Conservation Area.

### **Reasons**

5. Ware Conservation Area covers Ware's historic centre, which has a mixed character with buildings dating from the 15<sup>th</sup> century to the present day. Much of Ware's history and character was formed by the malting industry. The appeal site lies within the northern Character Area 3 (Area 3) identified in the Ware Conservation Area Appraisal and Management Plan 2016. This appraisal notes that a large central part of Area 3 consists of neutral quality 20<sup>th</sup> century buildings of limited architectural or historic interest located on the former sites of 19<sup>th</sup> century malthouses. The 1874 map (Plan 1 of the appraisal) confirms that the appeal site lies within an area previously occupied by malthouses.
6. The appeal property was built as part of a modern mews development and is adjacent to other relatively modern development, including Hartfield Court. Millbrook Court consists of steeply roofed terraced and flatted two-storey properties. The buildings are brick, with rendered and boarded projections at first floor level to the front and rear. There are no existing rooflights or dormer windows to the large roofslopes of Millbrook Court. The appeal site lies at a lower level than neighbouring Hartfield Court and Hartfield Close.
7. Appeals A and B both propose the erection of a rear dormer window, 3 front rooflights and 1 rear rooflight, and an arched window at roof level within the side gable wall of 8 Millbrook Court. The Council made no reference to the arched window in their officer report on Appeal A, but it is clear from the evidence before me that it is part of both appeals. The only difference in the 2 appeals relates to the dimensions of the rear dormer extension and its window. Appeal A proposes a pitched roof rear dormer extension which is taller and wider than the pitched roof rear dormer extension which is part of Appeal B. Additionally, the proposed window to the rear dormer extension is wider in Appeal A than Appeal B.
8. Permitted development rights were restricted on the original planning permission for the development (Ref 3/00/0751/FP). The removal of permitted development rights related to Classes A, B and E in relation to development within the curtilage of a dwellinghouse.
9. For Appeals A and B, the Council's concerns are centred on the proposed dormer window extensions' size, scale and siting in relation to the host

dwelling, the street scene, and the wider Conservation Area. Although either of the proposed dormer window extensions would be visible from Hartfield Court and Hartfield Close and other adjacent residential developments within the Conservation Area, I do not consider that they would appear incongruous within the wider development at Millbrook Court and they would not be highly visible from public vantage points given the site's position at the end of the terrace, the high boundary wall to the appeal property's garden and the topography of the site. As such, I do not consider that the erection of a rear dormer window would cause harm to the street scene and the character and appearance of the Conservation Area as a matter of principle.

10. The Council contends that the proposed rear dormer window extensions in Appeals A and B would not be compatible with the long expanse of uninterrupted roofslope to the terrace at Millbrook Court. Although there are no other dormers at Millbrook Court, neither dormer would be intrusive given its scale relative to the roof of the terrace as a whole and they would not dominate or detract from the property and its neighbours in distance views. The existing first floor projections have pitched roofs which break up the large roofslope. The proposed pitched roof rear dormer extensions in both appeals have been designed to relate well to these first floor gable projections and are generally modest relative to the wider terrace. As such, I do not consider that that proposed dormers within Appeals A and B would cause harm to the character and appearance of the Conservation Area and as such would preserve its significance.
11. However, when considering the finer detail of the proposed pitched roofed rear dormer extensions in Appeals A and B in relation to No 8 itself, the proposed dormer and its window in Appeal A would be wider and bulkier than the proposed dormer and its window in Appeal B. The larger dimensions of the window of the wider and bulkier dormer extension in Appeal A would not relate well to the smaller window within the first floor gable projection and the even smaller window serving the first floor bathroom directly below. Given its width relative to the windows on the first floor below, the proposed window to the dormer in Appeal A would appear overly large, would not be subordinate to the existing house and would cause harm to the character and appearance of No 8. The proposed dormer in Appeal B in contrast is narrower and shorter with a window no wider than the window in the first floor gable projection below. The scale of the proposed dormer in Appeal B would therefore respect the character and appearance of No 8.
12. The Council did not refer to the arched window proposed to the side gable wall in the Appeal A officer report, and stated that the proposed window would be non-contentious and could be obscure glazed in the Appeal B officer report. I do not disagree with the Council's assessment of the window in terms of its effect on the character and appearance of the host dwelling, the street scene, and the Conservation Area. However, given the distance from the appeal property to Hartfield Court properties, the difference in land levels between the two streets, and the positioning of the proposed window, I do not consider that obscure glazing would be necessary to render this window acceptable.
13. The Council considers that the proposed rooflights in both Appeals A and B would be acceptable. Given that the appellant proposes conservation rooflights which would be relatively small in scale and well-positioned on the front and rear roofslopes, I do not disagree with the Council's view in this regard.



However, I have not determined Appeal A as a split decision as the rooflights and window to the side gable wall are identical to those in Appeal B and I am allowing Appeal B. As such, I do not consider that this places the appellant at any disadvantage.

14. With regard to Appeal A, while there would not be harm to the wider street scene or the Conservation Area, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling. Consequently, it would be contrary to policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). Policy BH5 requires proposals to alter unlisted buildings in conservation areas to be sympathetic to their context. Policy ENV1 is a general policy which aims to secure a high standard of design in new development. Policy ENV5 sets out the general principles for extensions to houses, while Policy ENV6 contains criteria which should be met by domestic extensions, including dormer windows.
15. In respect of Appeal B, I conclude that the proposed development would have an acceptable effect on the character and appearance of the host dwelling, the street scene and the Conservation Area. Appeal B would therefore accord with policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). The aims of the policies are set out above.
16. The Council also refers to the pre-submission version of the East Herts District Plan, but the plan has not yet been examined and I consequently give it limited weight.

#### **Other Matters**

17. Although the Council expressed concerns regarding the effect of the proposals on the living conditions of neighbouring occupiers of Hartfield Court, this did not form a reason for refusal for either application. Nevertheless, at the Council's request, I visited both Nos 64 and 66 Hartfield Court. Neither bungalow has rear windows facing the appeal site. There is a narrow alleyway down the side of No 66, from which the appeal site can only be seen if the observer is sufficiently tall to see over the high brick boundary wall to No 66. The view is mainly of the side gable wall of the appeal property at some distance.
18. There is another residential block at Hartfield Court which lies directly opposite the appeal site. The windows of this block and the appeal property face one another. Given that this is already the case in terms of No 8's first floor windows, the further insertion of windows at roof level would not worsen the situation. I consider therefore neither Appeal A nor Appeal B proposals would have a detrimental effect on the privacy of neighbouring occupiers.
19. The neighbouring occupier at 7 Millbrook Court has raised concerns regarding the integrity of their roof and the insertion of a further staircase and the risk of noise transmission. Both of these matters would be addressed through Building Regulations.

#### **Conclusion**

20. For the reasons given above, and having taken into account all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

### **Conditions**

21. In relation to Appeal B, I have imposed conditions requiring that the development is carried out to a specific time limit and in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the host dwelling, the street scene, and the Conservation Area, I have also imposed a condition requiring the external materials used in the construction of the rear dormer window, front and rear rooflights, and window to the side gable wall, to be compliant with the materials shown on plans and the application form.

*J Gilbert*

INSPECTOR

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## Appeal Decision

Site visit made on 6 September 2017

by **J A B Gresty MA MRICS**

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

**Decision date: 20 September 2017**

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**Appeal Ref: APP/J1915/D/17/3177362**

**32 Bishops Avenue, Bishop's Stortford CM23 3EL**

- 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 Ms Hayley Leonard against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0217/HH, dated 26 January 2017, was refused by notice dated 23 March 2017.
  - The development proposed is removal of existing single-storey side extension and double garage. Replacement with two new two-storey extensions to provide extra bedroom accommodation and annexe.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal property is a detached, two-storey house situated on a corner plot at the junction of Bishops Avenue and Mary Park Gardens. The local area is predominantly residential and is characterised by mainly semi-detached, two-storey houses of varied size and design, set back from their respective roads behind good-sized front gardens and driveways. Opposite the appeal property is a large open area of grass which enables the appeal property to be seen from distance from Bishops Avenue and Audrey Gardens to the west. The front gardens, the roadside trees and the open grass area contribute to the local area having a generally spacious and leafy appearance. Because of its prominent position in the local landscape and its plot size, the appeal property makes a significant contribution towards the leafy and spacious character and appearance of junction of Bishops Avenue and Mary Park Gardens.
4. The appeal property has a large plot in comparison to most nearby properties. However, the plot is an irregular shape with the house occupying a significant proportion of the western part of the plot next to the junction of the two roads. To the east of the house is a roughly triangular area of garden which, when viewed from the public domain to the west, does not relate strongly to that part of the plot on which the house sits. Also, the house relates well to the size of the western part of the appeal plot and, in this respect, the appeal property

is in keeping with the character and appearance of its neighbouring dwellings when viewed from the public domain.

5. The appeal proposal includes a first floor and two-storey extension of the west side of the house. Whilst this extension would stand about five metres from the western boundary of the plot, it would have the same depth as the main body of the existing two-storey house and its flank wall would be more or less in line with the building line of the front elevations of neighbouring houses on Mary Park Gardens to the north. The extension would have a hipped roof which would help to limit the visual bulk of the extension. Overall, although it would stand out more prominently in the local landscape than the existing, two-storey, gable end wall of the house, it would appear in proportion with its plot and the neighbouring properties.
6. Also, linked to the western side extension would be a modest sized, two-storey, front extension which would project from the front elevation of the house. The projection would occupy about half of the width of the front elevation of the main body of the existing house and proportionally significantly less of the extended house. It would have a hipped roof with a ridge set below the ridge of the main house roof and, whilst the projection would add to the bulk of the house when viewed from the west, its design and size would be in keeping with the host property as a whole.
7. The third main element of the proposed development is construction of a two-storey residential annexe on the eastern end of the house. The width of the front part of the extension would be the same as the existing single-storey garage and would add significantly to the size of the house at first floor level when viewed from Bishops Avenue. Whilst this side extension would have a hipped roof to help to limit the bulk of the extension, there would be no visual break between the front elevation of the extension and the main body of the two-storey house. Whilst the appearance of the front elevation of the extended house would be broken up by the proposed two-storey front projection, the width of the extended house would result in it appearing large and bulky in relation to that part of the appeal plot on which the house sits.
8. At the back, the annexe would project to within four about metres of the rear boundary of the appeal plot which would result in the two-storey extension appearing very large and prominent when viewed from No 31. Cumulatively, the extended house and annexe would appear unduly large and crammed in to its plot when viewed from the backs of the nearby properties on Mary Park Gardens. Further, the rear two-storey projection would add to the visual bulk of the extended property when viewed from the open space to the west.

#### **Other Matter**

9. The appellant proposes that the annexe would be used as accommodation for members of her family. As indicated by the Inspector in the recent appeal decision made in respect of a similar development proposal for the appeal property, dated 7 July 2017, ref APP/J1915/D/17/3170089, evidence has not been presented to demonstrate that the personal benefit of the proposed development to the appellant and her family would outweigh the harm the development would do to the character and appearance of the local area.

## Conclusions

10. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development. Whilst, when viewed in isolation, the proposed two-storey extension of the western end of the house and the front projection would be in keeping with the character and appearance of the host property and its plot, cumulatively the proposed development as a whole would result in a building which would be unduly large in relation to that part of the plot on which it stands and to the neighbouring properties. The appeal property is in a prominent position and, notwithstanding that the lower parts of the appeal plot are partly concealed by hedging and tree planting, the extended house would stand out in the local landscape, particularly when viewed from the west and south, as an incongruous feature which would be at odds with the prevailing character and appearance of the local area.
11. I have considered whether it would be reasonable to issue a split decision in this case. However, the proposed development does not separate comfortably into clearly independent parts. In particular, construction of hipped roofs to part of the host building only would give it an unbalanced and incongruous appearance. Therefore, a split decision would not be appropriate.
12. Overall, the appearance of the proposed extended dwelling would be out of keeping with the character and appearance of the local area and, consequently, it would be contrary to the requirements of saved Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 and it would fail represent sustainable development as sought by the Framework in this respect. Therefore, on balance and for the above reasons, I conclude that the appeal should be dismissed.

*J A B Gresty*

INSPECTOR



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## Appeal Decisions

Site visit made on 16 August 2017

by **J Gilbert MA (Hons) MTP MRTPI**

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

Decision date: **05 September 2017**

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### **Appeal A Ref: APP/J1915/D/17/3170056**

#### **8 Millbrook Court, Collett Road, Ware SG12 7JN**

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/2744/HH, dated 12 December 2016, was refused by notice dated 2 February 2017.
  - The development proposed is described as "rear dormer loft conversion."
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### **Appeal B Ref: APP/J1915/D/17/3176009**

#### **8 Millbrook Court, Collett Road, Ware SG12 7JN**

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0447/HH, dated 21 February 2017, was refused by notice dated 19 April 2017.
  - The development proposed is described as "rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable."
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## Decisions

### **Appeal A Ref: APP/J1915/D/17/3170056**

1. Appeal A is dismissed.

### **Appeal B Ref: APP/J1915/D/17/3176009**

2. Appeal B is allowed and planning permission is granted for a rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable at 8 Millbrook Court, Collett Road, Ware SG12 7JN in accordance with the terms of the application, Ref 3/17/0447/HH, dated 21 February 2017, subject to the following 3 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: 08/01A, 08/02A, 08/03A and unnumbered Block and Location Plans.

- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 08/02A and the application form.

### **Procedural Matter**

3. As set out above, there are 2 appeals on this site, referred to as Appeal A and Appeal B. They differ only in respect of the size and design of the proposed rear dormer window extensions. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.

### **Main Issue**

4. The main issue in both Appeals A and B is whether the proposed development would preserve or enhance the character or appearance of the host dwelling, the street scene, and the Ware Conservation Area.

### **Reasons**

5. Ware Conservation Area covers Ware's historic centre, which has a mixed character with buildings dating from the 15<sup>th</sup> century to the present day. Much of Ware's history and character was formed by the malting industry. The appeal site lies within the northern Character Area 3 (Area 3) identified in the Ware Conservation Area Appraisal and Management Plan 2016. This appraisal notes that a large central part of Area 3 consists of neutral quality 20<sup>th</sup> century buildings of limited architectural or historic interest located on the former sites of 19<sup>th</sup> century malthouses. The 1874 map (Plan 1 of the appraisal) confirms that the appeal site lies within an area previously occupied by malthouses.
6. The appeal property was built as part of a modern mews development and is adjacent to other relatively modern development, including Hartfield Court. Millbrook Court consists of steeply roofed terraced and flatted two-storey properties. The buildings are brick, with rendered and boarded projections at first floor level to the front and rear. There are no existing rooflights or dormer windows to the large roofslopes of Millbrook Court. The appeal site lies at a lower level than neighbouring Hartfield Court and Hartfield Close.
7. Appeals A and B both propose the erection of a rear dormer window, 3 front rooflights and 1 rear rooflight, and an arched window at roof level within the side gable wall of 8 Millbrook Court. The Council made no reference to the arched window in their officer report on Appeal A, but it is clear from the evidence before me that it is part of both appeals. The only difference in the 2 appeals relates to the dimensions of the rear dormer extension and its window. Appeal A proposes a pitched roof rear dormer extension which is taller and wider than the pitched roof rear dormer extension which is part of Appeal B. Additionally, the proposed window to the rear dormer extension is wider in Appeal A than Appeal B.
8. Permitted development rights were restricted on the original planning permission for the development (Ref 3/00/0751/FP). The removal of permitted development rights related to Classes A, B and E in relation to development within the curtilage of a dwellinghouse.
9. For Appeals A and B, the Council's concerns are centred on the proposed dormer window extensions' size, scale and siting in relation to the host

dwelling, the street scene, and the wider Conservation Area. Although either of the proposed dormer window extensions would be visible from Hartfield Court and Hartfield Close and other adjacent residential developments within the Conservation Area, I do not consider that they would appear incongruous within the wider development at Millbrook Court and they would not be highly visible from public vantage points given the site's position at the end of the terrace, the high boundary wall to the appeal property's garden and the topography of the site. As such, I do not consider that the erection of a rear dormer window would cause harm to the street scene and the character and appearance of the Conservation Area as a matter of principle.

10. The Council contends that the proposed rear dormer window extensions in Appeals A and B would not be compatible with the long expanse of uninterrupted roofslope to the terrace at Millbrook Court. Although there are no other dormers at Millbrook Court, neither dormer would be intrusive given its scale relative to the roof of the terrace as a whole and they would not dominate or detract from the property and its neighbours in distance views. The existing first floor projections have pitched roofs which break up the large roofslope. The proposed pitched roof rear dormer extensions in both appeals have been designed to relate well to these first floor gable projections and are generally modest relative to the wider terrace. As such, I do not consider that that proposed dormers within Appeals A and B would cause harm to the character and appearance of the Conservation Area and as such would preserve its significance.
11. However, when considering the finer detail of the proposed pitched roofed rear dormer extensions in Appeals A and B in relation to No 8 itself, the proposed dormer and its window in Appeal A would be wider and bulkier than the proposed dormer and its window in Appeal B. The larger dimensions of the window of the wider and bulkier dormer extension in Appeal A would not relate well to the smaller window within the first floor gable projection and the even smaller window serving the first floor bathroom directly below. Given its width relative to the windows on the first floor below, the proposed window to the dormer in Appeal A would appear overly large, would not be subordinate to the existing house and would cause harm to the character and appearance of No 8. The proposed dormer in Appeal B in contrast is narrower and shorter with a window no wider than the window in the first floor gable projection below. The scale of the proposed dormer in Appeal B would therefore respect the character and appearance of No 8.
12. The Council did not refer to the arched window proposed to the side gable wall in the Appeal A officer report, and stated that the proposed window would be non-contentious and could be obscure glazed in the Appeal B officer report. I do not disagree with the Council's assessment of the window in terms of its effect on the character and appearance of the host dwelling, the street scene, and the Conservation Area. However, given the distance from the appeal property to Hartfield Court properties, the difference in land levels between the two streets, and the positioning of the proposed window, I do not consider that obscure glazing would be necessary to render this window acceptable.
13. The Council considers that the proposed rooflights in both Appeals A and B would be acceptable. Given that the appellant proposes conservation rooflights which would be relatively small in scale and well-positioned on the front and rear roofslopes, I do not disagree with the Council's view in this regard.



However, I have not determined Appeal A as a split decision as the rooflights and window to the side gable wall are identical to those in Appeal B and I am allowing Appeal B. As such, I do not consider that this places the appellant at any disadvantage.

14. With regard to Appeal A, while there would not be harm to the wider street scene or the Conservation Area, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling. Consequently, it would be contrary to policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). Policy BH5 requires proposals to alter unlisted buildings in conservation areas to be sympathetic to their context. Policy ENV1 is a general policy which aims to secure a high standard of design in new development. Policy ENV5 sets out the general principles for extensions to houses, while Policy ENV6 contains criteria which should be met by domestic extensions, including dormer windows.
15. In respect of Appeal B, I conclude that the proposed development would have an acceptable effect on the character and appearance of the host dwelling, the street scene and the Conservation Area. Appeal B would therefore accord with policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). The aims of the policies are set out above.
16. The Council also refers to the pre-submission version of the East Herts District Plan, but the plan has not yet been examined and I consequently give it limited weight.

#### **Other Matters**

17. Although the Council expressed concerns regarding the effect of the proposals on the living conditions of neighbouring occupiers of Hartfield Court, this did not form a reason for refusal for either application. Nevertheless, at the Council's request, I visited both Nos 64 and 66 Hartfield Court. Neither bungalow has rear windows facing the appeal site. There is a narrow alleyway down the side of No 66, from which the appeal site can only be seen if the observer is sufficiently tall to see over the high brick boundary wall to No 66. The view is mainly of the side gable wall of the appeal property at some distance.
18. There is another residential block at Hartfield Court which lies directly opposite the appeal site. The windows of this block and the appeal property face one another. Given that this is already the case in terms of No 8's first floor windows, the further insertion of windows at roof level would not worsen the situation. I consider therefore neither Appeal A nor Appeal B proposals would have a detrimental effect on the privacy of neighbouring occupiers.
19. The neighbouring occupier at 7 Millbrook Court has raised concerns regarding the integrity of their roof and the insertion of a further staircase and the risk of noise transmission. Both of these matters would be addressed through Building Regulations.

#### **Conclusion**

20. For the reasons given above, and having taken into account all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

### **Conditions**

21. In relation to Appeal B, I have imposed conditions requiring that the development is carried out to a specific time limit and in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the host dwelling, the street scene, and the Conservation Area, I have also imposed a condition requiring the external materials used in the construction of the rear dormer window, front and rear rooflights, and window to the side gable wall, to be compliant with the materials shown on plans and the application form.

*J Gilbert*

INSPECTOR