



# Appeal Decision

Site visit made on 1 May 2018

by **R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> June 2018

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**Appeal Ref: APP/J1915/W/17/3189542**

**The Cock, Ginns Road, Stocking Pelham SG9 0HZ**

- 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 Winchmore Developments Limited against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/1659/FUL, dated 21 July 2016, was refused by notice dated 6 October 2017.
  - The development proposed is described as change of use from a vacant public house (A4) to a 5 bedroom residential dwelling (C3)
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. I note the Council's reference to Policy CFLR8 of the emerging development plan<sup>1</sup>. However I have limited information regarding the current status of this plan and the level of any unresolved objection therefore I can afford it only limited weight.

## Application for costs

3. An application for costs was made by Winchmore Properties Limited against East Hertfordshire District Council. This application is the subject of a separate decision.

## Main Issues

4. The main issue is the current and future potential of the appeal site as a community facility and the effect of its loss.

## Reasons

### *Community facility*

5. The appeal site was previously occupied by a public house that burnt down in 2008. Planning permission was granted in 2012 for the erection of a public house and 2 dwellings on and adjacent to the appeal site. The Planning Officer's report describes the 2 dwellings as enabling development to assist with the re-opening of the public house. The planning permission was subject to a Section 106 agreement. This prevented more than 1 dwelling being occupied until the public house had been constructed and put into a state capable of being granted a premises licence. It also required it to be put into

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<sup>1</sup> The East Herts District Plan Pre-submission Consultation 2016.

- an operational state not less than 12 months after the date of the occupation of first dwelling on the site.
6. At the time of my site visit the public house had been constructed in shell form with minimal internal fittings. Whilst the public house has not yet been used, it is clearly capable of such use. I noted that the unfinished nature of the internal areas appeared to offer great flexibility for any future use. Consequently, I consider that in its current form, the appeal site could offer the potential for use as a number of different community facilities. The change of use to a dwelling would therefore deprive the local community of the potential for such a facility.
  7. Based on the content of the significant amount of representations from interested parties, the previous public house on the appeal site appeared to have been much used and valued. Interested parties describe its use as being linked to sporting and social activities thereby providing a significant community facility. The lack of this facility in the past 10 or so years is identified as being detrimental to the community. It seems clear to me from this evidence that it was this public house in particular that was important and other public houses in the area have not fulfilled the same role since its closure. It appears that the fire, rather than any issues of viability, was the cause of its closure.
  8. Representations from interested parties' also state significant value would be placed on a new public house. As well as representations from residents of Stocking Pelham I note the support from Berden Parish Council and local businesses. In the absence of any evidence to the contrary I have no reason to question the comments of interested parties regarding the past or future use of the public house.
  9. I consider that the evidence of the use of the last public house on the appeal site together with the wide ranging support for a new public house demonstrates that it has the potential to be an important community facility. Whilst there is insufficient evidence to demonstrate it is essential, I do consider that the appeal proposal would result in the loss of a potentially valued community facility to the residents of Stocking Pelham and the surrounding area.
  10. With any speculative development there is a certain amount of financial risk. The planning system does not indemnify developers from this or guarantee a profit. A letter from an estate agent marketing the appeal sites states that an offer of £550,000 was made for it. Interested parties state 2 lower offers have also been made. Stocking Pelham Parish Council state they are in the process of nominating the appeal site as an ACV<sup>2</sup> and applying for funding to purchase it. Based on the Council's and interested parties evidence of asking and sale prices for other public houses in the area I consider that the highest offer is a reasonable reflection of the current market value. This is particularly the case when considering that a purchaser would incur significant internal fit-out costs before being able to trade. I recognise that the offer of £550,000 may not meet the seller's expectations. However this does not in itself mean that the public house is redundant or financially viable.

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<sup>2</sup> Asset of Community Value.

11. I note the appellant's evidence regarding the viability of a public house on the appeal site. However, I also note the Council's positive assessment of viability together with three offers to purchase being made and a level of interest from the Parish Council. These indicate to me that there is a reasonable likelihood and level of confidence that a public house could be a viable business. In particular, there is no evidence to suggest that competition from public houses in the surrounding area would be detrimental to trading.
12. Even if I were to accept that a public house was not a viable use for the appeal site, Policies STC8 and LRC11 of the Local Plan require an assessment of the likelihood of another like use being found and the demand for an alternative viable community facility. Based on the size and layout of the appeal building, I consider that it could be suitable for a number of uses. The appellant questions the form an alternative viable community facility in this location could take based on the population of the area. However, I am provided with no detailed assessment of the likelihood of alternative uses and am therefore not convinced that none would be unviable.
13. In light of the above I conclude that the appeal proposal would conflict with Policies ST8 and LRC11 of the Local Plan. These seek to protect local services and community facilities unless their loss is justified. It would also conflict with the Framework<sup>3</sup> insofar as it relates to guarding against the unnecessary loss of valued facilities.

#### *Other matters*

14. I note the general suitability of the appeal site's location for residential development, the suitability of the public house for conversion to a dwelling and the absence of any other adverse impacts. However, these matters do not outweigh the harm arising from the loss of a potential community facility.
15. I also note an interested party's support for the appeal proposal on the basis of contribution to housing provision, improvements to the appearance of the site and reduced traffic generation compared to a public house. However this does not outweigh the harm I have identified above either.

#### **Conclusion**

16. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR

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<sup>3</sup> The National Planning Policy Framework.



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## Costs Decision

Site visit made on 1 May 2018

**by R A Exton Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> June 2018**

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### **Costs application in relation to Appeal Ref: APP/J1915/W/17/3189542 The Cock, Ginns Road, Stocking Pelham SG9 0HZ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Winchmore Developments Limited for a [partial] [full] award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for change of use from a vacant public house (A4) to a 5 bedroom residential dwelling (C3).
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### **Decision**

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

### **Reasons**

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 031 of the PPG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process or substantive, relating to the issues arising from the merits of the appeal.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should be permitted, failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposals impact which are unsupported by any objective analysis and refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in the appeal being avoided altogether.
4. The appellant considers that the Council took an unreasonable amount of time to determine an application that was in accordance with the development plan and should have been approved. Costs were incurred by the building remaining on site in an incomplete manner, the removal of gypsy caravans and the appointment of a planning consultant to prepare appeal and costs submissions.
5. The process for an award of costs relates to the appeals rather than the planning application process. The length of time the Council took to determine the planning application does not therefore represent unreasonable behaviour as part of the appeals process.

6. I have found that the loss of the Public House would be harmful. Furthermore, I have found that there is insufficient evidence to demonstrate that alternative like uses for the appeal site would not be viable. As a result, the appeal proposal would conflict with the policies of the development plan referred to by the Council. The Council's reasons for refusal are therefore not flawed and it has not acted unreasonably in applying them.

**Conclusion**

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Richard Exton*

INSPECTOR



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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 for Communities and Local Government

Decision date: 13<sup>th</sup> June 2018.

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**Appeal Ref: APP/J1915/W/17/3186663**

**Land at Old Station Road, Millers View, Much Hadham, SG10 6BN**

- 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 Alex Purves against the decision of East Hertfordshire District Council.
  - The application Ref 3/16/2321/FUL, dated 12 October 2016, was refused by notice dated 11 April 2017.
  - The development proposed is erection of eight dwellings (four semi-detached and four detached) with associated access road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council has referred to policies from its Emerging Local Plan. The plan remains one that has not been examined and found sound. For this reason I am unable to accord any significant weight to its policies.

### Main Issues

3. The main issues are (a) the effect of the provision of eight dwellings on the character and appearance of the area and (b) whether the scheme would make appropriate provision for affordable housing.

### Reasons

#### *Character and appearance*

4. The appeal site is a roughly rectangular piece of land that tapers to the north and west. To the north there are dwellings within Windmill Way. To the east dwellings have been constructed outside of the built up area boundary to form Millers View. To the west the landscape opens out into the countryside.
5. There is no dispute that the site is located in the countryside for the purpose of the application of planning policy. The scheme would be for 8 dwellings that would front a new access road. This would extend from Millers View and continue the built frontage. However, by contrast to the scheme before it and the existing dwellings in Windmill Way the layout of the appeal scheme would create built form that would protrude substantially further to the north and west. This existing area marks a change from the main built up area of Much Hadham to an open and spacious countryside location beyond. The appeal site adds to this open and spacious character in its undeveloped state. The addition

of further dwellings would increase the amount of built development intruding further into the countryside in an ad hoc manner on the edge of the settlement.

6. I appreciate that the dwellings could be designed to reflect the layout and appearance of surrounding properties. I also understand that that site may have formed part of the Much Hadham railway in the past. Nevertheless, the plans demonstrate that the new dwellings would be substantial in footprint. I understand that they would be low density, have space around them, use the site levels and that the submitted visual impact assessment shows over longer distance views would mainly be glimpsed. However, there would still be some views of the scheme from some footpath locations and nearby roads, in particular of the roof scape protruding above the trees. Therefore, the addition of dwellings would add to built development in the locality that would erode the character of the edge of settlement location. This could not be mitigated through the use of conditions.
7. The policies of the adopted local plan seek to protect the landscape character of the countryside and for new development to be compatible with the structure and layout of the surrounding area. The appellant has referred to emerging policy VILL1 allows for development within the identified villages subject to allocation within a Neighbourhood Plan and there being no impact on the openness of the countryside. I therefore conclude that the proposal would harm the character and appearance of the area and be in clear conflict with the development plan policies ENV1, ENV2 and GBC14 as well as emerging policies VILL1, DES1 and DES2.

#### *Provision of affordable housing*

8. Policy HSG3 of the East Herts Local Plan seeks affordable housing on sites that propose 3 or more dwellings in Category 1 and 2 Villages. Much Hadham is a Category 1 village and the appeal site is located outside of the village boundary. The Council's emerging policy seeks up to 35% affordable housing on sites proposing 10 or fewer gross additional dwellings and where the dwellings would have a combined gross floor space greater than 1000 square metres.
9. The Written Ministerial Statement (WMS) and changes to the Planning Practice Guidance (PPG) are government planning policy. They set out that contributions for affordable housing should not be sought from developments of ten units or less and which have a maximum combined gross floor space of no more than 1000 sq m (gross internal area). The appeal scheme would provide 8 dwellings and the grounds of appeal<sup>1</sup> indicate that the floor space would be below 1000 sq m. The WMS establishes clearly that the government does not want contributions to be sought in cases such as this.
10. The Council indicate that it considers that the appeal site should be considered with the adjacent site, which is already built out, and should therefore make provision for affordable housing. The appellant points out that the two sites are in separate ownership and would not be a 'phased' scheme that would justify provision of affordable housing across both sites. I have no substantive evidence that would support the Council's position that this site has been

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<sup>1</sup> Paragraph 6.28

divided from a larger site or is phased. As such I do not consider that it would be reasonable to consider the two together in this case.

11. Paragraph 2 of the National Planning Policy Framework (the Framework) reiterates that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan would require affordable housing but the emerging policy would not. National policy in the PPG and WMS would also weigh in favour of this position.
12. One of the tests set out in CIL Regulation 122 is that an obligation is necessary to make the development acceptable in planning terms. Therefore to be acceptable in planning terms the application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the WMS is a significant material consideration that supports the emerging development plan policy position and the proposal falls below the thresholds in the WMS indicating that an affordable housing contribution should not be sought. Therefore, the absence of a contribution for affordable housing does not count against the scheme.

### **Conclusion**

13. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case I have found that the absence of affordable housing does not weigh against the scheme. In addition I appreciate that the proposal would provide 8 dwellings. The appellant has submitted that, whilst acknowledging the Council does have a five year supply, that the scheme would represent an appropriate windfall scheme. However, in this case there are adverse impacts of granting permission and conflict with the policies of the development plan. The Framework is a material consideration. However, in the circumstances of this appeal the other material considerations taken together do not justify making a decision other than in accordance with the development plan.
14. For the reasons given and having regard to all other matters raised the appeal is dismissed.

*D J Board*

INSPECTOR





# The Planning Inspectorate

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Development Control  
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Development Control  
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Pegs Lane  
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SG13 8EQ

Your Ref: 3/17/0777/FUL  
Our Ref: APP/J1915/W/17/3190493

04 June 2018

Dear Development Control,

**Town and Country Planning Act 1990**  
**Appeal by Mr Larry Tucker**  
**Site Address: Nos 1 and 3 Kingsmead Road, BISHOP'S STORTFORD, Herts, CM23 2AG**

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Pauline Dun***

Pauline Dun

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

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## Appeal Decision

Site visit made on 22 May 2018

by **G P Jones BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2018

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**Appeal Ref: APP/J1915/W/17/3190493**

**1 Kingsmead Road, Bishops Stortford, Hertfordshire CM23 2AG**

- 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 Young, CAMM Architects against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/0777/FUL, dated 27 March 2017, was refused by notice dated 2 June 2017.
  - The development proposed is described as 'Demolition of no's 1 and 3 Kingsmead Road, Bishops Stortford, the construction of 4 no 3 storey houses, with parking and landscaping'.
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### Decision

1. The appeal is dismissed.
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### Procedural matters

2. In the banner heading I have used the appellant's details, site address and description of development as provided on the planning application form.

### Main Issues

3. The main issues are as follows:
  - The effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, having particular regard to no. 1a Kingsmead Road.

### Reasons

#### *Character and appearance*

4. Kingsmead Road is a residential street and the rhythm of dwellings on this side of the road consists of detached properties that lie within reasonably spacious plots. Generally the flank elevations of these dwellings are set away from their side boundaries resulting in gaps between dwellings that form a characteristic feature of the street scene. However, there are some examples of properties that occupy most of the width of their respective plots, for example no. 5 Kingsmead Road, but part of its frontage is only single storey and this helps to break up the overall massing of the building.
5. The proposed dwellings would occupy almost the entire width of their respective plots at a height of two storeys, and the rear elevations would

appear more as three storeys. The proposed two pairs of semi-detached dwellings would be of a significantly greater scale, mass and overall height than the existing two detached dwellings that they would replace and which are of much more modest proportions. In this regard the proposal would be out of keeping with the character and appearance of the street scene in Kingsmead Road.

6. Although the ridgeline of the proposed dwellings would be of broadly the same height as that of the adjacent dwelling of no. 5 Kingsmead Road, the overall bulk of the roof of no. 5 is significantly less than the proposed dwellings. In addition the proposed roofs would have a somewhat contrived design, being hipped at the front, pitched at the rear and with rooflights incorporated. The proposal would generally be out of keeping with the more simple style of roofs in the locality. However, I note that there are exceptions to this such as the rather complex roof form of no 10 and the rooflights on the pitched roof of no 6a, both of which lie on the opposite side of Kingsmead Road. Therefore the appearance of the roof form for the proposal is a matter to which I attach limited weight.
7. Also, the appellant has cited other properties within the locality that have flat roofs, including 11 Kingsmead Rd, 11 Dane O Coys Road and 100 Rye St. Inevitably the overall design and scale of these dwellings and their context within the street scene would differ from the proposal that is before me and therefore I afford little weight to these other properties.
8. The proposed front elevations would have a significant array of fenestration including a run of glazing that would extend upwards for almost the entire two floors of the front elevations. This would contrast unfavourably with the restrained and more traditional array of fenestration on the other properties within Kingsmead Road.
9. Overall it is my view that the proposal would give rise to two pairs of dwellings that by virtue of their scale, massing and design would appear dominantly bulky and incongruous within the street scene. The proposal would therefore have a detrimental effect on the character and appearance of the area and would thus be contrary to saved Policies ENV1 and HSG7 of the East Herts Local Plan Second Review 2007 (LP) and Policies HDP1 and HDP2 of the Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Wards 2014-2031 (NP), and the National Planning Policy Framework (the Framework). Taken together these policies and guidance seek to ensure that development is of a high standard of design that relates well to its location and surroundings, including the massing of adjacent buildings, and does not appear obtrusive.

#### *Living conditions*

10. The flank elevation for plot no. 1 would be closer to the common side boundary with no. 1a than is the case for the existing dwelling, which is also of a considerably smaller scale. However, the rear part of plot 1 would be stepped away from the rear elevation of no. 1a Kingsmead Road such that a '45 degree' line to the rear window of no. 1a would be respected.
11. Notwithstanding this, the main flank elevation of the plot 1 dwelling would extend beyond the rear elevation of no. 1a and the stepped back element of the rear projection would extend significantly further. This would give rise to a

flank wall for part of the rear projection that would be almost up to the height of the ridgeline. I note that the appellant has submitted a sketch plan and the Council has commented that it may be sufficient to overcome its objections to the proposal in regard to the impact on living conditions of the occupiers of no. 1a. However, as this is not a formal, properly-scaled and drawn plan and it has not been formally accepted by the Council it does not form part of the proposal that is before me.

12. The proposal would give rise to a larger building in closer proximity to the common side boundary with no. 1a. The rear garden area for no. 1a is reasonably wide but not very long. Taking this into account, I consider that the proposed plot 1 would have a significant overbearing impact on the occupiers of no. 1a. As such I consider that the proposal would not accord with saved Policy ENV1 of the LP and Policy HDP1 of the NP. Taken together these policies seek to ensure that development proposals respect and do not compromise to an unacceptable level the amenity of the occupiers of neighbouring buildings. The Council has also cited saved LP Policies ENV5 and ENV6, but as these relate to extensions they are not directly applicable.

### **Planning balance and conclusion**

13. Paragraph 47 of the Framework seeks to boost the supply of housing and paragraph 49 of the Framework presumes in favour of sustainable development. The proposal would have the benefit of increasing the supply of housing, albeit by a modest amount and it would entail the demolition of no. 1 that has a somewhat rundown appearance. The new dwellings would be in an accessible location. In addition, there would also be some short-term economic benefits arising from the construction operations.
14. However, the proposal would have a significant detrimental effect on the character and appearance of the area and on the living conditions enjoyed by the occupiers of no. 1a. These are considerations to which I accord a considerable degree of weight. I consider that the harms that I have identified would clearly outweigh the limited benefits of the proposal. The proposal would therefore not represent a sustainable form of development for which the Framework presumes in favour.
15. For the reasons set out above, and having regard to all other matters raised including other relevant development plan policies, I conclude that the appeal should be dismissed.

*GP Jones*

INSPECTOR



## Appeal Decisions

Hearing Held on 12 June 2018

Site visit made on 12 June 2018

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 15<sup>th</sup> June 2018**

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### **Appeal A Ref: APP/J1915/Y/17/3181799**

#### **1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Corrigan against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1105/LBC, dated 10 May 2017, was refused by notice dated 4 July 2017.
  - The works proposed are first floor rear extension.
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### **Appeal B Ref: APP/J1915/D/17/3181797**

#### **1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX**

- 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 Corrigan against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1104/HH, dated 10 May 2017, was refused by notice dated 4 July 2017.
  - The development proposed is first floor rear extension.
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### **Decisions**

1. Appeal A is allowed and listed building consent is granted for a first floor rear extension at 1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX in accordance with the terms of the application Ref 3/17/1105/LBC dated 10 May 2017 subject to the conditions set out in Appendix A.
2. Appeal B is allowed and planning permission is granted for first a floor rear extension at 1 Bromley Cottages, Bromley Lane, Standon, SG11 1NX in accordance with the terms of the application, Ref 3/17/1104/HH, dated 10 May 2017, subject to the conditions set out in Appendix B.

### **Procedural Matters**

3. The Council chose not to submit a Hearing Statement. Its evidence did not extend to any detailed analysis of the significance of the heritage asset, whether or why the proposal resulted in harm to any such identified significance, the degree of any harm arising, or indeed any indication that it had discharged its duties under Sections 16(2) and 66(1) of the *Planning (Listed buildings and conservation areas) Act 1990*, as amended (PLBCA).

4. It is not for me to speculate what the outcome would have been had any applications for costs been made. The Council's withdrawal of the harm to setting of the listed building issue at the Hearing, and various other re-evaluations of its position in light of heritage reports available since August 2017, border on the unreasonable. This is especially so given that the Council could have addressed this some time before the Hearing.
5. I have chosen not to exercise the power to initiate an award of costs in this instance. But it would be beneficial to all parties if, in future similar situations, the Council kept a running review of any appeals so that if elements are to be conceded this can be done earlier rather than later. This assists in the administration of an efficient appeals process. I have nonetheless considered the proposals on their planning merits.

### **Background and Main Issue**

6. Both appeals relate to the same proposal; albeit Appeal A relates to listed building consent, whereas Appeal B relates to planning permission. These are associated statutory regimes and given the similarities in the issues between the parties I deal with both appeals in this single decision letter.
7. The main issue is whether the proposed development would preserve the special architectural or historical features of the Grade II listed building.

### **Reasons**

8. The appeal building is a semi-detached, Grade II listed building located within a rural area of Hertfordshire. The main parties broadly agree that the building has been much altered with a 1970s two storey side extension located on its southern side and a (probably) 20<sup>th</sup> Century lean-to single storey rear extension. The historic heart of the building revolves primarily around the area identified as 'snug' on the submitted drawings and the nearby fireplaces.
9. The Council point to the likely original single-room depth of the building. However, it is clear that the ground floor has benefited from a two-room depth for some time; with historic tithe and OS Maps (within the Appellant's Heritage Statement) suggesting some built form in this location. It is primarily the architectural features and retained internal historic fabric centred on the snug area of the building that the significance of the listed building derives.
10. The proposal seeks the erection of a first floor rear extension, located above the single storey lean-to element of the building. It also seeks the insertion of French doors into the existing southern elevation, within the 1970s extension. Neither of these would detract from the features of architectural or historical interest the listed building possesses. Indeed, the snug area of the building would remain unaltered.
11. In terms of the proposed fenestrations, the Council was concerned with the height of the proposed windows serving the existing kitchen area. Currently, smaller windows sit under the lean-to eaves height. The Council would prefer that their size were retained; even if relocated. However, the windows proposed are not atypical for a residential property or the room they would serve. Similarly, in terms of the French doors, these would be located within a modern 1970s two storey extension and would be of a style sensitive to the overall form of the building. As such, I consider the proposed kitchen and utility room windows and the French doors to be acceptable.

12. With regard to the single room depth of the building being lost at first floor level, the proposed extension would have both eaves and ridge heights set below those of the primary roof. Added to this, the rear elevation would have three hipped roof elements, which would aid in reducing the visual prominence of this extension. As such, the first floor extension would appear as a subservient addition to the listed building. Accordingly, there would be no harm to the significance of the listed building, or its general character or appearance.
13. I therefore conclude that the proposal would accord with the statutory duties set out in Sections 16(2) and 66(1) of the PLBCA by preserving its features of historical and historical interest. It would also accord with Policies ENV1, ENV5 and ENV6 of the *East Herts Local Plan Second Review 2007*, which, amongst other aims, seek to ensure that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout and to reflect local distinctiveness.
14. The Council have directed me to emerging Policy GBR2 of the consultation draft *East Herts District Plan 2016*. This deals with the rural area beyond the Green Belt. It indicates that the size and form of extensions should be appropriate to the character and appearance of the existing building. Given my findings above, I conclude that the proposal would also accord with this emerging policy.
15. It would also accord with the Policies of the *National Planning Policy Framework* (the Framework), which include that planning should always conserve heritage assets in a manner appropriate to their significance.

### **Conditions**

16. Various conditions have been suggested by the Council. I have had regard to these in light of Paragraph 206 of the Framework and the national Planning Practice Guidance and the use of planning conditions. In terms of both appeals, conditions relating to time limits and the proposal being completed in accordance with the submitted drawings are necessary for the avoidance of doubt and to provide certainty. A condition requiring external material samples being submitted and approved is necessary in order to protect the external appearance of the listed building.
17. With specific regard to the listed building appeal; conditions requiring the details of the doors and window, that the timber frame structure is not altered, that black cast iron rain water goods are used, and that any 'making good' work is agreed with the Council and within six months, are necessary and reasonable in order to preserve the special architectural and historic features of the listed building.

### **Conclusion**

18. For the reasons given above, I conclude that both appeals should be allowed without delay.

*Cullum J A Parker*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Paul Cavill	Planning Consultant
Valerie Scott	Historic Buildings Consultant
Vivien Corrigan	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Antoine Commenville	Planning Officer
Ciaran MacCullagh	Conservation Officer
Mike Slimmon	Planning Support Officer

## **DOCUMENT HANDED AT HEARING**

Extract of draft policy GBR2 of the emerging District Local Plan

## **APPENDIX A – ,LISTED BUILDING CONSENT CONDITIONS**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 12789-S001 and 12789-P001-F.
- 3) Prior to any building works being commenced samples of the external materials of construction for the works hereby permitted shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved materials.
- 4) Notwithstanding the consent hereby granted, none of the timbers forming the structural frame of the building shall be cut, removed or otherwise altered.
- 5) Prior to any works being first commenced, detailed drawings of the new and/or replacement windows; including a section of the glazing bars and frame moulding (if applicable), which it is proposed to install, showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill detail shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 6) Prior to any building works being first commenced, detailed drawings including sections, showing the new and/or replacement doors proposed, together with a detailed description or specification, shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 7) Prior to any building works being first commenced, detailed drawings and specification of the new weatherboarding and render - showing the dimensions and profile and a description of the stain or paint finish to the weatherboarding - shall be submitted to, and approved in writing by the local planning authority. Thereafter it shall be implemented as approved.
- 8) All new or replacement rain water goods shall be in black painted cast iron.
- 9) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within six months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

## **APPENDIX B – PLANNING 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: 12789-S001 and 12789-P001-F.
3. Prior to any building works being commenced, samples of the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the local planning authority and the works shall thereafter be implemented in accordance with the approved materials.



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# Appeal Decision

Site visit made on 17 May 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2018

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**Appeal Ref: APP/J1915/D/18/3197350**

**51 Peel Crescent, Hertford, Hertfordshire, SG14 3EE.**

- 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 Nick and Mrs Brenda Long against the decision of East Hertfordshire District Council.
  - The application ref: 3/17/2947/HH, dated 21 December 2017, was refused by notice dated 16 February 2018.
  - The development proposed is loft conversion and single storey side and rear extensions.
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## Procedural Matter

1. The description of development in the heading above has been taken from the planning application form.
2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

## Decision

3. The appeal is allowed and planning permission is granted for loft conversion and single storey side and rear extensions at 51 Peel Crescent, Hertford, Hertfordshire, SG14 3EE, in accordance with the terms of the application ref: 3/17/2947/HH, dated 21 December 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

*Drawing no.*

1736-EP01 Rev B: Location Plan – scale 1:1250; Existing Block Plan – scale 1:500; Existing Ground Floor Plan, Elevations and Roof Plan – scale 1:100; Proposed Floor Plans, Elevations and Roof Plan – scale 1:100.

## **Main Issue**

4. The main issue in this case is the effect of the proposed roof alterations and rear dormer window upon the character and appearance of the host building and that of the surrounding area.

## **Reasons**

5. The subject property comprises a post-war, semi-detached bungalow located within a mixed residential area of bungalows and houses. There are numerous examples of box dormer windows to bungalows within Peel Crescent itself and in the adjacent streets.
6. The scheme before me would involve removal of the existing wooden garden shed and unattractive sectional garage and the provision of a single storey extension to the rear and side of the property, together with a loft conversion. This would include a rear-facing dormer window and a gable ended main roof, stepping down to the gable ended roof of the side extension.
7. National policy at paragraph 14 of the Framework<sup>1</sup> sets out the presumption in favour of sustainable development, while Chapter 7 (Requiring good design) emphasises the importance the Government attaches to the design of the built environment. Paragraph 58 states, amongst other matters, that planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development, which should respond to local character and reflect the identity of local surroundings and materials.
8. Policy ENV1 of the Local Plan<sup>2</sup> requires development proposals to demonstrate compatibility with the structure and layout of the surrounding area and to complement the grain of local development. Policy ENV6, which relates to extensions to dwellings, sets out a number of criteria including the need for development proposals to complement the original building and its setting. It further states that roof dormers may be acceptable if appropriate to the design and character of the original dwelling and its surroundings. Dormers should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.
9. The wedge-shaped plot would allow for the side and rear extensions to retain adequate space for a pathway to the side. Furthermore, the fact that the neighbouring property at no. 53 is set back behind the building line of no. 51 would create a satisfactory relationship between the two dwellings. This would be further enhanced by the siting of the garage to no. 53 adjacent to the side extension as proposed.
10. Material to my decision in this case is the grant of planning permission for a single storey side and rear extension (ref: 3/17/1879/HH dated 4 October 2017) and the grant of a Lawful Development Certificate for a loft conversion with a gable end roof and roof lights (ref: 3/17/2428/CLP dated 4 December 2017).
11. Given the similarities between the scheme now before me and the combination of these two permissions, it is highly probable that they would be implemented in the event that this appeal is dismissed.

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<sup>1</sup> The National Planning Policy Framework.

<sup>2</sup> The East Herts Local Plan Second Review (adopted April 2007).

12. The main difference between the fall-back position and the current scheme is the slightly larger rear dormer window. I am nevertheless satisfied that the overall size of the dormer would not be in conflict with the intention of Policy ENV6 (e) of the Local Plan.
13. The increased width to the box dormer is more than compensated for by the gable ended main roof being stepped down to the same height as the roof of the proposed side extension. This factor would create a more attractive front elevation similar to that at 47 Peel Crescent, which I noted during my site visit.
14. For all of these reasons I have found upon the main issue that development as proposed and, in particular, the roof alterations and rear dormer window would not be harmful to the character and appearance of the host building or that of the surrounding area, as required by national policy in the Framework and the policies of the Development Plan to which I have referred above.

### **Conditions**

15. I have considered the three conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance issued on 6 March 2014.
16. The materials to be used in the construction of the external surfaces of the development are specified at section 11 of the planning application form and on the approved plans (Drawing no. 1736-EP01 Rev B). They generally match, where appropriate, those used in the existing building and I consider them to be satisfactory. As such, a separate condition in this regard is not required.
17. My reasons for the balance of the conditions are as follows:
18. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2, which requires the development to be carried out in accordance with the approved plans, provides certainty.

### **Conclusion**

19. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR



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## Appeal Decision

Site visit made on 1 May 2018

**by R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> June 2018

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**Appeal Ref: APP/J1915/W/18/3192897**

**Laburnum Cottage, Thorley Street, Thorley, Bishops Stortford,  
Hertfordshire CM23 4AS**

- 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 DE and JB Cayford against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1489/OUT, dated 21 June 2017, was refused by notice dated 14 December 2017.
  - The development proposed is described as demolition of existing garage and outline consent sought for construction of a single detached dwelling.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing garage and construction of a single detached dwelling at Laburnum Cottage, Thorley Street, Thorley, Bishops Stortford, Hertfordshire CM23 4AS in accordance with the terms of the application, Ref 3/17/1489/OUT, dated 21 June 2017, subject to the following conditions:
  - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
  - 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
  - 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
  - 4) The parking and turning areas as approved shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter retained for the life of the development.

### Procedural matters

2. I have amended the description of development in the formal decision above to precisely define the planning permission that is granted.
3. The planning application was submitted in outline form with approval sought for access only. Nevertheless, a plan was submitted showing the siting of a

dwelling. I shall treat this as being indicative and take account of it accordingly.

4. I have very limited information regarding the current status and degree of any unresolved objections to the emerging development plan<sup>1</sup>. Consequently, I can afford it only limited weight insofar as it defers to the Framework for consideration of applications in the Green Belt.

### **Main Issues**

5. The main issues are: i) whether or not the appeal proposal would be inappropriate development in the Green Belt, having regard to the development plan and the Framework<sup>2</sup>; and, ii) the effect of the appeal proposal on the character and appearance of the area.

### **Reasons**

#### *Green Belt*

6. The appeal site lies in the Metropolitan Green Belt where Policy GBC1 of the Local Plan<sup>3</sup> states that the construction of new buildings will be inappropriate unless it is for 1 or more of 7 specified purposes. In this case the relevant purpose is (f) which allows for limited infill development in in Category 2 Villages in accordance with Policy OSV2 (II). However, I agree with my colleague who, in assessing appeal Ref APP/J1915/A/13/2190750, concluded that the Framework is less restrictive than this policy. The fifth bullet point of paragraph 89 of the Framework identifies limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan as development that is not inappropriate. In light of this inconsistency I afford limited weight to Policy GBC1 and have defaulted to the Framework.
7. Thorley Street comprises development lining both sides of the B1383. Whilst mainly frontage, there is also some development extending further back on its western side. Development appears to be mainly residential but also contains a public house and a garage. There is a close relationship between the majority of the development and only one significant gap in development on the eastern side of the B1383.
8. I note the Council's consideration of services and facilities that may represent a village. Whilst some or all of these may be found in some villages, other villages may have none. I consider that even in the absence of some of these services, facilities and a church, the continuous nature and close relationship of development forming Thorley Street means that it can be regarded as a village for the purposes of applying paragraph 89 of the Framework.
9. Laburnum Cottage has a relatively large side garden area currently occupied by a detached garage. A pair of properties provides continuity of development to the north. Rose Cottage and a detached property provide continuity of development to the south. The indicative site layout plan shows that the appeal site could accommodate a dwelling whilst maintaining reasonable separation distances from Laburnum Cottage and the property to the north. In

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<sup>1</sup> The East Herts Draft Plan (2016).

<sup>2</sup> The National Planning Policy Framework.

<sup>3</sup> The East Herts Local Plan Second Review April 2007.

light of this I consider that the appeal proposal would represent limited infilling and would not be inappropriate development within the Green Belt for the purposes of the Framework (paragraph 89). Consequently it is not necessary for me to further consider the effect on openness or whether very special circumstances exist.

*Character and appearance*

10. Within the development lining the B1383 there is a degree of variation in the size and siting of properties. Laburnum Cottage, Rose Cottage and the properties to the immediate north and south form a small cluster of development. There is greater spacing between other properties lining the B1383, some of which are also of a greater size and more spacious setting. I consider that a suitably designed dwelling could be accommodated within this varied context without detriment to the character or appearance of the area.
11. Policy GBC1 does not specifically refer to character and appearance and no other policies have been drawn to my attention in this respect. However, I conclude that the appeal proposal would accord with the Framework insofar as it requires good design.

*Other matters*

12. The application specifically seeks approval of access and the Council has raised no concerns in respect of this matter. I have no reason to disagree with this assessment.

**Conclusion and conditions**

13. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.
14. I have considered the 3 conditions the Council requests are imposed if planning permission is granted. The first 3 are the standard conditions relating to submission of reserved matters. Condition No 4 is necessary in the interests of highway safety although I have amended the wording as some of these details would be dealt with at the reserved matters stage.

*Richard Exton*

INSPECTOR





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## Appeal Decision

Site visit made on 22 May 2018

by **G P Jones BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 June 2018

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**Appeal Ref: APP/J1915/W/17/3190652**

**138 Hertingfordbury Road (Land r/o), Hertford SG14 2AL**

- 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 C Johnson, Willowmead Construction Limited against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2155/FUL, dated 8 September 2017, was refused by notice dated 9 November 2017.
  - The development proposed is described as proposed new detached dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed new detached dwelling at 138 Hertingfordbury Road (Land r/o), Hertford SG14 2AL in accordance with the terms of the application, Ref 3/17/2155/FUL, dated 8 September 2017, and subject to the conditions contained in the attached schedule.

### Main Issues

2. The main issues are as follows:
  - The effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings.

### Reasons

#### *Character and appearance*

3. The development plan comprises the saved policies of the East Herts Local Plan Second Review 2007 (LP). In addition, the East Herts District Plan 2016 (DP) has been submitted for examination. However, due to its emerging status I afford little weight to the DP.
4. The proposed dwelling would be sited towards the far part of the rear garden of the host property of no. 138 Hertingfordbury Road, with access being provided via Valeside. No. 138 has a rear roof dormer and its rear garden comprises terraced plateaus, with there being a significant change in height from the rear elevation of the host property up to where the proposed dwelling would be sited. Whilst the proposed dwelling would occupy a higher position than either nos. 138 or 140, the split level design and hipped roof would help to mitigate its overall scale and bulk.

5. To the east of the appeal site lies a three storey town house development of three dwellings that is in a back land location, and a block of garages lies to the west. The surrounding area contains a reasonable variety of architectural styles and facing materials and a precedent for back land development in the vicinity of the site has already been set. Consequently, the proposed dwelling would not be out of keeping with the existing grain and character of development. Furthermore, it is not in dispute between the parties that the principle of development on this site would be acceptable.
6. There would be some views of the new dwelling from the public realm, mainly through the gap between nos. 138 and 140. However, such views would be at some distance and would be seen within the context of the other dwellings in the area, including the townhouses to the east and the dwellings that lie to the north beyond the rear garden of no. 138.
7. Both parties have referred to a previous appeal decision<sup>1</sup> that was dismissed. The previous proposal was in a slightly different location closer to the rear elevation of no. 138. In addition, it was of a larger scale and massing, with a south-facing elevation of 2.5 storeys and it had a different roof design and fenestration array. I consider that the previous proposal is significantly different to that which is before me and therefore I afford it little weight.
8. Consequently, I consider that the proposal would respect the existing grain of development and would have an acceptable effect on the character and appearance of the area. As such it would accord with saved Policies ENV1 and HSG7 of the LP and the guidance in the National Planning Policy Framework (the Framework). Taken together these policies and guidance seek to ensure that development is of a high standard of design, complements the existing grain of development and reflects local distinctiveness.

#### *Living conditions*

9. Due to its location in the rear part of the garden of no. 138 there would be a reasonable distance between the southern flank of the proposed dwelling and the rear elevation of no.140, and a greater distance to the rear elevation of no. 138. Furthermore, the rear elevation of no. 140 would be at an angle to the southern elevation of the proposal. Mature vegetation lies along the common side boundary of nos. 138 and 140 and the requirement for a landscape scheme could help to bolster this and further mitigate any perception of overlooking or loss of privacy. Also, the proposed dwelling would be accessed via Valeside and thus the daily access and egress of the new occupiers would be conducted well away from the properties of nos. 138 or 140.
10. Therefore whilst there inevitably would be the potential for some increase in overlooking, due to the positioning of the respective dwellings and the distances involved I consider that this would be at an acceptable level. Consequently, I do not consider that the proposed development would give rise to a significant degree of overlooking or loss of privacy for either the occupants of nos. 138 and 140 or for the future occupants of the new dwelling.
11. Due to the topography of the site the proposed dwelling would be stepped into the surrounding ground and the hipped roof would further alleviate the overall scale and massing of the dwelling. No. 140 has a reasonably long rear garden

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<sup>1</sup> Appeal reference APP/J1915/W/16/316330

and the remaining rear garden area for no. 138 would still be of a reasonable size.

12. Despite its elevated position, I consider that by virtue of its design and positioning the proposal would not give rise to an overbearing effect on the occupiers of nos. 138 or 140. Overall it is my view that the proposal would accord with saved Policies ENV1 and HSG7 of the LP and the guidance in the Framework that seek to protect the residential amenity of the occupiers of neighbouring buildings.

### *Conditions*

13. In addition to the standard condition which provides a timescale for the commencement of the development, the Council has recommended a number of planning conditions. I have considered these in the light of the advice contained within the Planning Practice Guidance (PPG). In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG. Pre-commencement conditions are necessary as it is essential for suitable schemes to be submitted and approved before the commencement of development in order to fulfil their purpose.
14. Condition 2 is required to ensure the development is carried out in accordance with the approved plans. In order to ensure the development is appropriate to the character and appearance of the area a condition regarding details or samples of external materials is included. Conditions 4, 5 and 8 are necessary in order to protect the living conditions of the occupiers of nearby properties. Although the PPG advises against restricting permitted development rights I consider that due to the particular circumstances of this case, such a condition is appropriate.
15. A condition regarding the submission of a Construction Traffic Management Plan is required in the interests of highway safety. Condition 6 is necessary so that any contamination that may be encountered would be properly assessed and dealt with. Conditions 9 and 10 are required in order to ensure an appropriate scheme of hard and soft landscaping is provided and maintained in the interests of protecting the character and appearance of the area.

### **Planning balance and conclusion**

16. Paragraph 47 of the Framework seeks to boost the supply of housing and paragraph 49 of the Framework presumes in favour of sustainable development. The proposal would have the benefit of increasing the supply of housing, albeit by a modest amount, and it would entail the removal of the existing garage building that occupies part of the site. The new dwelling would be in an accessible location and there would also be some economic benefits arising from the construction operations entailed.
17. The proposal would introduce a new dwelling into a rear garden location and inevitably some limited effect on the living conditions of the occupiers of nearby properties would ensue. However, for the reasons I have given the particular circumstances of this case are such that any effect on the character and appearance of the area and the living conditions of existing and future occupants would be very limited and would not outweigh the benefits of the proposed development. The proposal would therefore represent a sustainable form of development for which the Framework presumes in favour.

18. For the reasons set out above, and having regard to all other matters raised including other relevant development plan policies, I conclude that the appeal should be allowed.

*GP Jones*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall be implemented in accordance with the following approved plans:  
12262-P010-A and 916184.
3. Prior to the construction of any above ground building works, details or samples of all the proposed external materials shall be submitted to, approved in writing by, the Local Planning Authority, and the development shall thereafter be implemented in accordance with the approved materials.
4. The proposed upper floor east elevation windows shall be fitted with obscured glass and shall be permanently retained in that condition.
5. In connection with all site demolition, site preparation and construction works no plant or machinery shall be operated on the premises before 0730 hours on Mondays to Saturdays, nor after 1830 hours on Mondays to Fridays and 1300 hours on Saturdays. There shall be no site demolition, site preparation or construction works at any time on Sundays or bank holidays.
6. No development shall take place until the following has been submitted to, and approved in writing by, the Local Planning Authority:  
  
A Phase 1 desk Study report documenting the ground conditions of the site with regard to potential contamination. This shall adhere to BS10175:2011;  
  
A Phase 2 Site Investigation (where shown as necessary by the Phase 1 Desk Study):  
  
A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation).  
  
All such work shall be undertaken prior to the commencement of development in accordance with BS:10175:2011 or any revision thereof. The work shall be sufficient to ensure that measures will be undertaken to mitigate any risks to human health, groundwater and the wider environment.
7. Prior to the commencement of development a 'Construction Traffic Management Plan' (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the construction of the development hereby permitted shall only be carried out in accordance with the approved CTMP. The CTMP shall identify details of phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; locations and details of wheel washing facilities; associated parking areas and the storage of materials clear of the public highway.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no further windows, doors or other openings, shall be inserted in the south and east elevations of the development hereby permitted.

9. Prior to the commencement of development full details of both hard and soft landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
10. Any trees or plants planted in accordance with the approved landscaping scheme 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 practicable with others of the same species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.



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# Appeal Decision

Site visit made on 30 May 2018

**by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> June 2018**

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## **Appeal Ref: APP/J1915/D/18/3198502**

### **1 Horrocks Close, Ware, Herts SG12 0QL**

- 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 Miss Lauren Stafford against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2417/HH, dated 13 October 2017, was refused by notice dated 19 January 2018.
  - The development proposed is a two storey side extension, single storey rear extension and canopy front roof.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for a two storey side extension, single storey rear extension and canopy front roof at 1 Horrocks Close, Ware, Herts SG12 0QL in accordance with the terms of the application, Ref 3/17/2417/HH, dated 13 October 2017 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan, reference D170906/2 A
  - 3) 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.
  - 4) The development hereby permitted shall not be first occupied until details of the surfacing and means of surface water drainage in respect of the proposed access and parking area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## **Main Issue**

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

## **Reasons**

3. The appeal building is one half of a pair of semidetached two storey dwellings which share a gabled pitched roof. The walls are finished in a mix of pebble dash render and red brick. It is in an elevated and thus visually prominent street corner location at the point where Horrocks Close meets Heath Drive.

4. The proposed development seeks to extend the dwelling to the side over two storeys and the front and rear in the shape of a supported canopy and lean to single storey extension respectively. From the evidence, it seems that the Council do not have any substantive concerns over the rear or canopy elements. I see no reason to disagree. It is clear that the mainstay of the Council's concern is over the effect of the two storey side element and specifically how it would be unduly prominent and appear cramped on the site, reducing an openness that contributes to the character of the locality.
5. The two storey element would add noticeable mass and represent a substantially scaled extension relative to the existing building. But this would not necessarily translate to planning harm in my view.
6. The extension would be stepped back from the front elevation and down from the forward roof plane and thus display some form of visual and design subservience. It could therefore be clearly read as an extension and would not result in a dominant block like appearance to the dwelling. Two storey side extensions are not an uncommon feature of the Horrocks Close or wider street scenes and the use of matching material should further assist in its visual assimilation.
7. The spacing to the side of the dwelling does lend some openness to the immediate area but not such that could be argued as significantly character forming. There is a mix of spacing between pairs of dwellings generally given that some have been extended to the side and the main feel of spaciousness in character terms relates to front and rear gardens which, in size and general shape, remain constant in the locality. In addition, the view up Heath Drive from adjacent the appeal side is one of a side elevation, close boarded garden fencing and front gardens partially obscured by extensive mature tree planting to the rear garden boundary of the appeal site. The extension would not significantly change this.
8. For these reasons, the proposed development would not be harmful to the character and appearance of the area and as a consequence it would comply with Policies ENV1, ENV5 and ENV6 of the Local Plan<sup>1</sup>. These policies, amongst other things and along with section 7 of the Framework<sup>2</sup>, seek to ensure that new development (extensions to dwellings specifically) should be of a high quality and contextually appropriate design and appearance having regard to local characteristics and distinctiveness.

### **Conditions**

9. I have imposed the following conditions for the reasons I have given having regard to those listed in the evidence. I have made some changes to wording in the interests of clarity and enforceability.
10. I have attached the standard time condition as well as, for certainty, specifying the approved plan. In the interests of an acceptable appearance I have set out that external materials shall match the existing dwelling. I have required details of the surfacing and drainage in respect of the revised access and parking to be submitted and agreed. This is in the interests of highway safety. It would be sufficient to agree this detail prior to the first occupation of the development.

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

<sup>2</sup> The National Planning Policy Framework 2012



11. I have not included a requirement for the access to be in accordance with a Highway Authority specification since they seem content that what is shown on the approved plan is sufficient. The detail of the new access, including its visibility splay, is also shown clearly on the approved plan which is specified by a separate condition. I have not imposed the suggested condition requiring the closing off and reinstatement of the footway at the point of the rear access. Works which are intended following the demolition of the garage. Firstly, the detail for this is shown on the plan approved by a separate condition; secondly, the Highway Authority is likely to be involved in any works affecting the highway and; thirdly, I have no specific evidence before me pertaining to this access being unsafe even if it were to be retained. Such a condition would therefore be unnecessary.

**Conclusion**

12. It is for the reasons and subject to the conditions set out above that the appeal is allowed.

*John Morrison*

INSPECTOR



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# Appeal Decision

Site visit made on 30 May 2018

**by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> June 2018**

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## **Appeal Ref: APP/J1915/D/18/3193389**

### **11 Cromwell Road, Hertford SG13 7DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Paul Clarry against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2678/PNHH, dated 16 November 2017, was refused by notice dated 13 December 2017.
  - The development proposed is a six metre single storey rear extension with one side window and bi fold doors to rear.
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## **Decision**

1. The appeal is dismissed.

## **Main Issue**

2. The main issue is whether or not the proposed development would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.

## **Reasons**

3. The appeal building is a two storey terraced house, the proposed development concerning a six metre long single storey rear extension thereto. The relevant legislative provisions<sup>1</sup> (GPDO) set out that such would be permitted provided (amongst other things) it would not comprise that which I have described in paragraph 2.
4. The proverbial nub of the matter in respect of this issue concerns a lean to single storey section of the building at its rear. On the basis of the evidence available to me, it appears that this lean to element is part of the original dwellinghouse. Whilst contextually very small, it encloses floor space, projects from the rear and therefore its side elevations form a side elevation of the original dwellinghouse. This element differs from say a flue or chimney which may be more akin to a protrusion than necessarily a wall forming a side elevation. It comprises three complete sides and a pitched roof.

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<sup>1</sup> Schedule 2, Part 1, Class A (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5. Whilst I refer to this element in the present tense, at the time of my site visit it had been removed albeit remnants on site reinforce my view that it was part of the original dwellinghouse<sup>2</sup>. Whilst the proposed extension would be (as of the current situation) constructed in such a manner that it would extend solely from the rear elevation of the building it would still, as a matter of fact, extend beyond a wall forming a side elevation of the original dwellinghouse. Whether indeed that wall is currently there or not. There is nothing definitive in the relevant legislative provisions to state that said side wall has to still be there.
6. Since the extension would span the entire width of the building, it is clear that it would be greater than half its width. With this and the above in mind, the proposed extension cannot be development for which the relevant legislative provisions grant a deemed planning permission. An application for express planning permission would therefore be required.

### **Conclusion**

7. I have considered all other matters raised, the relevant legislative provisions are prescriptive and failure to comply with any part thereof means a given development would not be permitted by it. The set limitations of the GPDO relate to the original dwellinghouse. So, the fact that the section concerned in this case has now been demolished cannot effect what constituted the original dwellinghouse.
8. The appeal is therefore dismissed.

*John Morrison*

INSPECTOR

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<sup>2</sup> Brickwork stacked in garden matches dwellinghouse, side walls and roof were tied into fabric of rear elevation



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# Appeal Decision

Site visit made on 17 May 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2018

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**Appeal Ref: APP/J1915/D/18/3196854**

**15a Warwick Road, Bishops Stortford, Hertfordshire, CM23 5NH.**

- 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 Noel Gaughan against the decision of East Hertfordshire District Council.
  - The application ref: 3/17/2741/HH, dated 27 November 2017, was refused by notice dated 26 February 2018.
  - The development proposed is side and rear extensions and raised roofline following demolition of existing roof and garage.
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## Decision

1. The appeal is allowed and planning permission is granted for side and rear extensions and raised roofline following demolition of existing roof and garage at 15a Warwick Road, Bishops Stortford, Hertfordshire, CM23 5NH, in accordance with the terms of the application ref: 3/17/2741/HH, dated 27 November 2017, subject to the conditions in Annex A to this decision.

## Main Issue

2. The main issue here is the effect of the extensions and the altered fenestration upon the character and appearance of the host building and that of the Bishops Stortford Conservation Area.

## Reasons

3. 15a Warwick Road comprises a detached post-war house of brick construction with part concrete tile hung elevations under a concrete tiled roof. It is within a mixed residential area that forms part of the Bishops Stortford Conservation Area.
4. The scheme before me proposes the demolition of an existing attached garage and the erection of a two storey side extension and single storey rear extension. The roof format would be altered and the ridge height increased to create accommodation within the loft space.
5. Given the location of the appeal site within the designated Conservation Area I have considered the proposal by reference to the statutory duty imposed upon me by virtue of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. I

- have also had regard to national policy as set out at Chapter 12 (Conserving and enhancing the historic environment) of the Framework<sup>1</sup> and to the relevant policies of the Development Plan<sup>2</sup>.
6. The Bishops Stortford Conservation Area represents an important heritage asset. As such, paragraph 132 of the Framework requires me to give great weight to its conservation.
  7. The policies of the Development Plan largely reflect national policy by requiring the principles of good urban design. Policy ENV1 [I] states that development proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area (Criterion [a]). They should also relate well to the massing and height of adjacent buildings and to the surrounding townscape (Criterion [c]).
  8. Policies ENV5 and ENV6 relate to extensions to dwellings generally, whilst Policy BH5 specifically concerns extensions and alterations to unlisted buildings within Conservation Areas. Amongst other matters, it requires development proposals to be sympathetic in terms of scale, height, proportion, materials and siting in relation to the general character and appearance of the area.
  9. These policies are being carried forward in the East Herts District Plan, which has been submitted to the Secretary of State for examination, as Policy DES3 (Design of Development), Policy HOU11 (Extensions to Dwellings) and Policy HA4 (Conservation Areas).
  10. The Council acknowledges that the existing 1970's dwelling is an infill development that does not necessarily contribute positively to the setting of the Conservation Area. I agree with that assessment. It is, however, necessary to ensure that development as proposed preserves the character or appearance of the designated area.
  11. The existing house is somewhat unbalanced by virtue of the extension above the integral garage, while the materials and fenestration are also at odds with the late Victorian houses on either side. Moreover, the ridge height of the property is dwarfed by these adjacent dwellings.
  12. The extended house, with its raised ridge line, would achieve a similar height to that of no. 15 and only marginally lower than that of no. 17. The form of the pitched roof with flank gables and a small gable to the front elevation would be similar to the houses on either side, thereby creating a dwelling more in keeping with its surroundings.
  13. Whilst I appreciate the Council's concerns with regard to the front gable end window to the second floor, the changes to the front fenestration are a great improvement upon the existing windows, such that on balance I conclude that the overall appearance of the host building would be enhanced.
  14. The use of a rendered finish rather than the existing brick and green concrete tile panels would also enhance the appearance of the property and be more in keeping with the adjoining dwellings. However, I agree with the Council that the use of a grey finish to the external rendering would not be in keeping with other dwellings in the locality, which are painted in white or cream.

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<sup>1</sup> The National Planning Policy Framework.

<sup>2</sup> The East Herts Local Plan Second Review (adopted April 2007)

15. I have noted the agent's comments in the grounds of appeal that the appellant would be happy to amend the chosen colour of the external rendering in order to address the Council's concerns in this regard and I have imposed a condition to give effect to this.
16. For all of these reasons I have found upon the main issue that development as proposed would enhance the appearance of the host building whilst preserving the diverse character of the Bishops Stortford Conservation Area as required by national policy in the Framework and the policies of the Development Plan to which I have referred above.

### **Other Matters**

17. I have been provided with a copy of Tree Preservation Order (No. 10) 1997 - P/TPO-438 dated 30 July 1997. The Officer's Delegated Report states that "There is a tree covered by a TPO to the front of the site." The Report goes on to state that the Council's Landscape Officer considers there should be no unacceptable impact on this tree provided that tree protection measures are put in place during the construction phase.
18. The tree in question, which is designated T1 on the map attached to the TPO and described within the First Schedule as a hawthorn, was not in evidence at the time of my site visit and has obviously been removed at some time in the past. This is clearly demonstrated by the colour photograph on page 1 of the Design and Access Statement submitted with the planning application.

### **Conditions**

19. I have considered the four conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance issued on 6 March 2014.
20. The materials to be used in the construction of the external surfaces of the development are specified at section 10 of the planning application and on the approved plans (Drawing no. 0635-2). With the exception of the grey painted finish to the external rendering I consider them to be acceptable. As such, a condition requiring the use of matching materials, as requested by the Council, is not appropriate.
21. My reasons for the conditions are:
22. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will allow the Council to exercise control over the colour of the painted finish to the external rendering in the interests of the visual amenities of the area,
23. I noted the presence of trees and hedges to the front of the property growing along the common boundaries with 15 and 17 Warwick Road. These make a valuable contribution to the appearance of the street scene. Having regard to the fact that a large part of the front garden to no. 15a is to be given over to vehicle parking I have imposed a condition, albeit in an amended form to that requested by the Council, in order to afford protection to those trees/hedges during the construction period (no. 3).
24. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

**Conclusion**

25. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR

**Schedule of Conditions**

**Annex A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Notwithstanding Condition 4), no development shall take place until details of the colour of the painted finish to the external rendering of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) No site clearance, preparatory work or development shall take place until full details of measures for the protection during construction works of the trees and hedges indicated on Drawing no. 0635-3 adjacent to the common boundaries with 15 and 17 Warwick Road have been submitted to and approved in writing by the Local Planning Authority; and those tree protection measures, which shall accord with the recommendations in British Standard BS 5837: '*Trees in relation to design, demolition and construction*' (or in an equivalent British Standard if replaced) shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan:	- scale 1:1250.
Drawing no. 0635-1 Rev A:	Existing Block Plan – scale 1:200; Existing Floor Plans and Roof Plans – scale 1:50; Existing Elevations – scale 1:100.
Drawing no. 0635-2:	Proposed Floor Plans – scale 1:50; Proposed Elevations – scale 1:100.
Drawing no. 0635-3:	Proposed Block Plan – scale 1:200; Proposed Roof Plan and Section – scale 1:50.





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# Appeal Decision

Site visit made on 17 May 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2018

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**Appeal Ref: APP/J1915/D/18/3197224**

**5 Warwick Road, Bishops Stortford, Hertfordshire, CM23 5NH.**

- 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 Nick Buckley against the decision of East Hertfordshire District Council.
- The application ref: 3/17/2783/HH, dated 6 December 2017, was refused by notice dated 1 March 2018.
- The development proposed was originally described as:

“Replace all windows, which are currently 1<sup>st</sup> generation 1970s aluminium casement double glazing, with modern, quality uPVC sash windows with traditional horns and a single vertical astragal bar on each pane.

Several houses on Warwick Road already have uPVC sash windows and they look beautiful. I would argue they look superior to wood sash. The uPVC sliding sash windows we propose are shown on top right of page 8 of the Synseal Windows brochure, which I’ve uploaded as a supporting document.”

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## Procedural Matter

1. The description of development in the heading above has been taken from the planning application form. It contains wording that does not relate to an act of development, which I have omitted from the description of development in my formal decision below.

## Decision

2. The appeal is allowed and planning permission is granted for replacement of all windows with uPVC sash windows with traditional horns and a single vertical astragal bar on each pane at 5 Warwick Road, Bishops Stortford, Hertfordshire, CM23 5NH, in accordance with the terms of the application ref: 3/17/2783/HH, dated 6 December 2017, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved details/plans:

Location Plan – scale 1:1250; Synseal brochure and extract indicating the proposed replacement windows; photograph of existing front elevation.

## Main Issue

3. The main issue here is the effect of the replacement uPVC windows upon the character and appearance of the host building and that of the Bishops Stortford Conservation Area.

## Reasons

4. 5 Warwick Road comprises a centre terrace house erected in 1878. It is one of six similar dwellings (originally designated 'Alberta Terrace') located within a mixed residential area that forms part of the Bishops Stortford Conservation Area.
5. Given the location of the appeal site within the designated Conservation Area I have considered the proposal by reference to the statutory duty imposed upon me by virtue of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. I have also had regard to national policy as set out at Chapter 12 (Conserving and enhancing the historic environment) of the Framework<sup>1</sup> and to the relevant policies of the Development Plan<sup>2</sup>.
6. The Bishops Stortford Conservation Area represents an important heritage asset. As such, paragraph 132 of the Framework requires me to give great weight to its conservation.
7. Policy ENV1 of the Local Plan requires all development to be of a high standard of design and to reflect local distinctiveness. Proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area. Policy BH5 under the heading "*Extensions and Alterations to Unlisted Buildings in Conservation Areas*" requires, amongst other matters, that all new development should be sympathetic in terms of scale, materials and siting in relation to the general character and appearance of the area.
8. The existing windows are aluminium framed double glazed windows in a 6/6 cottage style. Those to the front elevation are of top hung design with broken astragal bars to the interior. They appear unkempt as viewed from the street.
9. There is currently an ad hoc range of fenestration within the terrace with two older timber framed sash windows, whilst the remainder have modern uPVC windows in a variety of styles, some with a 1/1 design and others being of a 6/6 design.
10. The appellant has commented that he would be happy with any form of design. I nevertheless consider that the chosen windows, with their traditional horns and single astragal bar to each pane as illustrated on page 8 of the Synseal brochure supplied to me as part of the appeal, would relate well to this small cottage and to the character and appearance of the terrace as a whole.
11. For all of these reasons I have found upon the main issue that development as proposed will preserve the character and appearance of the host building and that of the Bishops Stortford Conservation Area, as required by national policy

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<sup>1</sup> The National Planning Policy Framework.

<sup>2</sup> The East Herts Local Plan Second Review (adopted April 2007).

in the Framework and the policies of the Development Plan to which I have referred above.

**Conditions**

12. The Council has put forward a total of two conditions to be imposed should I be minded to allow the appeal. Both are reasonable and necessary in the circumstances of this case, my reasons for them being:
13. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2, which requires the development to be carried out in accordance with the approved plans, provides certainty.

**Conclusion**

14. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR



## Appeal Decision

Site visit made on 12 June 2018

**by K E Down MA (Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2018

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### **Appeal Ref: APP/J1915/D/18/3200153**

### **2 Amwell Lane, Stanstead Abbots, SG12 8DX**

- 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 \_\_\_\_\_ against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2733/HH, dated 24 November 2017, was refused by notice dated 19 January 2018.
  - The development proposed is erection of a double storey side extension and single storey rear extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a double storey side extension and single storey rear extension at 2 Amwell Lane, Stanstead Abbots, SG12 8DX in accordance with the terms of the application, Ref 3/17/2733/HH, dated 24 November 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2045/001 B, 2045/002 B, 2045/003 B, 2045/004 B, 2045/005 B, 2045/006 B, 2045/007 B, 2045/008 B and 2045/009 B.
  - 3) 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.

### **Main Issue**

2. There is one main issue which is the effect of the proposed two storey side and single storey rear extensions on the character and appearance of the host dwelling, the street scene of Amwell Lane and the surrounding area.
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## Reasons

3. The appeal property is an attractive, traditional, Edwardian semi-detached house. It is sited on a wide plot and well separated from an adjacent modern telephone exchange building, such that the side elevation of the dwelling is clearly visible in the street scene. The dwelling has an original two storey rear projection and single storey extensions into the side return and beyond the rear projection.
4. The proposed single storey extension would replace the existing conservatory beyond the rear projection. It would project no further than a single storey extension at the adjoining dwelling and would be substantially hidden from public view. The Council raises no objection to this extension and I agree that it would be acceptable. I shall therefore confine my further consideration to the proposed two storey side extension.
5. The proposed side extension would be set back from the façade of the house by some 5m. It would be 4.5m wide, which is only slightly less than the width of the original dwelling, and about 8m deep, finishing level with the two storey rear projection. A single storey rear extension would link the side extension with the existing rear projection.
6. Although sizeable the extension, due to its significant set back and lower ridge height, would read from the street as a subservient addition to the host dwelling. The generous set back would also ensure that it had no materially detrimental effect on the symmetry of the semi-detached pair. From the side, the extension would clearly be seen as such and, despite its depth, would appear subordinate to the original house due to the lower roof and gable end and the off-set alignment and clear separation from the side elevation of the host dwelling. Overall, the sympathetic design and architecture of the extension, including the proposed fenestration, would result in a harmonious addition that formed a large but not disproportionate extension that would relate well to the existing dwelling when seen from Amwell Lane.
7. From the rear, the two storey extension would be noticeably wider than the existing rear projection but since this is viewed together with the adjoining and matching rear projection on the semi-detached pair the extension would not appear excessively wide in the context of the overall built form.
8. It is concluded on the main issue that the proposed two storey side and single storey rear extensions would have no materially harmful effect on the character or appearance of the host dwelling, the street scene of Amwell Lane or the surrounding area. In consequence there would be no conflict with Policies ENV1, ENV5 or ENV6 of the East Herts Local Plan Second Review, 2007, or with the National Planning Policy Framework which, taken together, expect extensions to dwellings to be of a high standard of design that reflects local distinctiveness and preserves the character and appearance of the host building through design that either matches or is complementary to that of the original building.
9. In addition to the statutory commencement condition, the Council suggests a condition requiring the use of matching materials, which I agree is necessary to protect the character and appearance of the host dwelling and the surrounding

area, and a condition requiring the development to be carried out in accordance with the approved plans, which is necessary for the avoidance of doubt.

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

*KE Down*  
INSPECTOR



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## Appeal Decision

Site visit made on 22 May 2018

by **G P Jones BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 June 2018

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**Appeal Ref: APP/J1915/W/17/3190649**

**Gelders, Conduit Lane, Great Hornead, Herts SG9 0NU**

- 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 & Mrs M & S Dry & Crisp-Hihn against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/1614/FUL, dated 4 August 2017, was refused by notice dated 5 October 2017.
  - The development proposed is described as 'Demolition of a group of former pig farm buildings. Construction of two detached dwellings.'
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are as follows:
  - Whether the proposal would be in an appropriate location, having regard to the aims and objectives of national and local planning policies that seek to restrict housing in the countryside; and
  - The effect of the proposal on the character and appearance of the area, having particular regard to its location within the Great Hornead Conservation Area (GHCA).

### Reasons

#### *Appropriateness of the location*

3. The development plan comprises the Minerals Local Plan, Waste Core Strategy, the saved policies of the East Herts Local Plan Second Review 2007 (LP) and the Buntingford Community Area Neighbourhood Plan. In addition, the East Herts District Plan 2016 (DP) has been submitted for examination. However, due to its emerging status I afford little weight to the DP.
4. At the pre-application stage the appellants were advised that the Council has yet to demonstrate that it has a five year supply of housing land. Subsequently, the Council has cited its latest Authority Monitoring Report where the Land Supply figure stands at 6.2 years. I have not been presented with any substantive evidence to cast doubt on the Council's ability to demonstrate a five-year supply of deliverable housing sites. Furthermore, the appeal site lies within the GHCA and footnote 9 to paragraph 14 of the National Planning Policy Framework (the Framework) lists policies relating to designated

heritage assets among the specific policies in the Framework that indicate development should be restricted. Consequently, the 'tilted balance' in the fourth bullet point of paragraph 14 of the Framework does not apply.

5. Saved LP Policy SD2 sets out a settlement hierarchy and Great Hornead is classified as a Category 3 Village in the LP. In both the LP and the emerging DP the appeal site would lie outside any identified settlement boundary. Saved Policy GBC3 sets out criteria for new buildings with the Rural Area Beyond the Green Belt. I have not been presented with any evidence that the proposal that is before me would fall within any of the exceptions listed in saved Policy GBC3. Furthermore, saved Policy GBC2 seeks to maintain a Rural Area Beyond the Green Belt wherein inappropriate development will not be permitted.
6. The proposed two dwellings would lie on the eastern outskirts of the village beyond the last of the houses on this side of the road, and outside any designated settlement boundary but within the GHCA. Although there would be easy walking or cycling access from the appeal site to the central part of Great Hornead, the village contains a reasonably limited range of services and facilities. Therefore future residents would rely on the private car for most of their everyday needs.
7. The appellants have referred to the likelihood of Great Hornead being upgraded to a Category 2 Village in the emerging DP. I afford little weight to the DP due to its emerging status. Notwithstanding this, I note that in the emerging DP Policy VILL2 allows limited infill development in Group 2 Villages subject to certain criteria. Based on the evidence before me I do not consider that the proposal would meet the criteria as it would not be infill development but rather it would represent an extension of ribbon development.
8. Therefore the proposal would be contrary to saved Policies SD2, GBC2 and GBC3 of the LP that seek to guide housing development towards the larger, more sustainable settlements and prevent inappropriate development in the Rural Area Beyond the Green Belt. The appellants contend that the LP is out of date, but in my view the relevant saved LP policies are generally in accordance with the objectives of the Framework and with the emerging DP. Therefore I accord significant weight to them.

#### *Character and appearance*

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This means that considerable weight and importance must be given to any harm caused to heritage assets in the planning balance. Also, Section 66(1) of the Act requires that special regard should be had to the desirability of preserving the setting of listed buildings.
10. The eastern area of the GHCA has the character and appearance of a rural village with vernacular architecture and dwellings set within reasonably spacious plots, with some gaps between properties that allow the countryside to extend up to the road. The appeal site comprises an area of predominantly open space that makes a positive contribution to the character and appearance of the GHCA in its own right. Although the neighbouring properties of Gelders and Consiton are also within the GHCA and are constructed using brick, such facing materials are not generally typical of this part of the GHCA.



11. Whilst the appeal site is adjacent to the existing property of Gelders, beyond the site to the east on this side of Conduit Lane is open countryside. Therefore the introduction of two new dwellings and their residential curtilages would have the effect of extending the ribbon of built development along this side of the road. Rather than being infill development within the settlement the proposal instead would represent an encroachment into what appears as predominantly open countryside beyond the last dwelling on this side of the road.
12. The two new dwellings would be in a reasonably conspicuous location, quite close to Conduit Lane, and the proposed new access would remove part of the hedgerow that borders Conduit Lane and thereby open up views into the site. The two proposed dwellings would occupy most of the width of their respective plots and this would be at odds with the established character of the dwellings in the locality that sit within more spacious plots.
13. To the south-east lies the Grade II listed Thatched Cottage. Due to the distance and orientation between the appeal site and this building that lies on the opposite side of Conduit Lane, and the intervening vegetation that would provide a degree of screening, I consider that the proposal would have a neutral effect on the setting of this listed building.
14. The proposal would have the benefit of removing the redundant agricultural farm buildings that the appellants contend have a similar footprint but which are set towards the rear part of the appeal site and are in a somewhat dilapidated condition. However, such buildings are agricultural in nature and not untypical of a rural area. Therefore I attach limited weight to the benefits of their removal upon the character and appearance of the area.
15. Overall I consider that the proposal would open up views into the site from the road and would represent a somewhat suburban incursion into an area of primarily open countryside that forms an integral part of the character and appearance of the GHCA. As such I consider that the proposal would give rise to less than substantial harm to the significance of the GHCA. I do not consider that there would be any public benefits that would outweigh the harm that I have identified.
16. Consequently I conclude that the proposal would have a detrimental effect on the character and appearance of the area and give rise to less than substantial harm to the significance of the GHCA. For these reasons the proposal would be contrary to saved LP Policies BH6 and ENV1 and paragraphs 17, 61 and 134 of the Framework. Collectively these policies and guidance seek to ensure that development is sympathetic to the character and appearance of the Conservation Area, is of a high standard of design, complements the existing grain of development and reflects local distinctiveness.

### **Planning balance and conclusion**

17. Paragraph 47 of the Framework seeks to boost the supply of housing and paragraph 49 of the Framework presumes in favour of sustainable development. The proposal would have the benefit of increasing the supply of housing, albeit by a modest amount and it would entail the removal of the existing agricultural buildings on the site. The two new dwellings would be in an accessible location in terms of the limited range of services and facilities provided within Great Hormead and the future occupiers would provide some

additional patronage. There would also be some economic benefits arising from the construction operations.

18. However, the proposal would be in an open countryside location outside any settlement boundary with future residents being reliant on the private car. As such it would not accord with the development plan in this regard. In addition, the proposal would give rise to less than substantial harm to the significance of the GHCA and it would have a detrimental effect on the character and appearance of the area. These are considerations to which I accord a considerable degree of weight.
19. I consider that the harms that I have identified would be significant and would clearly outweigh the limited benefits of the proposal. The proposal would therefore not represent a sustainable form of development for which the Framework presumes in favour.
20. For the reasons set out above, and having regard to all other matters raised including other relevant development plan policies, I conclude that the appeal should be dismissed.

*GP Jones*

INSPECTOR

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# Appeal Decision

Site visit made on 12 June 2018

**by K E Down MA(Oxon) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 June 2018**

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**Appeal Ref: APP/J1915/D/18/3199500**  
**Birchwood, 26A Birch Green, Hertford, SG14 2LU**

- 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 J & E Graville against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2866/HH, dated 12 December 2017, was refused by notice dated 15 February 2018.
  - The development proposed is erection of a detached triple garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. There are three main issues. Firstly, whether the proposed triple garage would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed garage on the openness of the Green Belt and its character and appearance; and thirdly, if the proposed garage would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether inappropriate development in the Green Belt*

3. The appeal site comprises a sizeable, modern detached dwelling on an extensive plot which includes a large area of hardstanding to the side of the dwelling. It lies within the small settlement of Birch Green which is defined in the East Herts Local Plan Second Review (LP), 2007, as a Category 3 village and washed over by the Green Belt. The surrounding area is rural in character with open countryside to the rear.
  4. The dwelling has been extended and significantly altered in the past such that it is not possible to identify from observation which parts of the building are original and which comprise extensions. The Council estimates that extensions have increased the floor space of the original dwelling by about 88%. This is not
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disputed by the appellants. However, neither party has provided any floor space measurements for either the original or existing dwelling.

5. The proposed triple garage would be single storey with a pitched roof. It would have a length of some 9.6m and a depth of 6.6m. The Council suggests that its proximity to and functional relationship with the main dwelling mean that it should be treated as an extension to the dwelling. The appellant argues that the building is not an extension to or alteration of the dwelling but a detached building that should be assessed in its own right. The proposed garage lies within a few metres of the dwelling and is clearly a normal domestic adjunct. In my view it may therefore be regarded as an extension and I shall treat it as such. Moreover, if considered simply as a new curtilage building it would not fall within any of the exceptions set out in paragraph 89 of the National Planning Policy Framework (NPPF) and would therefore, in any case, amount to inappropriate development in the Green Belt.
6. Policy GBC1 of the LP accords with the NPPF in resisting inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. Policy GBC1 sets out exceptions to inappropriate development which include limited extensions or alterations to existing dwellings in accordance with Policy ENV5. Policy ENV5 expects extensions to dwellings outside main settlements and Category 1 and 2 Villages not to alter disproportionately the size of the original dwelling or intrude into the openness or rural qualities of the area. Despite the LP pre-dating the NPPF, these policies accords closely with paragraph 89 of the NPPF which states that the construction of new buildings is inappropriate in the Green Belt unless it is for, amongst other things, the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
7. The Council does not seek to define a disproportionate addition and neither is it defined in the NPPF. Nevertheless, it is clear from the evidence that the dwelling has already been significantly enlarged and that the proposed garage would be a sizeable structure. It would materially increase the overall footprint of built development and add substantial bulk to the side of the building, albeit separated from it. Overall, and notwithstanding that accurate floor space figures for the original and extended main dwelling are not before me, it is clear from the evidence that the proposed garage together with the existing extensions would considerably increase the size of the original dwelling. This would, in my view, be disproportionate.
8. It is concluded on the first main issue that the proposed garage would result in a disproportionate addition, over and above the size of the original building, and would amount to an inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

*Openness of the Green Belt and the character and appearance of the existing dwelling and surrounding area*

9. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed garage would diminish the openness to the side of the property by extending the area of built development and adding significant bulk. Whilst these changes would not be prominent from any public viewpoint or in the wider setting and notwithstanding that the dwelling sits within a generous plot, this would be harmful to the openness of the Green Belt. The limited impact on the wider area leads me to give this loss of openness moderate weight.
10. The proposed garage would lie to the side of the dwelling and would not be seen when approaching via the driveway. Neither would it be conspicuous from the open countryside to the rear. It would be of simple design with a rendered finish that would complement the character and appearance of the main house and would be subservient to it.
11. It is concluded on the second main issue that the proposed garage would have a harmful effect on the openness of the Green Belt but would have no material effect on the character or appearance of the area. There would thus be some conflict with the aims of Green Belt policy, as stated in the NPPF, to keep land permanently open and safeguard the countryside from encroachment.

*Other considerations*

12. The appellants have drawn my attention to two other considerations which they consider might amount to the very special circumstances necessary to justify the proposal. Firstly, the emerging local plan, which has reached an advanced stage, introduces new policies which, it is argued, alter the policy framework in favour of the proposed development. In particular, emerging Policies GBR1 and HOU11 are cited. However, the relevant existing LP policies have a high degree of consistency with the NPPF and, judging by the evidence before me, the relevant local policy framework will not alter materially through these emerging policies.
13. The appellants go on to point out that Birch Green is identified as a Category 2 village in the emerging local plan where Policy VILL2 will apply. However, whilst this policy is understood to be permissive of limited infill, together with small scale employment, leisure, recreation and community facilities, subject to certain criteria, the proposed garage does not fall within any of these categories. Neither is it suggested that the land within the village boundary would be removed from the Green Belt. I therefore find that emerging Policy VILL2 would not materially alter the policy framework relating to the proposed garage. This matter therefore attracts little weight.
14. Secondly, it is suggested that an outbuilding of similar scale to that proposed could be erected elsewhere within the curtilage of the dwelling under permitted development rights and that this would provide a fallback position. However, I have no evidence that such an outbuilding could lawfully be erected at the appeal site. Moreover, even if it could be, in the absence of a S106 obligation which covenanted to give up permitted development rights immediately on the grant of planning permission, an outbuilding could potentially be constructed

elsewhere on the site under permitted development rights before the implementation of the new planning permission, thus exacerbating the harm to the Green Belt. I therefore afford this matter limited weight.

15. I conclude on the third main issue that the other considerations drawn to my attention, taken either separately or together, are insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, and the additional harm to its openness. The very special circumstances necessary to justify the development do not therefore exist and the proposed garage would conflict with national policy set out in the NPPF and with LP Policies GBC1, ENV1 and ENV5.

### **Conclusions**

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

*K E Down*  
INSPECTOR

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# Appeal Decision

Site visit made on 12 June 2018

**by K E Down MA (Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25<sup>th</sup> June 2018

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**Appeal Ref: APP/J1915/D/18/3198098**  
**Woodcroft, Frogs Hall Lane, Haultwick, SG11 1JH**

- 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 M Everett against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2960/HH, dated 21 December 2017, was refused by notice dated 5 March 2018.
  - The development proposed is the erection of an extension to the existing bungalow.
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## Decision

1. The appeal is allowed and planning permission is granted for an extension to the existing bungalow at Woodcroft, Frogs Hall Lane, Haultwick, SG11 1JH in accordance with the terms of the application, Ref 3/17/2960/HH, dated 21 December 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1313\_300 B, 1313\_301 B, 1313\_302 B, 1313\_303 B, 1313\_304 B, 1313\_305 B and 1313\_306 B.

## Main Issue

2. There is one main issue which is the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding rural area.

## Reasons

3. The appeal dwelling is a modest bungalow, set close to the rear boundary of a large plot at the edge of the rural settlement of Haultwick. It lies adjacent to open countryside and within the Rural Area beyond the Green Belt as defined in the adopted East Herts Local Plan Second Review (LP), 2007. Other properties of mixed size, age and design front Frogs Hall Lane to the south west of the appeal site. There is a detached double garage at the site which lies close to the front boundary of the property. This is understood to have been permitted in 1975.
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4. The proposed extension would be single storey with a pitched roof and would link the dwelling with the garage. The garage would also be converted to living space. The Council estimates that, taken together with the garage, the extension would result in a 58% increase in floor space over the size of the original bungalow. Having regard to the overall size of the extension and existing garage, including their height and depth, I agree with the Council that in itself this would not amount to a disproportionate addition.
5. The extension would be clearly visible from Frogs Hall Lane but although it would, together with the garage, form a long front projection to the dwelling its predominantly glazed design and limited height and depth would result in an attractive, light-permeable structure that was of a scale compatible with the host dwelling. It would also provide a sensible plot layout, clearly defining the frontage from the more private land beyond the buildings.
6. Views from Frog Hall Lane, between the bungalow and garage towards mature vegetation, would be limited by the extension and it would also be visible from the public byway beyond the end of the lane. However, whilst it would change the appearance of the site, the extension would have a pleasing form and would not extend built development towards the rural area or close to the site boundaries. Neither would it unacceptably block views. Overall, the site would remain a large, open plot with a limited amount of built development, thus retaining its low density character. The proposed extension would therefore be compatible with its rural location, adjacent to the open countryside.
7. It is concluded on the first main issue that the proposed extension would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding rural area. In consequence there would be no conflict with LP Policies GBC3, ENV1 or ENV5 or with the National Planning Policy Framework which, taken together, allow limited extensions to existing dwellings in the Rural Area beyond the Green Belt provided they are of a high standard of design and reflect local distinctiveness and do not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area.
8. In addition to the statutory commencement condition, the Council suggests a condition requiring the development to be carried out in accordance with the approved plans. I agree this is necessary for the avoidance of doubt.
9. I am aware that a previous appeal (APP/J1915/D/17/3192489) for extensions to Woodcroft was dismissed in April 2018. However, that related to significantly larger and more intrusive extensions and I am satisfied that my decision in this case is not inconsistent with the findings of my colleague.
10. For the reasons set out above and having regard to all other matters raised, including the representations from a third party regarding biodiversity and landscaping and comments from the appellants regarding extensions to other properties nearby, I conclude that the appeal should be allowed.

*K E Down*  
INSPECTOR



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# Appeal Decision

Site visit made on 12 June 2018

**by K E Down MA(Oxon) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 June 2018**

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## **Appeal Ref: APP/J1915/D/18/3200685**

### **Elm Tree Farm, Chapmore End, Ware, SG12 0HF**

- 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&H Armstrong against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/0138/HH, dated 22 January 2018, was refused by notice dated 16 March 2018.
  - The development proposed is demolition of existing conservatory and erection of two storey rear extension.
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## **Decision**

1. The appeal is dismissed.

## **Main Issues**

2. There are four main issues. Firstly, whether the proposed extensions would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed extensions on the openness of the Green Belt; thirdly, the effect of the extensions on the character and appearance of the host dwelling and the surrounding area; and fourthly, if the proposed extensions would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development

## **Reasons**

### *Whether inappropriate development in the Green Belt*

3. The appeal dwelling is a large, traditional, well-proportioned, two storey, former farmhouse set on a large plot in a small settlement that is defined in the East Herts Local Plan Second Review (LP), 2007, as a Category 3 Village and washed over by the Green Belt. The house has a simple, long form and is relatively shallow. It has a single storey projection to the front and a single storey conservatory to the rear. The dwelling has been extended in the past through a two storey side extension which blends seamlessly with the original dwelling. The surrounding area is rural in character with open countryside to the rear.
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4. The Council estimates that the original dwelling had a floor space of about 200 sq. metres which includes two outbuildings. Existing extensions have added some 117.7 sq. metres of floor space, an increase of about 58%. The extensions now proposed would add a further 134 sq. metres which the Council estimates to amount to a net increase over the original dwelling of some 252 sq. metres or 126%. The appellants question the extent of the original building and consider that a purely mathematical approach is overly simplistic and does not take account of other factors.
5. Policy GBC1 of the LP accords with the National Planning Policy Framework (NPPF) in resisting inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. Policy GBC1 sets out exceptions to inappropriate development which include limited extensions or alterations to existing dwellings in accordance with Policy ENV5. Policy ENV5 expects extensions to dwellings outside main settlements and Category 1 and 2 Villages not to alter disproportionately the size of the original dwelling or intrude into the openness or rural qualities of the area. Despite the LP pre-dating the NPPF, these policies accords closely with paragraph 89 of the NPPF which states that the construction of new buildings is inappropriate in the Green Belt unless it is for, amongst other things, the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. The Council does not seek to define a disproportionate addition and neither is it defined in the NPPF. Nevertheless, it is clear from the evidence that, whatever the exact size of the original building, the proposed extensions, together with existing extensions, would result in a dwelling that was appreciably larger than the original house. The additions now proposed would increase the footprint and add significant bulk to the rear of the building. Overall, the extensions would considerably increase the size of the original dwelling and more than double the floor space. This would, in my view, be disproportionate.
7. It is concluded on the first main issue that the proposed extensions would result in a disproportionate addition, over and above the size of the original building, and would amount to an inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

#### *Openness of the Green Belt*

8. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed extensions would diminish the openness to the rear of the property by extending the footprint and adding bulk at both ground and first floor. Whilst these changes would not be prominent from public viewpoints or in the wider setting and notwithstanding that the dwelling sits within a generous plot, this would be harmful to the openness of the Green Belt. The limited impact on the wider area leads me to give this loss of openness moderate weight.
9. It is concluded on the second main issue that the proposed extensions would have a harmful effect on the openness of the Green Belt. There would thus be

some conflict with the aims of Green Belt policy, as stated in the NPPF, to keep land permanently open and safeguard the countryside from encroachment.

*Character and appearance of the dwelling and the surrounding area*

10. The proposed extensions would alter the appearance of the dwelling and in particular the rear and side elevations. The additional depth and bulk would be unsympathetic to the original long, shallow proportions of the dwelling and detract from its traditional character. Moreover, in my view the four gabled design would be out of keeping with the simple architecture of the original building. This incongruity would be exacerbated by the horizontal emphasis of the fenestration which is at odds with the pleasing vertical emphasis of the existing windows. Nevertheless, the alterations would not be materially apparent from public viewpoints, including the public highway, or from the wider area.
11. It is concluded on the third main issue that the proposed extensions would have a materially harmful effect on the character and appearance of the host dwelling but would have no materially detrimental effect on the character or appearance of the surrounding area. In consequence they would conflict with LP Policies ENV1, ENV5 and ENV6 and with the NPPF insofar as they expect extensions to be of a high standard of design that reflects local distinctiveness and preserves the character and appearance of the host building through design that either matches or is complementary to that of the original building.

*Other considerations*

12. The appellants have drawn my attention to three other considerations which they consider might amount to the very special circumstances necessary to justify the proposal. Firstly, it is suggested that the extent of the original building is in doubt. However, I have no evidence to suggest that the original building was larger than the Council estimates. Moreover, it is clear that the building has been extended in the past and that the extensions now proposed would add substantially to that, resulting overall in disproportionate extensions. This matter therefore attracts little weight.
13. Secondly, it is suggested that the advanced stage of the emerging Local Plan should be given weight since it might alter the policy framework against which the development should be judged. However, the relevant existing LP policies have a high degree of consistency with the NPPF and, judging by the evidence before me, the relevant local policy framework will not alter materially through the emerging local plan. This consideration therefore attracts limited weight.
14. Finally, it is suggested that significant extensions could be added to the dwelling under permitted development rights. It is not within my jurisdiction to judge what might constitute permitted development but, in the absence of any compelling evidence that the extensions suggested by the appellants would amount to permitted development, I afford this matter limited weight.
15. I conclude on the fourth main issue that the other considerations drawn to my attention, taken either separately or together, are insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, the additional harm to its

openness and the harm to the character and appearance of the host dwelling. The very special circumstances necessary to justify the development do not therefore exist and the proposed extensions would conflict with national policy set out in the NPPF and with LP Policies GBC1, ENV1, ENV5 and ENV6.

### **Conclusions**

16. For the reasons set out above and having regard to all other matters raised, including the lack of objection from the Bengeo Rural Parish Council, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR



## Appeal Decision

Site visit made on 30 May 2018

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> June 2018

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**Appeal Ref: APP/J1915/D/18/3199710**

**Park House, St Marys Lane, Hertingfordbury SG14 2LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Richards against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/0238/HH, dated 2 February 2018, was refused by notice dated 27 March 2018.
  - The development proposed is an increase in the area of hardstanding.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the setting of the listed building.

### Reasons

3. Park House is one of the end sections of a grade II listed building previously known as Hertingfordbury Park. Historically a country house, its previous uses included a convent and a residential care home. It has since been sub divided into separate private dwellings. It has elements of Jacobean and Tudor design with projecting narrow two storey ranges (particularly at Park House) and prominent two storey hexagonal bay windows and ornate stonework to the gables. Lattice glazed casement windows with stone surrounds adorn the side elevations in an even rhythm.
4. Despite the fact that the building has been subdivided it is still identifiable as a grand country house set in extensive rolling grounds, retaining a clear relationship therewith despite being sub divided in some places. The grounds comprise undulating landscaped grassed areas, bounded by mature trees and hedge planting and contribute positively to the immediate setting of the building. The grounds surround the front, side and rear elevations of the entire building. Each private house appears to have its own demarcated parking area which is physically separated from the open grassed grounds by low brick walls, gates and hedging and located adjacent a shared access driveway.
5. The proposed development would bring additional parking into some of the lawned grounds, breaching established landscaping. The paving itself, being largely integrated into grass at ground level, would not represent an impact of

any great significance. However, the encroachment of parked vehicles into the aforementioned grassed area would interrupt and impinge on the planted and green setting of the building and smudge how the realms of vehicle parking and circulation areas and the undulating grassed surroundings of the building are demarcated. This would, in my view, result in a detrimental impact on the setting of the building.

6. This harm would, in itself, be less than substantial. With regard to paragraph 134 of the Framework<sup>1</sup> it should be weighed against the public benefits. I cannot see any public benefits to the proposed development, only those which would be of a private nature and allow a larger parking area for the dwelling. Consequently, I have nothing before me to weigh against the harm. The proposed development would therefore be contrary to section 12 of the Framework which seeks, amongst other things, to safeguard the historic environment against harmful development.

### **Other Matter**

7. I acknowledge that the design of the scheme before me is such that it could be partially shielded from obvious public views. I have also acknowledged that the area of hardstanding would be of an overall low impact. However, the harm to the setting of the building in this case would not be limited to that which can be readily seen and would in the main relate to how it would function. My conclusions on the appeal scheme are therefore unaffected.

### **Conclusion**

8. For the reasons I have set out above, the appeal is dismissed.

*John Morrison*

INSPECTOR

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<sup>1</sup> The National Planning Policy Framework 2012