



Appeal Decision

Site visit made on 26 March 2018

by **D E Morden MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2018

Appeal Ref: APP/J1915/X/17/3168462

60 Gibbs Field, Bishops Stortford, Hertfordshire, CM23 4EZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr E Carolan against the decision of East Hertfordshire District Council.
- The application Ref: 3/15/0177/CLE dated 28/01/2015, was refused by notice dated 17/11/2016.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is the construction of a loft conversion with a rear dormer and three roof lights.

Decision: The appeal is allowed and a certificate of lawful development is granted as set out in the Formal Decision at paragraph 10 below.

Preliminary Matters

1. The application was validated on 28 January 2015 but the decision, for whatever reason, was not issued until 17 November 2016. In the intervening period the extension was actually constructed, the works commencing in September 2015. The application was submitted before the works commenced and the application correctly therefore referred to a proposed development. Any certificate granted refers to whether or not a development would be lawful on the date of the application and it is still, therefore, correctly referred to as an application under s192(1)(b) of the Planning Act 1990 (as amended).

Main Issue

2. The main issue is whether the extension meets all the restrictions and conditions set out in Class B of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). These deal generally with additions to the roof of a dwelling house.

Reasoning

3. The Council stated in its delegated report (submitted with the questionnaire as its representations in this case) that the development proposed raising the flank walls of the dwelling to form the sides of the dormer and as such it was not simply an alteration to the roof and fell outside the parameters of Class B of the GPDO. It did not, therefore, constitute development permitted by the GPDO and the LDC should not be granted.



4. Class B deals with 'additions etc. to the roof', in particular enlargements. There is nothing in the GPDO which limits how much a roof is altered, nor anything that limits how much of an existing roof can be demolished to allow the new addition to be constructed.
5. There is also nothing prohibiting the upward extension of a flank wall (or both walls if it is a detached property) of a dwelling; indeed the hip to gable alteration/addition, referred to in the GPDO at Class B.2(B)(i), recognises that that is precisely what will take place if such an extension is carried out.
6. In my view that same principle applies to raising the height of a flank wall that forms part of an addition to the roof by the construction of a dormer in the roof space rather than changing a hipped end to a gable end. In a semi-detached property that would include raising the height of one flank/side wall and as in this case (a detached property) it would involve raising the height of both side walls.
7. The only 'condition' in such cases is that by virtue of Class B2(b)(ii), the enlargement should not extend beyond the face of any external wall of the original dwelling. B4 in the interpretation section goes on to state that overhanging roof tiles, fascias, barge boards and other minor roof details are not to be considered part of the enlargement.
8. The dormer extension as built in my view, satisfies all of the conditions and restrictions set out in Class B1(a) to (f) and the conditions set out in B2(a) to (c). There is no dispute that the materials used are 'of similar appearance' to those used in the construction of the exterior of the existing dwelling. The Council acknowledged that the roof light contained within the roof slope on the front elevation satisfied all the restrictions and conditions applicable to such alterations (I noted that there was only one roof light rather than the three shown on the application plans).

Conclusion

9. Taking all the above factors into account I conclude that the development was permitted by the GPDO at the date of the application. Also, nothing relevant had changed in the GPDO before work on the development commenced

Formal Decision

10. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the extent of the proposed operation which is considered to be lawful. A certificate is granted for the three roof lights and the dormer extension.

D E Morden

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 28 January 2015 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Construction of a loft conversion with a rear dormer and three roof lights on the front elevation (as detailed on drawings B13/5/15, 1 OFF 2 and 2 OFF 2, dated November 2014) is permitted by virtue of Class B of the Town and Country Planning (General Permitted Development) Order 2015.

D E Morden

Inspector

First Schedule

The construction of a loft conversion with a rear dormer and three roof lights, as shown edged red on the plan attached to this Certificate.

Second Schedule

Land at 60 Gibbs Field, Bishops Stortford, Hertfordshire, CM23 4EZ

Decision Date: 03 April 2018

Planning Inspectorate Reference: APP/J1915/X/17/3168462

NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 03 April 2018

by **D E Morden MRTPI**

Land at: 60 Gibbs Field, Bishops Stortford, Hertfordshire, XM23 4EZ

Reference: APP/J1915/X/17/3168462

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Appeal Decision

Site visit made on 13 March 2018

by **D J Board BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 April 2018

Appeal Ref: APP/J1915/W/17/3186008
Land at 7 Chadwell Rise, Ware, SG12 9LA

- 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 Michael Irving against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0317/FUL, dated 7 February 2017, was refused by notice dated 6 April 2017.
 - The development proposed is erection of new one and a half storey dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The site was the subject of a previous application¹ that was subsequently dismissed at appeal² and this is a material consideration in assessment of the current proposal. Nonetheless, I note the revised siting and 'L' shaped plan form and I have considered the individual circumstances of this current proposal in the light of current national policy and guidance. The previous Inspector gave a full description of the site in paragraph 4 of the decision and I therefore see no need to repeat it here.
3. The main issue is the effect of the dwelling on the character and appearance of the area, with particular regard to the adjacent mature trees.

Reasons

4. I agree with the previous Inspector's comments that the well vegetated embankment that forms part of the appeal site and contains the three protected oak trees does indeed provide a '*verdant backdrop*' to the housing on Chadwell Rise. It is visible from Chadwell Rise and forms an integral part of this suburban environment. Furthermore, I concur with his view that '*...these oak trees consequently possess high visual amenity value and are an important part of the character and appearance of this area*'.
...
5. The Council remain concerned that construction of the dwelling would harm the trees and that the proximity of the new dwelling would lead to pressure for the removal of the trees due to over shadowing. The submitted plans show that the canopy of T3 would come close to the proposed dwelling. The appellant suggests that the canopies would be above the roof line of the new dwelling.

¹ LPA Ref 3/16/2334/FUL

² APP/J1915/W/17/3168120

Nevertheless the canopies of T1 and T2 would extend over a substantial part of the garden area shown for the dwelling. The new dwelling would encroach into the Root Protection Area (RPA) for T3. This is shown on the plan accompanying the Arboricultural Impact Assessment (AIA) as a '*Construction Exclusion Zone – area requiring special consideration*'. I also note that this plan shows Tree Protection Barriers.

6. Within the AIA it is suggested that the majority of significant roots for the trees are within the embankment. It recommends special design considerations with a 'no dig foundation construction' within the RPAs. Further information has been provided by John Cromar Arboricultural Company Ltd setting out the detail of the construction methods and tree protection fencing. I understand that it may well be technically possible to construct the dwelling without harm to the trees and that the aforementioned method statement has been provided. Furthermore I accept that this could be secured by condition. Nevertheless the new dwelling and its garden area would be in extremely close proximity to the site boundary and the trees. The layout of the dwelling uses openings on the rear elevation to provide light to the master bedroom and lounge area.
7. I appreciate that these are not the only openings and that it is possible that some reduction of the trees could take place without harm. However, even accepting this could be undertaken; due to the proximity the trees are likely to impact on light levels into the building. In particular the main lounge area and master bedroom area. This would be compounded by the orientation of the building and the position of the trees to the south and west of it. Over time this proximity would lead to pressure to lop or fell the trees. Should this occur the contribution that the trees do and could continue to make to the character and appearance of the area would be diminished.
8. I therefore conclude that the provision of a dwelling would harm the character and appearance of the area, with particular regard to trees. It would be in conflict with policies HSG7, ENV1, ENV2 and ENV11 of the East Herts Local plan Second Review. It would also be in conflict with the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

9. There is no dispute that a five year supply of deliverable housing land cannot be identified in the area. I acknowledge that the provision of a dwelling is a benefit that weighs in favour of the proposal. I also note that the appellant submits that the site is in an area generally suitable for housing, is accessible and that there are no highway safety issues or harm to the living conditions of existing occupiers. However, I conclude that the significant and demonstrable harm the scheme would cause to the character and appearance of the area and thereby its conflict with the core planning principles set out in paragraphs 14 and 47-49 of The Framework outweigh these benefits of the proposal.

Conclusion

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

D J Board

INSPECTOR



Appeal Decision

Site visit made on 13 March 2018

by **D J Board BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 April 2018

Appeal Ref: APP/J1915/D/17/3188296

Grudds Farmhouse, Unclassified Road U42 North East from Stansted Hill to Great Hadham Road, Green Tye, SG10 6JP

- 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 Dan Collins against the decision of East Hertfordshire District Council.
- The application Ref 3/17/0988/HH, dated 25 April 2017, was refused by notice dated 10 August 2017.
- The development proposed is existing swimming pool to be filled in and new swimming pool to be built within a new outbuilding.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposed outbuilding would preserve the special architectural and historic interest of the listed building including its setting and (b) its effect on the character and appearance of the area.

Reasons

Listed building setting

3. There is no dispute that the outbuilding would be located within the grounds of Grudds Farmhouse and barn which are Grade II listed. The farmhouse is described as dating from the 16th century with 17th century additions. The barn is described as being 17th century. From the evidence available to be, including the listing description, I consider that the significance and special interest of these buildings is largely derived from their age, form, fabric, architectural features and relationship to each other. The significance is experienced from within the site and also from the road outside of the site.
4. The site also contains a number of additional outbuildings to the north and east of the main farmhouse. These are generally smaller in height than the farmhouse and thatched barn and located close to the adjacent Grudd's Farm buildings, which are larger. Nevertheless the other ancillary buildings within the appeal site are clearly subservient to the main farm house and barn. Further they are mainly constructed from boarding with low slate roof finishes.
5. The site for the appeal building would be adjacent to the existing tennis court and the shared boundary with Grudd's Farm. The scheme would be a building

to house a swimming pool, games room and associated facilities. It would have a broadly square footprint and be part two storey and part single storey. The rear element of the building would have a substantial pitched roof with a forward projecting gable running from one side and the remaining front area being treated with a flat roof.

6. The plans detail black timber cladding to match the thatched barn and a black profile roofing to match the adjacent barn. The south west elevation would include a number of large windows at ground floor level and one window and roof lights at first floor. This approach would not emulate the existing subservient out buildings or the thatched barn. Rather it would represent a confused assimilation of elements of different buildings. I appreciate that the buildings at Grudd's Farm are nearby. Nevertheless the appeal site forms part of the Grudds Farmhouse group and for the reasons given I do not consider that the design submitted would sit comfortably as part of this group.
7. The plans indicate that the height of the new building would be greater than the nearby Grudd's Farm dwelling. I note that the appellant points out that the adjacent buildings on Grudds Farm are comparable to the appeal scheme. Nonetheless, the ridge of the Grudds Farm dwelling is visible when travelling along the road approaching from the south west. Consequently I consider that the appeal building and its substantial roof form would also be visible and seen in context with the listed building. Its material combination and use of windows would draw the eye. This would not preserve the setting of the farmhouse and barn.
8. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
9. Accordingly, taking into account all of the above, I consider that the outbuilding would not preserve the significance and special interest, including the setting, of the listed buildings. In the language of the Framework it would result in less than substantial harm to Grudds Farmhouse and barn. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
10. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide a new swimming pool and associated ancillary facilities for the existing dwelling. There would be social and economic benefits derived from that provision both during construction and after occupation. However, these benefits would be likely to be small in scale. Therefore even though I have found that the harm to the designated heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal in my judgement they

would not outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would be in conflict with paragraphs 132 and 134 of the Framework and the guidance set out in section 12.

Character and appearance

11. The site is located in a rural area beyond the greenbelt. The policies of the development plan allow for the provision of outbuildings for existing dwellings. Schemes for are expected to be of an appropriate size that would not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.
12. In this case I understand from the appellants submission that the existing pool could not easily be brought back into use and that this scheme would be a replacement of that facility. Furthermore, I note that the provision of an outbuilding in itself would not be in conflict with the policy. Nonetheless the footprint of the building would be both wide and deep and include a mezzanine. As a result it would have a substantial roof and would be greater in footprint scale than the other buildings associated with the farmhouse. As a result it would not be subservient to the main dwelling. Further the building would be visible from the south and west. Its height and material finish would make it appear prominent in the street scene.
13. Therefore, overall, I consider that the provision of the outbuilding would have a harmful effect on the character and appearance of the area. It would be in conflict with policies GBC3, ENV1 and ENV5 of the East Herts Local Plan.

Other matters

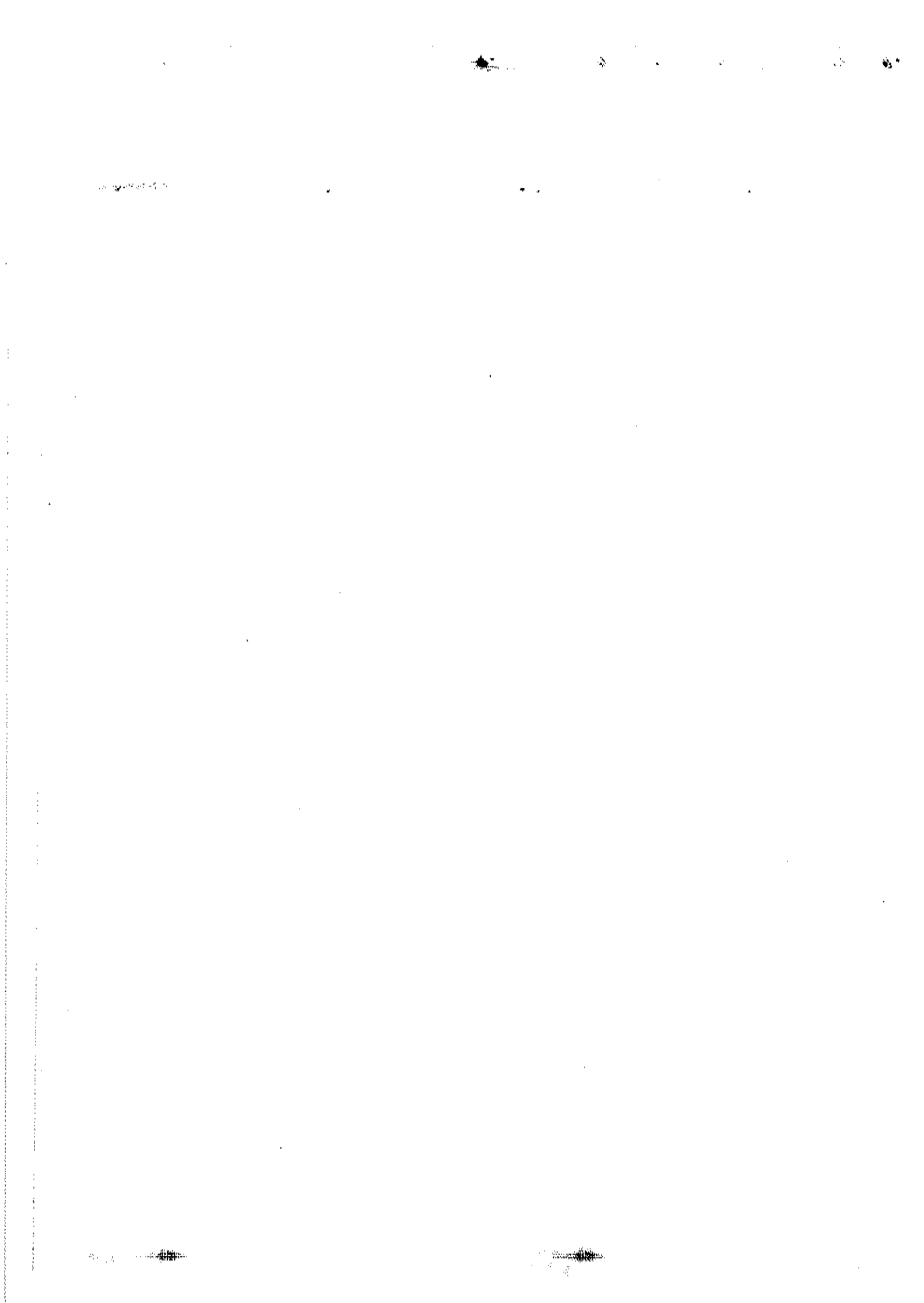
14. I appreciate that the appellant raised concerns regarding the Council's handling of the case. However, my considerations relate purely to the planning merits of the scheme.

Conclusion

15. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR





Appeal Decision

Site visit made on 27 February 2018

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

an Inspector appointed by the Secretary of State

Decision date: 27 April 2018

Appeal Ref: APP/J1915/X/17/3181880

Little Croft, Ermine Street, Colliers End, Ware, Hertfordshire SG11 1EH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr & Mrs A & K Borgia against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1059/CLP, dated 4 May 2017, was refused by notice dated 29 June 2017.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of an outbuilding.
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Decision: the appeal is dismissed

Procedural Matter

1. During my site visit, I noted that the land to the rear of the dwellinghouse, where the proposed outbuilding would be located, was being used for the storage of building materials. There were also a number of timber sheds and a metal shipping container in this part of the site. A number of vehicles were parked there, including two JCB-type vehicles (one with a fork-lift attachment, the other with a bucket attachment) and an open-back lorry. In addition, I noted that the rear elevation of the main dwellinghouse was physically separated from this part of the site by an enclosure, comprising a timber frame with wire mesh. Taken together, this was sufficient for me to question in my own mind whether this land was being used for a purpose not ancillary or incidental to the use of the dwellinghouse known as Little Croft.
2. The storage of the building materials and the other items described above do not feature in the written evidence before me, and were not referred to in the previous appeal decision relating to a different outbuilding on this site (APP/J1915/X/16/3155140). However, whether or not the proposed outbuilding would be located within the curtilage of the dwellinghouse is fundamental to my consideration of the main issue raised by this appeal. I therefore sought the views of the appellant and the Council as to whether the land to the rear of Little Croft is within the curtilage of that dwellinghouse.
3. The Council made no comment, but the appellants explain that the building materials and construction vehicles are to be used to construct the two storey side and rear extension to the main dwelling that has been granted planning permission by the Council (Ref: 3/16/0639/HH). The timber sheds and metal

shipping container are also being used for storage in connection with that approved development. The appellants go on to explain that the construction vehicles have already been used to construct the access road to the rear of the site, and that the appellants intend to sell them once all on-site development works have been completed. The timber framed, wire mesh covered structure that has been added to the rear elevation of the existing dwelling is an outdoor run used by the appellants' cats and would be removed once work commences on the above mentioned extension. The appellants confirm that all of the land within the application site, including the land to the rear of the existing dwelling, has always been within its original curtilage and remains so.

4. I have some difficulty in reconciling the quantum of building materials stored on the land and the type of vehicles parked there at the time of my site visit with the construction of a domestic extension and outbuilding, given also that the access road has been partly completed. Nevertheless, I shall accept the explanation provided by the appellants. I shall therefore proceed on the basis that the land on which the proposed outbuilding would be sited does form part of the curtilage of the dwelling known as Little Croft, although this should not be taken as a definitive determination of this point.

Reasons

5. Section 192(2) of the Town and Country Planning Act 1990 (1990 Act) indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application. My decision is therefore based on the facts of the case and judicial authority. For the avoidance of doubt, this means that the planning merits of the proposed development are not relevant to this appeal and the main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded.
6. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such is permitted by Class E, Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), subject to the limitations set out at Classes E.1, E.2 and E.3. The Council is satisfied that the proposed outbuilding complies with the limitations at Classes E.1, E.2 and E.3, and I see no reason to take a different view.
7. The area of dispute is whether the proposed outbuilding is required for a purpose incidental to the enjoyment of the dwellinghouse as such. Consideration of this issue raises two questions: is the purpose of the proposed outbuilding incidental to the enjoyment of the dwellinghouse as such and, if so, is the proposed outbuilding reasonably required for that purpose.
8. In terms of whether the purpose of the proposed outbuilding would be incidental to the enjoyment of the dwellinghouse as such, case law confirms that the keynote is reasonableness. Case law establishes that what is abnormal is not necessarily unreasonable, but also that what could be regarded as incidental does not depend on the unrestrained whim of the occupier. This

approach follows that taken in *Croydon LBC v Gladden*¹, in which the Court held that the concept of what was incidental to the enjoyment of the dwellinghouse as such involved an element of objective reasonableness and was not a matter solely at the whim of the individual owner or occupier.

9. In dismissing the previous appeal (APP/J1915/X/16/3155140), the Inspector found that the evidence before him was ambiguous, weak and incomplete. The appellant has sought to address that criticism in two ways: by removing some of the elements within the proposed outbuilding that the previous Inspector considered could not be justified as being incidental to the enjoyment of the dwellinghouse as such, and by providing more detail concerning the proposed purpose of the outbuilding.
10. As a result of removing some of the elements within the proposed outbuilding, the space now provided would accommodate a gym, games room, changing area/shower/toilet and an office. The outbuilding would also provide a garage that is considerably reduced in size compared to that of the outbuilding previously proposed. In addition, the outbuilding would include a store, which the appellant explains would be used to store gardening tools and equipment. In principle, all of these purposes could reasonably be considered incidental to the use of the dwellinghouse as such. It therefore remains for me to consider whether the size of the proposed outbuilding is reasonably required to accommodate those uses.
11. I have, in this respect, been provided with more detail about the appellants' circumstances than was before the previous Inspector. In particular, I now have detailed information about the cars owned by the appellants and their family. On the basis of that information, I understand that Mr A Borgia owns 3 cars, 1 van, 1 pick-up truck and 1 motor cycle. One of the cars is high value, and is said to require garaging for insurance purposes. One of the cars and the motor cycle are classic vehicles, and are also said to require garaging for insurance purposes. The van contains high value stock and, when stored overnight, in the appellants' view should preferably be garaged.
12. Mr L Borgia owns 2 cars, 1 van and 1 moped. One of cars is a classic car, and requires garaging for insurance purposes. The moped is also described as being 'classic' and for that reason requires garaging. The van contains high value stock stored overnight and in the appellants' view should preferably be garaged. Mrs K Borgia and Miss N Borgia each have one car.
13. This amounts to a total of 7 cars that in the appellants' view require garaging. The existing garage on the site can accommodate 2 of these vehicles, leaving 5 other cars that in the appellants' view should be garaged. This does not include the 2 vans, 1 motor cycle and 1 moped that, in the appellants' view, also require garaging.
14. I have two difficulties with the appellants' evidence in this respect. Firstly, although several of the vehicles owned by the family are said to be of high value and/or are classic vehicles, I have been provided with no documentary evidence to substantiate that. For example, I have not been provided with copies of the log books for the classic cars. Neither have I been provided with any documentary evidence from the insurance company that indicates that these vehicles should be garaged.

¹ *Croydon LBC v Gladden* [1994] 1 PLR 30

15. My second difficulty relates to the high value stock stored overnight in the 2 vans. The appellants have not described what this stock is. The fact that the stock is stored in the vans suggests that it relates to a commercial use to which the vans are put when not parked at the property. If this is the case, then it would be difficult to justify these vans as being incidental to the use of the dwellinghouse as such, and there would be no logical reason to include a requirement to garage those vans in an outbuilding proposed under Class E of the GPDO. As it stands, in the absence of any evidence concerning the nature of the stock stored in the vans, I have no reason to believe that the garaging of these vans is incidental to the enjoyment of the dwellinghouse known as Little Croft, such that providing space for these vehicles within the proposed outbuilding is a reasonable requirement in this context.
16. The appellants fairly acknowledge that not all of the 5 remaining cars plus the motor bike and moped could be accommodated within the proposed outbuilding. The obvious corollary is that some of the cars would be parked in the open in any event. It is of course entirely reasonable that each member of the family should own a car for their day-to-day activities but this does not in my view extend to a reasonable expectation that these vehicles should be garaged. Presumably, therefore, it would be the classic cars/moped and the high value car owned by Mr A Borgia that would be garaged.
17. The existing garage on the site can accommodate 2 of these vehicles, leaving just one classic or high value car and the moped to be garaged in the proposed outbuilding. Even if it had been demonstrated that there is a genuine requirement for these vehicles to be garaged as a purpose incidental to the enjoyment of the dwellinghouse as such, which for the reasons set above is not the case, then the proposed garage far exceeds in size that necessary to achieve that purpose.
18. It follows from the above that the appellants have not shown the size of the garage in the proposed outbuilding to be reasonably required to accommodate the number of vehicles owned by the family and for which there might be (but as yet not demonstrated) a genuine requirement to be garaged. In these circumstances and on an objective assessment, I am not persuaded that the garage element of the proposed outbuilding is reasonably required for a purpose incidental to the enjoyment of the dwellinghouse as such.
19. There is then the question of the other accommodation that would be provided within the proposed outbuilding. Although the gym, changing area and store would cater for activities that may properly be described as being incidental to the use of the dwellinghouse as such, these are each relatively large spaces. I have been provided no explanation as to why that quantum of floorspace is required. Even in relation to the store, for which I have been provided with a detailed inventory of the equipment proposed to be stored there, I am not persuaded that the amount of space shown is necessary to achieve that.
20. It is settled case law that the size of the building is not, in itself, determinative of whether a development falls within the provision of Class E². Nevertheless, in this case and although considerably reduced in area from the previous version, I consider that the proposed outbuilding is of a size that is not reasonably required for a purpose incidental to the enjoyment of this particular dwellinghouse.

² *Emin v Secretary of State for the Environment* [1989] 1 P.L. 909

21. Moreover, the appellants have not demonstrated why the accommodation sought could not be provided within the main dwelling, at least in part. By way of example, there is no reason in principle why the office space could not be provided within the main dwelling, as it currently stands or as proposed to be extended, or within the roofspace of the existing outbuilding. The appellants describe the changing rooms, toilet and shower as necessary adjuncts to the gym and games room but again it has not been explained why facilities within the main house could not be utilised for those purposes. This reinforces my opinion that the accommodation and amount of floorspace sought within the proposed outbuilding is not reasonably required for purposes incidental to the enjoyment of the dwellinghouse. Rather, in my view the size of the proposed outbuilding and the accommodation within it represent an unrestrained whim on the part of the appellants.
22. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed outbuilding was well-founded and that the appeal should not succeed. I will exercise the powers transferred to me in section 195(2) of the 1990 Act as amended.

Paul Freer

INSPECTOR



Appeal Decision

Site visit made on 13 March 2018

by **D J Board BSc (Hons) MA MRTPI**

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

Decision date: 30 April 2018

Appeal Ref: APP/J1915/W/17/3183606

The Brooms, 69 Lower Road, Great Amwell, SG12 9SZ

- 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 & Mrs G & D Edwards against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1074/FUL, dated 8 May 2017, was refused by notice dated 11 August 2017.
 - The development proposed is proposed erection of a detached two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's initial decision notice set out one reason for refusal that referred to the site being in a rural area. However, the officer report referred to the Green Belt with another reason for refusal detailing this. The Council clarified this and provided a decision notice that confirmed that the site is within the Green Belt. The appellant was made aware of this and confirmed that the issue of Green Belt is addressed within the grounds of appeal.
3. The appellants refer to the emerging policies of the pre submission version of The East Herts District Plan. This plan has not yet been examined and found sound. As such I attribute very limited weight to the policies.

Main Issues

4. The appeal site is within the Metropolitan Green Belt and the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The Framework contains national Green Belt policy. At paragraph 89 the construction of new buildings is defined as inappropriate development except for those exceptions listed. This list includes '*limited infilling in villages*'. The terms of *villages* and *limited infilling* are not further defined in the Framework.
6. Policy GBC1 of the East Herts Local Plan (LP) sets out what is considered appropriate development in the green belt. GBC1 (f) allows for '*...limited unfill development in Category 2 Villages in accordance with OSV2(II)...*' The appellants identify that Great Amwell is a Category 2 village but that there are no defined boundaries. It is also submitted that emerging policy VILL2 is applicable given the close proximity of the site to the built up area boundary within the emerging plan.
7. The Brooms is located to the north and west of the existing ribbon of development that fronts Lower Road. The appeal site would be formed from part of the garden of this dwelling. The Brooms and the site would be accessed from an unsurfaced track from the junction with Lower Road. Unlike Lower Road this track does not have frontage development. Therefore the new dwelling would not be located between existing dwellings or fill a gap in a built frontage. In this regard to my mind it would not represent infill development.
8. I appreciate that there are factory buildings to the east and south east of the site. Nevertheless The Brooms and its garden area is distinct from the dwellings fronting Lower Road and these buildings are some distance away. As such I do not consider that these factors alter my view that The Brooms is a single dwelling in a countryside location and not part of a group of dwellings were infilling would be acceptable.
9. I conclude therefore that the development would not be limited infilling in a village but, on the contrary, would be outside the village in the countryside and would be inappropriate development as described in paragraph 89 of the NPPF. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and advises should not be approved except in very special circumstances.

Openness

10. Paragraph 79 of the Framework advises that one of the essential characteristics of a Green Belt is its openness. This is a matter of its physical presence rather than its visual qualities. The appeal site is currently part of the garden area for The Brooms and does not contain any substantial buildings. Those that are present are subservient outbuildings. The layout and scale proposed for the dwelling shown on the plans would be a bungalow. The block plan indicates that there would be space around it. Furthermore the building height would be kept relatively low.
11. The site currently has fencing and some trees and hedges to its boundaries. From within the site the dwellings along Lower Road are visible. The presence of the trees and fences serve to limit views through the site. Viewed from Lower Road the dwelling would be glimpsed and from the road in front of the site some of its roof would be visible above the boundary fence.
12. However, because openness is the result of absence of built development, the dwelling would inevitably reduce and harm the openness of the Green Belt to a

degree by reason of its siting on land which is currently free from significant buildings. Having seen the site from near and distant viewpoints I consider that a new dwelling in this location would have a moderate harmful impact on the openness of the Green Belt.

Character and appearance

13. The existing pattern is a sporadic dwelling beyond the ribbon of Lower Road within the countryside. It is distinct from the frontage development of Lower Road where the pattern of development is closer knit with a more suburban character. The position for the new dwelling is not comparable to other plots on the road frontage. However, there is variety in plot depth and shape. Some dwellings have land to the rear and side as well as outbuildings. Furthermore the footprint size and the shape of dwellings vary. The appeal site adds to the open and spacious character in its undeveloped state. The addition of a further dwelling would increase the amount of built development and would erode the rural character of the area.
14. I therefore conclude that the proposal would have a moderate adverse effect on the character and appearance of the area. It would conflict with LP policy ENV1 and it would detract from the character of the surrounding countryside. The proposal would also conflict the Framework which identifies that planning should recognise the intrinsic beauty and character of the countryside. The harm identified to the character of the area adds to the weight I have identified by reason of inappropriateness.

Other Considerations

15. Paragraph 87 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. The appellant highlights that, the sites position is such that it is well related to the village and would make a contribution to windfall housing. There is some dispute regarding whether the Council has a five year housing supply. Nonetheless the Framework indicates that applications for housing development should be considered in the context of the presumption in favour of sustainable development. In this case the proposal would not accord with the development plan and is considered against specific policies that indicate development should be restricted.

Conclusion

17. The proposed development would be inappropriate development. The Framework establishes that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness. It also identifies the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and that all development proposals must preserve the openness of the Green Belt. There would be a moderate harmful impact on openness. In addition there would be a moderate adverse effect on the character and appearance of the area.
18. On the other hand the proposal would provide an additional dwelling and there would be no adverse neighbour impacts or highway safety issues. The

proposal would be well sited and of an appropriate scale on the plot and the views of the proposal in the wider landscape would be limited. However, these other considerations do not outweigh the totality of harm which is the test they have to meet and do not amount to very special circumstances. Therefore the harm by reason of inappropriateness and the other harm identified is not outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

19. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR



Appeal Decision

Site visit made on 25 April 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2018

Appeal Ref: APP/J1915/W/17/3189744

Land adj to 42 Zambesi Road, Bishops Stortford CM23 3JR

- 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 Belitz & Ehsan against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1510/FUL, dated 27 June 2017, was refused by notice dated 11 October 2017.
 - The development proposed is a new dwelling with detached garage and landscaping (Material amendments to LPA Ref No 3/16/2171/FUL)
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling with detached garage and landscaping (Material amendments to LPA Ref No 3/16/2171/FUL) at land adj to 42 Zambesi Road, Bishops Stortford CM23 3JR in accordance with the terms of the application, Ref 3/17/1510/FUL, dated 27 June 2017, subject to the conditions set out in the schedule attached to this decision.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. The Council have granted planning permission¹ for a proposal very similar to the appeal scheme. This permission is extant and there is nothing before me to indicate that should the appeal fail it would not be built. I therefore attach significant weight to the fall-back scheme.
4. The proposed development would differ from the fall-back scheme mainly in that it would have two additional single storey projections to its south facing elevation and one additional single storey projection to its north facing elevation. Otherwise the proposed dwelling would be in the same place as the approved dwelling. The proposed garage building would also be slightly taller and in a slightly different position to that approved.
5. The additional projections to the south facing elevation would not be significantly visible from anywhere other than within the appeal site and the gardens of surrounding dwellings. They would have pitched roofs matching the proposed dwelling and other properties nearby and space would remain around

¹ Council Reference 3/16/2171/FUL

the proposed dwelling such that it would not appear cramped and landscaping could be provided.

6. With regard to the proposed additional single storey projection to the north facing elevation, this would be a modest addition which would match that detailed on the western side of the north facing elevation of the approved dwelling and would not appear out of place. The proposed garage would be tucked into the corner of the appeal site and of simple form, proportionate in scale to the proposed dwelling.
7. Thus when compared with the fall-back scheme, for which I note permitted development rights for extensions were not removed, I find the proposed development would not harm the character or appearance of the area. The proposal would therefore accord with saved Policies HSG7 and ENV1 of the East Herts Local Plan Review (2007) which seek to ensure good design and safeguard the character and appearance of an area.

Other Matters

8. I have noted the comments with regard to the impact of the proposals on highway safety, trees and living conditions. However, permission has already been granted for a dwelling in this location and the proposed dwelling would only be slightly larger, such that in my view when compared to the fall-back scheme the proposal would generate no additional harm with regard to these matters. I acknowledge the comments with regard to access over private land. However, these are private legal matters and not for my consideration. I have determined the appeal on its planning merits.

Conditions

9. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance.
10. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are also necessary to ensure the materials and landscaping are agreed and retained in the interest of safeguarding the character and appearance of the area.
11. As requested by the Council I agree that given the relationship with neighbouring properties exceptional circumstances exist to justify removing permitted development rights to undertake extensions and roof alterations. I have therefore imposed a condition to that effect.

Conclusion

12. For the reasons given, having had regard to all other matters raised the proposed development would accord with the development plan. I therefore conclude the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF 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: Location Plan 1:1250, Plan Site Existing and Proposed Drawing No P01 Revision C, Plan Ground Floor Proposed Drawing No P02 Revision E, Plan Loft Floor Proposed Drawing No P03 Revision E, Plan Roof Proposed Drawing No P04 Revision E, Elevations West & South Drawing No P05 Revision E, Elevations East & North Proposed Drawing No P06 Revision E and Section Along Proposed Drawing No P07 Revision E.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of above ground development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include means of enclosure, planting plans and schedules of plants (species, size and numbers). The development shall be carried out in accordance with the approved details. Any tree or plant that within a period of five years after planting are removed, die or become in the opinion of the local planning authority seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other(s) of species, size and number as originally approved, unless otherwise agreed in writing with the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alterations of the dwellinghouse as described within Part 1, Schedule 2 Class A and Class B of the Order shall not be undertaken without planning permission having been obtained from the local planning authority.

END OF SCHEDULE



The Planning
Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

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0303 444 5000
Email: cat@pins.gsi.gov.uk

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Miss Louise Hinsley
NextPhase Development
Virage Suite, Vantage Point
Green Lane
Cannock
Staffs
WS11 0NH

Your Ref: 0528 01
Our Ref: APP/J1915/W/18/3197977

24 April 2018

Dear Miss Hinsley,

Town and Country Planning Act 1990
Appeal by Mr Tim Plummer
Site Address: 40 Firs Walk, Tewin, WELWYN, AL6 0NZ

Thank you for your Planning Appeal received on 14 March 2018.

We are unable to accept appeals unless all the essential supporting documents are received before the 6 months deadline expires. Unfortunately, there are some documents outstanding. We requested these in our letter dated **19 March 2018** but they have not been submitted, and the appeal period deadline has now expired.

We are therefore, unable to take any action on the appeal.

Yours sincerely,

Validation Officer A8
Validation Officer A8



Appeal Decision

Site visit made on 13 March 2018

by **D J Board BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 April 2018

Appeal Ref: APP/J1915/W/17/3187837

24 Pishiobury Drive, Sawbridgeworth, CM21 0AE

- 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 Stuart Mortimer against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1820/FUL, dated 1 August 2017, was refused by notice dated 6 October 2017.
 - The development proposed is demolition of existing dwelling. Erection of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The submitted questionnaire states that the site is in the Green Belt. The Council has subsequently confirmed that the appeal site is located within the built up area of Sawbridgeworth as set out in the officer report.

Main Issue

3. The main issue is the effect of the provision of two dwellings on the character and appearance of the area.

Reasons

4. Along Pishiobury Drive the houses are a mix of ages and design and the frontages are quite open. The dwellings are set in large plots with space around and, whilst the plot widths do vary, generally the dwellings have space and setting to the sides and front. Overall the area has the impression of large two storey dwellings that front the road in a heavily landscaped setting.
5. I acknowledge there has been some change within the street scene and that there are cases where accommodation is provided within the roof space and some properties have high gables and gable windows. However, this alone does not justify the appeal proposal and these developments are not typical of the wider area. When considered in the wider context, the appeal site is located in an area where larger plot widths have been maintained and two storey properties remains the predominant character. Indeed moving west this pattern continues and the appeal site is read as part of this street scene where significant gaps and landscaping dominates.

6. The street scene elevations show that the overall height of the dwellings would not be substantially taller than the near neighbours. Further the Council has not raised an objection to the materials or window details. However, in both proposals the significant depth of the dwelling and the provision of second floor accommodation would result in a large expanse of roof to span it. There would be a substantial flat roof element across the majority of depth of the dwellings with a large tile surround with roof lights inserted. Therefore the increase in height of the roof, treated in this way in contrast to the existing more modest dwelling, across the substantial depths of the dwellings would create large bulky forms. This would be compounded by the subdivision which would reduce the plot sizes and consequently the setting and relief to the built form within the street scene.
7. I understand that policy HSG7 of the East Herts Local Plan (LP) allows for infill development. However, it is clear that this is subject to the scheme not having an adverse impact on the character of established residential areas. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with LP policies HSG7 and ENV1.

Other matters

8. The appellant has referred me to another appeal decision¹ within the district at Beecroft Lane, Walkern. This is within a different settlement and proposed a single dwelling in a conservation area. For these reasons and based on the information before me I do not consider that this scheme is directly comparable to the case before me. As such I attribute very limited weight to this decision.
9. I appreciate that the scheme would not have a harmful effect on the living conditions of neighbouring occupiers, parking provision and garden areas would be acceptable, would use urban land effectively and is accessible being located within a main settlement area. However none of these matters alters or outweighs my conclusion on the main issue.
10. The appellant sets out that a five year supply of deliverable housing land cannot be identified in the area and that even if the Council were correct in its figures that they should be treated as a minimum. I acknowledge that the provision of dwellings is a benefit that weighs in favour of the proposal and I note the appellants' comments about windfall housing. However, I conclude that the significant and demonstrable harm the scheme would cause to the character and appearance of the area outweighs the benefits of the scheme. In reaching this conclusion I have taken account of paragraphs 14 and 47-49 of The Framework.

Conclusion

11. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

D J Board

INSPECTOR

¹ APP/J1915/W/15/3138282



Appeal Decision

Site visit made on 3 April 2018

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 18th April 2018.

Appeal Ref: APP/J1915/D/18/3194532

49 Parkway, Sawbridgeworth, CM21 9NR

- 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 Christopher Bateman against the decision of the East Hertfordshire District Council.
 - The application Ref: 3/17/1903/HH, dated 11 August 2017, was refused by notice dated 2 November 2017.
 - The development proposed is to increase the height of the fence from 1.7 to 2.3 m along the bottom of the rear garden for privacy.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The fence was increased in height to around 2.3 metres prior to the application to the Council.

Main Issue

3. The main issue is the effect of the increase in height of the fence on the living conditions of neighbours at No.72 Elmwood in respect of outlook.

Reasons

4. No.49 Parkway is a detached dwelling located in a residential area. The fence subject to this appeal forms the boundary between the rear garden of No.49 and that of the rear garden of a new detached dwelling at No.72 Elmwood.
5. Under permitted development rights a boundary fence between dwellings may be allowed without planning permission up to 2 metres in height. According to the appellant, the close boarded fencing at the rear boundary of No.49 is around 2 metres in height. However, the top panels are trellis fencing, thereby adding approximately a further 0.3 metres in height.
6. I viewed the rear garden of No.72 Elmwood and boundary fencing at an unaccompanied visit to the property. The new dwelling is set at a much lower ground level than the appeal site. The rear garden area appears to have been lowered and there is noticeably high timber fencing at each of the side boundaries, plus a timber outbuilding. Consequently, views from the rear windows towards the garden are dominated by the surrounding fencing and unduly oppressive. Lowering of the boundary fence to the permitted height of

2 metres would help to reduce the harmful effect on outlook for the occupants of No.72, although a strong sense of enclosure would remain because of the difference in ground levels and existing side boundary treatment. Although the top part of the fence is trellis, allowing some passage of light, it does add to the visual impact of the fence when seen from No.72 Elmwood. I find that the fence subject to appeal is excessive in height and conflicts with policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review, which generally seek to encourage good design and to protect the living conditions of neighbours.

7. I have taken into consideration that the occupants of No.49 Parkway increased the height of the fence to provide more privacy because they have young children and that they consulted neighbours before carrying out the work. However, the trellis part of the fence only screens the top part of the rear first floor windows in No.72 Elmwood. The degree of potential overlooking of the rear garden of No.49 Parkway from facing windows at No.72 is therefore very restricted by much of the close boarded part of the boundary fence, and because of the difference in levels.
8. I find that the reasons put forward by the appellant to increase the height of the fence are insufficient to justify the increased harmful effect on the outlook of neighbours at No.72 Elmwood and the conflict with development plan policies. I am also aware that to allow a fence of the height that has been built could form a precedent for similar proposals in the residential area, which the Council could then find difficult to resist.

Conclusion

9. I have taken all other matters raised into account, including the letters of support from neighbours. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 29 March 2018

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 April 2018

Appeal Ref: APP/J1915/D/17/3189679

Dalmonds Wood Farm, Mangrove Lane, Brickendon SG13 8QJ

- 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 Eamon Bourke against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1944/FUL, dated 17 August 2017, was refused by notice dated 19 October 2017.
 - The development proposed is the demolition of the existing outbuilding and provision of a single storey detached garage with associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 9 of the National Planning Policy Framework (2012) (the Framework) and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt;
 - (iii) the effect of the proposal on the character and appearance of the countryside; and
 - (iv) if it is inappropriate development, 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

Background

3. The appeal site is occupied by a recently constructed small dwelling. The property is subject to planning conditions that restrict its occupancy to persons employed in agriculture and remove permitted development rights for development under Classes A, B and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015. The proposal would comprise the demolition of a small outbuilding located close to the front

boundary of the property and the erection of a detached garage to one side of, and close to, the house.

Whether the proposal would be inappropriate development

4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. A number of exceptions to this are identified including proposals that involve the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. As the proposal would be significantly larger than the building on the site that is intended to be demolished this exception is not conformed with.
5. Whilst the proposal would not be connected to the dwelling, it would be close to it, and can therefore be viewed as an extension in the context of the paragraph 89 exceptions and the similar exceptions listed under Policy GBC1 of the East Herts Local Plan Second Review (April 2007) (LP). The former states that the extension of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.
6. Taking into account the proposed demolition of the existing outbuilding and the modest size of the dwelling, the proposal would in my judgement result in disproportionate additions over and above the size of the original building. The proposal is therefore contrary to paragraph 89 of the Framework and LP Policy GBC1. It would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

7. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
8. Taking into account the proposed demolition of the existing outbuilding, the proposal would increase the overall volume, bulk and amount of development on the site reducing, and therefore causing harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Character and appearance

9. In the context of the modest dwelling the proposed garage would be a relatively prominent structure largely due to the height and bulk of its roof. For this reason the proposal, taking into account the demolition of the existing outbuilding close to the front boundary of the site, would have an unacceptable effect on the character and appearance of the countryside.

Other considerations

10. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.

11. I recognise that any occupier of the appeal property is likely to need secure storage facilities for equipment necessary for the upkeep of the property's garden and for some recreational equipment such as cycles. Whilst enclosed accommodation for a car may be desirable, as garages are often not used for this purpose I consider secure garaging to be less of a necessity. As there is nothing before me to demonstrate that an outbuilding of the size proposed is needed for garden and recreational equipment associated with a small dwelling I attribute limited weight the need case put forward to support the proposal.

Green Belt balancing exercise

12. The other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effects on openness and the character and appearance of the countryside. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and the aims of LP Policy GBC1.
13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR



Appeal Decision

Site visit made on 27 March 2018

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

an Inspector appointed by the Secretary of State

Decision date: 10 April 2018

Appeal Ref: APP/J1915/W/17/3189701

3 Hertford Road, Great Amwell, Hertfordshire SG12 9RY

- 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 Mrs Christine Davidson against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2007/FUL, received the Council on 25 August 2017, was refused by notice dated 12 October 2017.
 - The development proposed is new dwelling within the curtilage of the property.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on:
 - The character and appearance of the surrounding area.
 - The living conditions of the neighbouring occupiers at 56 Pepper Hill, with particular regard to outlook.

Reasons

The character and appearance of the surrounding area

3. Hertford Road is characterised by frontage development of mainly large detached houses, set back from the road to a sinuous but nonetheless clearly defined building line, with varying sized but generally large back gardens. The open countryside these dwellings face provides the area a semi-rural character. Architecturally the houses are quite varied, and many are extended, and so there is no coherent design character to development here.
4. The dwelling proposed would be to the rear of No 3, sharing the same access, and be sited within the hard surfaced area extending to the side of the back garden which is presently occupied by some ancillary buildings. The dwelling proposed would be in marked contrast with the prevailing pattern of road frontage housing and, with the limited space to its sides and rear, comprise what I consider to be a rather cramped form of backland development. This would conflict harmfully with the more spacious character and arrangement of the existing residential development.
5. Whilst the new house would not be visible from the road it would be evident from rear views. A lack of visual prominence in the street scene provides

inadequate support to a new dwelling which would be clearly at odds with the existing pattern of development in this area. Neither would the fact that the site is hard surfaced, and a development would allow more of this area to be broken up, planted and be more amenable to biodiversity, be sufficient grounds to support a new house.

6. The site falls within the Green Belt but is within a category of settlement where infill housing development is provisionally permissible under saved Policy HSG7 of the East Herts Local Plan¹ (LP). This is broadly consistent with the policy of the National Planning Policy Framework where, in the fifth bullet point of paragraph 89, limited infilling in villages is an exception to new buildings being considered inappropriate development in Green Belt.
7. There might be no strong unifying character to the design of the surrounding houses, which are mostly larger than that proposed. However, the confined backland position of the new dwelling would not satisfy the aims of LP Policy HSG7 for infill housing to be well sited in relation to those surrounding and complementary to the character of the local built environment, or those of LP Policy OSV2 for it to be satisfactorily integrated into the village.
8. The scheme would also conflict with the general design aims of LP Policy ENV1 for all proposals to demonstrate compatibility with the structure and layout of the surrounding area and to complement the existing pattern of development.
9. Rear garden housing has evidently been permitted recently at both 10 and 12 Gypsy Lane, nearby in this village. However, I have not been provided full details of these cases and these decisions would not alter the need to assess this proposal principally on its own individual merits. I conclude that the development proposed for this confined, back garden site would contrast harmfully with the surrounding pattern of quite spacious, frontage housing. As a consequence the proposal would have an adverse effect on the character and appearance of the area contrary to the identified objectives of LP policies HSG7, OSV2 and ENV1.

The living conditions of the neighbouring occupiers at 56 Pepper Hill

10. The new dwelling would have a relatively short back garden which adjoins a side boundary to 56 Pepper Hill, a corner property from where frontage housing runs perpendicular to that in Hertford Road. The position of No 56 is such that its rear aspect is towards the appeal site. It is proposed that beech hedging would be planted along the rear boundary of the new dwelling which would help screen its impact from No 56. The design is for a one and a half storey chalet and the rear openings would all be rooflights to avoid any overlooking and loss of privacy.
11. Notwithstanding the proposed planting and design of the house, its siting relatively close to the site boundary would create a quite overbearing impact on the outlook from the rear of No 56. I consider that this would result in an unacceptable degree of harm to the living conditions presently experienced by these next-door occupiers.
12. The adverse effect on the outlook of the neighbouring dwelling would be in further conflict with LP policies HSG7, OSV2 and ENV1 which seek that infill

¹ East Herts Local Plan Second Review April 2007.

developments are well sited so as not to appear intrusive, and are not significantly detrimental to and respect the amenities of nearby occupiers.

Conclusion

13. For the above reasons, and having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR



Appeal Decision

Site visit made on 9 April 2018

by **Les Greenwood MRTPI**

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

Decision date: 23 April 2018

Appeal Ref: APP/J1915/D/18/3195439

Myrtlebank Cottage, Cautherly Lane, Great Amwell SG12 9SN

- 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 Paul Elsey against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2055/HH, dated 5 September 2017, was refused by notice dated 16 November 2017.
 - The development proposed is external work to a sunken garden area (engineering operation where excavations exceed 1m).
-

Decision

1. The appeal is allowed and planning permission is granted for external work to a sunken garden area (engineering operation where excavations exceed 1m) in accordance with the terms of the application Ref 3/17/2055/HH, dated 5 September 2017, and the plans H2156/001 and H2156/002, subject to the following condition:

- 1) The sunken garden area hereby permitted shall not be used for access by or the parking of motor vehicles.

Main issues

2. The main issues are: (i) whether the proposal would preserve or enhance the character or appearance of the Great Amwell Conservation Area; and (ii) the effect of the proposal on the safety of public highway users.

Reasons

Conservation area

3. Myrtlebank Cottage is a cottage-style detached house, sitting well above road level on this steeply sloping section of Cautherly Lane, within the conservation area. The proposed works have already been carried out, involving the replacement of a section of low brick wall, a footway entrance and a raised garden area with a lowered section of gravelled surfacing with new brick retaining walls plus a taller flint wall partitioning off the back garden.
4. The Council's *Great Amwell Conservation Area Appraisal and Management Plan* notes that some of the brick and flint walls along Cautherly Lane make an important contribution to the Conservation Area. I take its reference to brick

walls to apply mainly to the taller, more substantial sections of wall further up the lane. I find that the small section of low wall removed as part of these works was not important to local character.

5. The works have been carried out to a high standard, forming an attractive setting to the house. The low brick walls are in character with the remaining sections of original wall. The taller flint wall is in keeping with the other flint walls in the village, including the one opposite, and fits in well in this context.
6. The Council is concerned about the potential for the new sunken area to become cluttered by domestic paraphernalia. This concern could, however, have applied equally to the original, higher garden area.
7. I conclude that the proposal preserves the character or appearance of the conservation area. It accords with the aims of East Herts Local Plan Second Review Policies ENV1, ENV5 and BH5 and the National Planning Policy Framework, to secure a high standard of design that reflects local distinctiveness and is sympathetic in relation to unlisted buildings in conservation areas.

Highway safety

8. The main access and parking area for the cottage predates this development. The appellant wishes to use the new hardstanding area created by these works for occasional, supplementary car parking. There is no turning space here and visibility to the south, up the slope of Cautherly Lane, is sharply restricted by the brick wall at the front of the house. Drivers emerging from this new area would therefore have very little warning of vehicles coming down the hill and vice versa. I note that drivers could potentially reverse around into the mouth of the adjacent footpath, instead of straight onto the road, but this could not be guaranteed and would potentially cause its own issues in any case.
9. The appellant has suggested that this matter could be dealt with by a condition precluding the use of the hardstanding for the parking of vehicles. I agree that this is necessary, in the interest of the safety of public highway users including users of the footpath. Subject to that condition, I conclude that the proposal would not prejudice the safety of public highway users and accords with the Framework's aim to ensure the provision of safe and suitable access to sites.

Other matters

10. The site is within the Metropolitan Green Belt. I agree with the Council that the proposal is a limited alteration and does not conflict with policies for the protection of the Green Belt. The appellant argues that the proposal is permitted development and that a planning application should not have been required. A planning application and appeal were made, however, and I have considered the matter as presented. I make no ruling on the question of permitted development.

Conditions and conclusion

11. The development has been carried out acceptably, so no conditions are needed aside from that already mentioned. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 3 April 2018

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **Wednesday, 18 April 2018**

Appeal Ref: APP/J1915/D/18/3192928

5 Salters, Bishop's Stortford, CM23 4NX

- 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 Mrs Pravina Mistry against the decision of the East Hertfordshire District Council.
 - The application Ref: 3/17/2152/HH, dated 15 September 2017, was refused by notice dated 9 November 2017.
 - The development proposed is a two-storey side extension with hipped roof to match the existing.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No.5 Salters is a detached dwelling located in a modern residential area. A two-storey extension has been constructed at the front of the dwelling. Dwellings in the vicinity vary in form and design but have repetitive elements that add to a sense of cohesion.
4. I am advised that the proposed development has been reduced in size from a previously refused scheme, along with a change in roof design from a gable to a hip, to reduce the dominance of the extension.
5. The proposed two storey side extension would be a relatively small addition to the building. It would be visible from the public footpath and cycleway that runs next to the northern boundary of the appeal site. This appears to be well used as a route for residents. The appellant considers that there is no dominant street scene or sense of street scene that is important to retain. However, the elevation of No.5 that faces the footpath/cycleway is similar in form and design to that of the adjacent dwelling of No.115 The Thatchers. This gives a high degree of symmetry to the appearance of the two dwellings when viewed from the footpath, and together they create a pleasant part of the street scene.
6. The proposal would involve the loss of a first-floor window and a ground floor bay window at the elevation facing the footpath. The extension would have a blank elevation with false windows at ground and first floor levels, designed to

have similar proportions to existing windows. Despite this, and the introduction of a hipped roof, the new elevation facing the footpath would appear prominent, obtrusive and out of character because of its design, scale and siting. The proposed extension would also disrupt the symmetry of the elevations of No.5 Salters and No.115 The Thatchers when seen from the footpath and would detract from the appearance of the street scene.

7. The proposal would be detrimental to the character and appearance of the building and surrounding area. It would conflict with saved policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review which seek to ensure high standards of design and, amongst other things, that house extensions complement the original building and its setting.
8. I have taken all other matters raised into account, including the existence of the front extension. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR

Appeal Decision

Site visit made on 3 April 2018

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2018

Appeal Ref: APP/J1915/D/18/3192519

The Old Vicarage, Parsonage Lane, Albury, Ware, SG11 2HU

- 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 Mrs Kate Jolly against the decision of the East Hertfordshire District Council.
 - The application Ref: 3/17/2175/HH, dated 11 September 2017, was refused by notice dated 2 November 2017.
 - The development proposed is replacement of existing concrete block single-storey garage & living space at the rear of the house, with a brick-built insulated two-storey extension and single storey side extension. Addition of a new brick facade at front of house to provide additional cavity wall insulation. Addition of two new windows. Changes to existing windows and doors.
-

Decision

1. The appeal is allowed, and planning permission is granted for replacement of existing concrete block single-storey garage & living space at the rear of the house, with a brick-built insulated two-storey extension and single storey side extension. Addition of a new brick facade at front of house to provide additional cavity wall insulation. Addition of two new windows. Changes to existing windows and doors at The Old Vicarage, Parsonage Lane, Albury, Ware, SG11 2HU subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: A location plan; B location plan; C existing site plan; D proposed site plan; 01 elevations existing and proposed; 02 proposed floor plans; 03 proposed elevations; 04 proposed elevations; 05 existing and proposed elevations; 06 existing and proposed elevations and 07 existing floor plans.

Main Issue

2. The main issue is the effect of the proposal on the character of the rural area.

Reasons

3. The Old Vicarage is a detached dwelling sited within a relatively large plot. It has a modern detached garage with outbuilding to its rear. The site is within the Rural Area beyond the Green Belt. A distinctive feature of the dwelling is the ornate ground floor windows located at the western gable of the building and at the eastern end of the main elevation facing Parsonage Lane. This latter window would be replaced with a simpler window as part of the works to provide a cavity wall and brick façade.
4. East Herts Local Plan Second Review policy ENV5 requires that extensions to existing dwellings, individually or cumulatively, should not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area. Local Plan Second Review policy GBC3 advises that limited extensions to existing dwellings will be permitted provide that the proposal complies with Local Plan Second Review policy ENV5.
5. According to the Council, the proposal would almost double the floorspace of the original dwelling. However, the appellant contended that the increase would only be around 43%. This is because the appellant submitted that the house had only been previously extended by the addition of a small porch, and that the garage and single storey rear extension are part of the original building. This part of the dwelling appears to have similar brickwork at ground level, but is mainly built in concrete blocks, rather than brickwork to match the house. The appellant has submitted a block plan dated October 1968 which shows the rear extensions as part of the original planning permission. The Council has provided map records dated 1958 which it presumes show the original application plans. Having considered all the evidence I agree with the appellant's explanation that the rear garage and living space is original. There is also evidence that there was a porch. The proposed increase in floorspace would therefore be limited, and less than that estimated by the Council, when compared with that of the original building.
6. The Council considers the proposed extension would sit comfortably with the dwelling and would incorporate matching materials. I see no reason to disagree, because the ridge line of the two-storey extension would be set down from that of the main building. The dwelling is set in large grounds and the main extension would be to the rear of the building with no significant impact on views from Parsonage Road. Overall, the proposed development would not intrude into the openness or rural qualities of the surrounding area. I find that the proposal would be of a scale and size that would not disproportionately alter the size of the original dwelling. The proposal would comply with Local Plan Second Review policies GBC3 and ENV5.
7. In addition to the standard timescale for commencement of development, conditions are included to ensure that the external materials complement those in the existing dwelling and requiring that development be in accordance with the approved plans.
8. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be allowed.

Martin H Seddon

INSPECTOR

Appeal Decision

Site visit made on 8 May 2018

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal Ref: APP/J1915/D/18/3196257

123 London Road, Hertford Heath, Hertford, Hertfordshire SG13 7RH

- 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 C Lovatt against the decision of East Hertfordshire District Council.
 - The application ref 3/17/2464/HH, dated 19 October 2017, was refused by notice dated 6 December 2017.
 - The development proposed is described on the planning application form as part single, part two storey rear and side extension, addition of windows and rooflight, replace detached garage building with carport.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The description on the application form makes no reference to a rear dormer. However the dormer is included in the Council's description of the proposal and on the details of the proposal on the appeal form (although there has been no formal agreement to change the description). The appellant's statement considers the dormer window and I have concluded that the appellant intends that it should be part of the proposal and determined the appeal on that basis.

Main Issue

3. The conclusion of the officer report indicates that the Council's concern lies with the first floor and dormer elements of the proposal. The main issue is the effect of the first floor rear extension and the dormer window on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal property together with No 125 forms a pair of narrow semi-detached houses. The front range of the pair has a gabled roof running parallel to the road. The rear roof plane continues beyond the main eaves line creating a slightly shallower pitched roof over a rear outshoot. Beyond the outshoot both houses have single-storey flat-roofed additions. No 125 has been extended by increasing the width of the outshoot and the addition of a first-floor rear dormer window. I saw that other nearby houses to the south had been extended at the rear with gabled projections at first floor level.

5. In common with the extension at No 125 the proposal would increase the width of the outshoot. The rear wall of the first-floor extension would rise from rear of the outshoot and the extension would span the full width of No 123. The dormer and first floor elements of the proposal would be seen in narrow views from the street; however the dormer would be only partly in view and the flank wall of the pitched roof projection would not appear out of place. The ground floor elements would be more clearly seen but taking account of their set back from the front wall of the house they would have a limited effect on the street scene.
6. The rear-facing gable would have an uncomfortable relationship with the dormer at No 125; however it would not be excessively bulky in relation to the existing house and its form would reflect similar rear projections nearby. The first-floor dormer at the rear of No 125 already disrupts the symmetry of the semi-detached pair and I consider that in isolation this part of the proposal would not unacceptably detract from the rear of the buildings.
7. The proposed dormer at second floor level would be inset from both sides of the roof plane and elements of the roof plane would be retained. However in combination the dormer and the rear gable would dominate the rear roof plane. The proposal would result in three different roof forms within the rear elevation of the dwelling and these when read with the lower level dormer at No 125 would result in a confusion forms that would further detract from the character of the pair.
8. The rear of the dwelling is not in view to the wider public; however it would be seen from the rear gardens of surrounding dwellings. The dormer in combination with the first-floor extension would dominate the roof form and would detract from the character and appearance of the house and the area at the rear of the appeal property and nearby dwellings. The proposal would conflict with policies ENV1, ENV5 and ENV6 of the *East Herts Local Plan Second Review April 2007*.

Conclusion

9. I have noted the similarities between the proposal and the rear extension at No 129; however that proposal does not include a dormer window. The combination of the rear gable and the dormer would dominate the rear roof plane and I conclude that the proposal would be unacceptably harmful to the character and appearance of the dwelling and the area.
10. Taking account of all matters I conclude that the appeal should not succeed.

Clive Tokley

INSPECTOR



Appeal Decision

Site visit made on 8 May 2018

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal Ref: APP/J1915/D/18/3195347

57 High Street, Puckeridge, Ware, Hertfordshire SG11 1RX.

- 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 D Gaine against the decision of East Hertfordshire District Council.
 - The application ref 3/17/2630/HH, dated 8 November 2017, was refused by notice dated 9 January 2018.
 - The development proposed is a first floor rear dormer style extension, part raising of existing rear flat roof, replacement of side window with door and replacement of rear double doors with bi-fold doors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council raises no objection to the raising of part of the roof of the flat-roofed rear extension or the replacement of doors and windows. I have no reason to take a different view. The main issue is whether the dormer style extension would preserve or enhance the character or appearance of the Puckeridge Conservation Area (the CA).

Reasons

Character and appearance

3. The CA takes a linear form and includes the frontage development on each side of High Street (part of the Roman Ermine Street). To the north of the appeal property the central part of the CA is fronted on both sides by a high proportion of statutorily listed buildings. The *Puckeridge Conservation Area Appraisal and Management Plan 2013* (the CA appraisal) indicates that the section of the CA to the south of Tollsworth Way is of lesser quality. I saw that many of the houses on both sides of this part of High Street had been the subject of unsympathetic extensions and alterations and the CA appraisal indicates that these have eroded the character of a number of buildings in this section. Nevertheless the frontages contribute to the character of the CA and when approaching from the south form a precursor for the concentration of listed buildings to the north.
4. No 57 High Street is the first substantial building on the east side of High Street to the south of Tollsworth Way. The undeveloped space to the north of

- the house results in its flank wall being prominently in view from the north where it can be seen from the Tollsworth Way junction and beyond. When approaching the house from the north the eccentrically pitched roof with the slightly steeper lean-to section at the rear can be clearly seen. Part of the north-facing cheek of the rear dormer is visible but this is set back from the roof verge and its full bulk is not revealed.
5. The proposal would result in the north wall of the dormer rising directly from the flank wall of the house. I have noted that as compared with the elevation drawing (where the roof of the dormer is significantly above the level of the original eaves) the "proposed street view" submitted by the appellant does not accurately indicate its height and therefore underestimates its visual impact when seen from the north. I have based my judgement on the submitted drawings.
 6. The appellant indicates that the existing roof line would be maintained by a narrow verge which would show the change in pitch; however, when seen from the road, the verge would not disguise the full bulk of the rear dormer. It is further indicated that the roofline of the dwelling would be enhanced by cladding the rear dormer in black weather-boarding. The use of this contrasting material would differentiate between the flank wall of the house and the dormer; however it would draw attention to the bulk of the dormer. I consider that as a result of its bulk the proposal would materially detract from the character and appearance of the dwelling.
 7. In this prominent location it would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with Policy BH5 of the *East Herts Local Plan Second Review 2007* (the LP) which concerns extensions to unlisted buildings in conservation areas and it would also conflict with the general design policies of the LP (ENV1, ENV5 and ENV6).
 8. The appellant draws attention to the existing dormer at the rear of the dwelling which continues across the roof of the attached dwelling. At my site visit I also saw the two-storey flat roofed rear projections of the houses to the south. However neither the existing dormer nor those projections are prominent when seen from High Street.
 9. The proposal would add an incongruous and bulky form to the street scene of the CA which would materially detract from its character and appearance. The harm to the significance of the heritage asset would be "less than substantial" as indicated in the Framework; however I have not identified any public benefit that would outweigh that harm.

Conclusion

10. Taking account of all matters I have concluded that the proposal would neither preserve nor enhance the character or appearance of the Puckeridge Conservation Area. The harm to the significance of the heritage asset would be less than substantial but there is no public benefit sufficient to outweigh that harm and I conclude that the appeal should not succeed.

Clive Tokley

INSPECTOR

Appeal Decision

Site visit made on 3 April 2018

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 May 2018

Appeal Ref: APP/J1915/D/18/3194377

136 South Street, Bishop's Stortford, CM23 3BQ

- 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 B & D Pinder against the decision of the East Hertfordshire District Council.
 - The application Ref: 3/17/2676/HH, dated 15 November 2017, was refused by notice dated 12 January 2018.
 - The development proposed is raising of roof to create second floor including 6 No. Velux roof lights. Two storey side extension and second floor extension and creation of off-street parking spaces to front of property and integral garage (re-submission of planning refusal 3/16/1414/HH).
-

Decision

1. The appeal is allowed, and planning permission is granted for raising of roof to create second floor including 6 No. Velux roof lights. Two storey side extension and second floor extension and creation of off-street parking spaces to front of property and integral garage at 136 South Street, Bishop's Stortford, CM23 3BQ subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 12687-S001 Existing plans and elevations and 12687-P002-A Plans and elevations as proposed.
 4. Before development commences, notwithstanding the details shown on plan ref: 12687-P002-A, a drawing to show details of the vehicular access not exceeding a width of 5.4 m, pedestrian visibility splays, car parking spaces and frontage boundary treatment, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
 5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient

means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

6. If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, Tel No. 0300 060 3900.

Main Issues

2. The main issues are:

- the effect of the proposal on the character and appearance of the building and the Bishop's Stortford Conservation Area, and
- the effect on highway safety.

Reasons

Effect on character and appearance

3. No.136 South Street is a two-storey detached 3-bedroom dwelling. The proposal would result in a 5-bedroom dwelling with a garage at lower ground floor level and a second floor, created by raising the roof height. The Council considers that the loss of amenity space at the front of the building, provision of parking spaces, side extension and raising the roof would result in a conspicuous development that would appear cramped within its plot.
4. The Bishop's Stortford Conservation Area includes the town centre and an extensive area of buildings and open spaces. The appeal site is one of the dwellings at the western side of South Street that is included in the designated area. To the south of the appeal building there is a pair of two storey dwellings and a detached two storey dwelling, all built in red-brown brickwork. The existing dwelling at the appeal site is slightly taller than these neighbouring dwellings. It also contrasts in appearance, being built in pale yellow brickwork. There is a noticeable gap to the north between the appeal dwelling and a high modern office block that has vehicular access to under-storey parking at ground floor level. Beyond the office block several flats, 3 to 3½ storeys in height are under construction, with brick and pale painted render facades. Other development in the vicinity varies in design, form and use, including a car repair garage and a public house. The Council considers that there would be no harm to the amenity of neighbours at Nos. 138 and 146 South Street from the proposal. I see no reason to disagree, taking into account the development proposed and position of these neighbouring dwellings.
5. Although potential amenity space would be lost at the front of the appeal building, there would be sufficient garden space retained at the rear of the property. Moreover, the adjacent office building has frontage parking. The flats that are nearing completion are also located relatively close to the footway. The roof height would be raised by around 0.8 m and would be slightly lower than the mansard roof of the adjacent offices. The dwelling would be significantly increased in width because of the side extension. However, there would be around 1 metre separation distance from the flank wall of the offices.

6. The appeal dwelling already differs in character and appearance from the adjacent dwellings and office building. I consider that the proposals would create a dwelling that would be in scale with the more recent development to the north. It would not be unduly prominent and would preserve the character and appearance of the Conservation Area in accordance with Local Plan policy BH5. The proposed development would not conflict with saved policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review which seek to ensure high standards of design and, amongst other things, that house extensions complement the original building and its setting. It would also fail to conflict with the objective of good design in the National Planning Policy Framework.

Effect on highway safety

7. The Highway Authority did not object to the proposal, but suggested conditions to require that the access would not exceed 5.4 m in width and to ensure that mud would not be deposited on the road during construction operations. I am satisfied that these matters may be covered through appropriate conditions.

Conditions

8. In addition to the standard condition for commencement of development I have included a condition to confirm the approved plans. Notwithstanding these plans, a condition is added to require a scheme for revised details of parking and access arrangements. A further condition seeks to ensure that mud and debris is not deposited on South Street, in the interests of highway safety. A condition is imposed to ensure that the external materials used in the development complement those of the existing building. The final condition concerns the measures to be taken if any evidence of bats is found during demolition work.

Conclusion

9. The proposal would create additional accommodation in a sustainable location, whilst preserving the character and appearance of the Bishop's Stortford Conservation Area. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 8 May 2018

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal Ref: APP/J1915/D/18/3196162

63a Queens Road, Hertford, SG13 8BB.

- 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 Raymond Brown against the decision of East Hertfordshire District Council.
 - The application ref 3/17/2705/HH, dated 20 November 2017, was refused by notice dated 18 January 2018.
 - The development proposed is a second floor roof extension housing a bedroom and bathroom.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of Hertford Conservation Area (the CA).

Reasons

3. The extensive conservation area includes a substantial part of the town of Hertford. The *Hertford Conservation Area Appraisal and Management Plan 2017* (the CA appraisal) defines 6 Identity Areas within the CA. The appeal property lies within Area 4 (the south east quadrant) which is predominantly residential in character. As it rises from the town centre Queens Road is fronted by a number of buildings of local architectural interest. No 63a lies further to the south within a frontage of undistinguished mid C20 houses. Most of the houses in the vicinity have conventional hipped or gabled roofs. However No 63a has an unusual roof design with a vertical break between the front and (lower) rear roof planes. An unusual roof is also found on a house to the north which appears to be of a similar date to the appeal dwelling and has a shallow pitched front roof plane over most of the house with an almost vertical plane at the rear.
4. These two houses contrast with their neighbours but they illustrate the evolution of the houses in the street. Further, the roof design of No 63a reflects the split-level design of the house which in turn responds to the underlying land form which slopes down steeply from west to east. The front and side walls of the house are mainly face brickwork whereas the houses on each side are finished in white render.

5. The reduced level of the house in combination with a road side fence and vegetation limit the extent to which the house can be seen from the road. The extended and modernised ground floor is not readily visible; however the roof profile is seen in narrow views when approaching from the north and more widely from the south and opposite the house.
6. The upper level flat roofed form of the proposal would not reflect the design of the existing house or others nearby. The house has a small contrasting rendered panel beneath one of the front windows and the rear wall is mainly render and in my view these are appropriate to the house. However the proposed large rectangular area of render on the flank wall does not relate to overall design of the dwelling. The contrasting material and deep eaves board would draw attention to the bulk of the proposal and the incongruous appearance of the high level flat-roof when seen from the street. The bulk of the addition would also be seen from neighbouring gardens which slope down to the rear. When viewed up the hill from these gardens the rear of the extension would be a tall and dominant structure that would detract from the character and appearance at the rear of the houses.
7. The areas at both the front and rear of the dwelling are within the CA and whilst, as regards its buildings, this part of the CA is not of the highest quality its townscape and character contribute to the CA as a whole. I consider that the proposal would detract from the character and appearance of the dwelling and its immediate surroundings and that it would therefore fail at least to preserve the character and appearance of the CA. The proposal would conflict with Policy BH5 of the *East Herts Local Plan Second Review 2007* (the LP) which concerns extensions to unlisted buildings in conservation areas and it would also conflict with the general design policies of the LP (ENV1, ENV5 and ENV6).
8. In the terms of Part 12 of the framework the harm to the heritage asset would be less than substantial. However I have not identified any public benefit to outweigh that harm.

Conclusion

9. Taking account of all matters I have concluded that the proposal would neither preserve nor enhance the character or appearance of the Hertford Conservation Area. The harm to the significance of the heritage asset would be less than substantial but there is no public benefit sufficient to outweigh that harm and I conclude that the appeal should not succeed.

Clive Tokley

INSPECTOR