



## Appeal Decision

Site visit made on 28 August 2018

by **R Sabu BA(Hons), BArch, MA, PgDip ARB**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> December 2018

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**Appeal Ref: APP/J1915/W/18/3196935**

**Radio Mast Site adjacent to 'The Old Rectory', Cottered Road, Throcking SG9 9RR**

- 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 Salmon against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2436/FUL, dated 17 October 2017, was refused by notice dated 11 December 2017.
  - The development proposed is the demolition of existing buildings and radio mast structure & construction of detached dwelling house.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I note that the Local Plan was adopted since the Council's decision notice was issued. I have therefore made my determination based on the East Herts District Plan October 2018 (LP). I have alerted the appellant of this and given them an opportunity to comment.

### Main Issues

3. The main issues are:
  - The effect of the proposed development on biodiversity,
  - Whether the proposed development would provide a suitable site for housing, having regard to the proximity of services; and
  - The effect of the proposed development on the character and appearance of the site and its surroundings.

### Reasons

#### *Biodiversity*

4. The proposed development would be in a reasonably sensitive location in terms of biodiversity at the border of the settlement of Throcking and the countryside and a short distance from the designated Wildlife Site at Holy Trinity Church. Given that there is a significant amount of hedges and trees on the site, there is a possibility of bats being present on the site. Moreover, the Hertfordshire

Biological Records Centre (HBRC) has advised that the HBRC database has records of a bat roost within 200m of the Old Rectory.

5. An ecology survey was not submitted with the planning application or the appeal. I note the appellant's submissions that, upon visual inspection, no evidence of bats has been found and that there is a higher probability of bats roosting on other properties nearby. However, given the location and nature of the appeal site together with the letter from HBRC, there is a need for an ecological survey to be carried out in order to determine whether or not there are protected species on the site and to identify any possible remediation strategies.
6. I have considered the use of a suitably worded condition to secure an ecological survey along with any potential associated mitigation. However, there is insufficient evidence before me to assess whether protected species are present on the site and if so what the effect of the proposed development might be. There is no substantive evidence that the proposed development would not be harmful to any protected species or habitat or that any such harm could be mitigated. On that basis this matter could not be reasonably controlled by way of a planning condition.
7. I acknowledge that the Council did not request an ecological survey to be carried out in order to determine the application. However, whether or not the Council required such a survey at the application stage has no bearing on my determination of this appeal, and for the reasons outlined above an ecological survey is necessary.
8. For the reasons given above, the appellant has failed to demonstrate that the proposed development would not be harmful to the biodiversity of the site or how it would retain, protect and enhance existing landscape features which are of biodiversity value. Therefore, in that regard, the proposed development would conflict with Policies NE3 and Policy DES3 of the LP, which set out that development should always seek to enhance biodiversity and to create opportunities for wildlife, as well as with the National Planning Policy Framework (NPPF).

#### *Location*

9. The first reason for refusal in the Council's Decision Notice cites paragraph 55 of the NPPF. The NPPF was revised in July 2018 and on my reading the closest equivalent of paragraph 55 are paragraphs 78 and 79 in the revised version. Throcking lacks services and facilities and the roads leading out of the village are generally unlit with no pavements. Therefore the occupiers of the proposed development would be likely to be largely reliant on private vehicles to access day to day services. Given the appeal site is situated approximately 2 miles from the village of Buntingford which has services including supermarkets and pharmacies, development in Throcking would support the services of this nearby village in accordance with paragraph 78 of the NPPF.
10. Paragraph 79 of the NPPF states that development of isolated homes in the countryside should be avoided. The main parties agree that the appeal site is on the edge of the village of Throcking. The site is adjacent to the curtilage of the Old Rectory and a short distance from other dwellings to the south and west. Therefore I find that the proposed development would not be 'isolated' and would not conflict with paragraph 79 of the NPPF.

11. The appeal site lies at the edge of the settlement of Throcking and in an area designated within the LP as a Rural Area Beyond the Greenbelt (RABGB). Policy GBR2 of the LP sets out the approach taken by the Council to concentrate development within the existing towns. It permits certain types of development provided that they are compatible with the character and appearance of the rural area and subject to certain criteria. Of these the only criterion relevant to the proposed development would be criterion (e) of Policy GBR2 which allows limited infill development of previously developed sites in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
12. From my site visit and the evidence before me, the permanent structures of the two single storey brick buildings and the radio mast are still very much visible and have not blended into the landscape. Therefore the site constitutes previously developed land as defined in the NPPF. Given the proximity of the appeal site to the adjacent properties, and that it is a previously developed site, it would fall within the local built up area. The proposed development would therefore constitute limited infill development and would accord with Policy GBR2 of the LP.
13. Throcking falls within the Group 3 Village category as defined in the LP. Policy VILL3 permits development within Group 3 Villages that is limited infill development identified in an adopted Neighbourhood Plan. Buntingford Community Area Neighbourhood Plan 2014 – 2031 (NP) sets out that development in the form of small scale infill developments immediately adjoining significant existing clusters of development which are outside the settlements of Buntingford and Cottered would be permitted. For the reasons outlined above, the proposed development would represent limited infill development in the terms of the NP. Therefore the proposed development would not conflict with Policy VILL3 of the LP.
14. For the foregoing reasons, the appeal development would, as a matter of principle, provide a suitable site for housing of the type proposed, having regard to the proximity of services in accordance, in that regard, with the development plan policies referred to above.

#### *Character and appearance*

15. Throcking consists of a handful of homes that are varied in style and size, ranging from the Old Rectory and Coach House which are large dwellings set within considerable grounds to more modest semi-detached properties. The proposed development would be a relatively small building set on a modest plot of previously developed land which lies at the edge of the settlement and would therefore fit in with the layout of the area and complement the varied grain of development.
16. Furthermore, the appellant proposes to retain the existing hedgerow and trees along the boundary with the highway. On this basis, there would be little effect on the street scene. The perimeter of the appeal site which borders farmland is proposed to be planted with Hawthorn and retain trees which would be seen as a continuation of the existing boundary treatments of the area. Again on this basis the proposed development would be in keeping with the rural character and appearance of the area given the existing nature of the site.

17. The design of the proposed development and the choice of external materials are influenced by converted barns in the area. The upper floor of the two-storey dwelling would form part of the pitched roof, which would emphasise the building's modest scale. The proposed development would be significantly smaller than the adjacent properties, the Old Rectory and the Coach House. Therefore the scale and design of the proposed development would be appropriate to the site and setting in the sensitive edge of countryside location.
18. For the reasons given above, I find that the proposed development would not harm the character and appearance of the rural area and would accord, in that regard, with DES2 and DES4 of the LP which seek a high standard of design which preserves or enhances local distinctiveness including that of the landscape.

### **Other Matters**

19. I note the Inspector's comments when determining another appeal decision that forms part of the evidence in respect to whether a nearby site is in a sustainable location. The site in that other case was further away from the settlement of Throcking and I am unaware of further details of the case, and must in any event consider this appeal on its individual merits. Nevertheless, I have found that the proposed development would, as a matter of principle, provide a suitable site for housing of the type proposed.
20. I note that the Authority Monitoring Report has been published since the planning application was determined, which indicates that the Council is now demonstrating a 6.2 year Housing Land Supply. However, this has not altered my overall decision.
21. The evidence also refers to LP Policy HOU3, which concerns affordable housing. Nonetheless, as the proposed development would not provide more than 1000square metres of gross floor space, it would not conflict with this Policy. Policies TRA2 and TRA3 of the LP are also referred to, which seek to achieve safe access arrangements and adequate vehicle parking provision. The Local Highway Authority did not object to the proposals, and from the evidence before me, I find no reason to conclude that the proposals would conflict with these Policies either.

### **Conclusion**

22. Therefore for the reasons given above, I conclude that the appeal should be dismissed.

*R Sabu*

INSPECTOR



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## Appeal Decisions

Site visit made on 12 November 2018

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2018

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### **Appeal A: APP/J1915/W/18/3199319** **19 Watton Road, Ware SG12 0AA**

- 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 3/17/2599/HH, dated 6 November 2017, was refused by notice dated 8 January 2018.
  - The development proposed is described as 'Removal of a section of the Northern slope of the existing roof. Addition of roof terrace with balustrade to replicate historical water tank. A new enclosed stairs is to be inserted from the third floor to gain access to the roof terrace constructed within a retained area of the existing roof'.
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### **Appeal B: APP/J1915/Y/18/3199313** **19 Watton Road, Ware SG12 0AA**

- 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 \_\_\_\_\_ against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2600/LBC, dated 6 November 2017, was refused by notice dated 8 January 2018.
  - The works proposed are described as 'Removal of a section of the Northern slope of the existing roof. Addition of roof terrace with balustrade to replicate historical water tank. A new enclosed stairs is to be inserted from the third floor to gain access to the roof terrace constructed within a retained area of the existing roof'.
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### **Decisions**

1. The appeals are dismissed.

### **Preliminary Matters**

2. The East Herts District Plan was adopted on 23 October 2018, at which time policies which were referred to in the decision notice for Appeal A were superseded.

### **Main Issue**

3. The appeal site lies within the Ware Conservation Area (WCA). Although this is not specifically referenced in the decision notice for Appeal A, the reason for refusal refers to the Council's view that the proposal would detract from both the subject building and the locality. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (the Act) states that special

attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

4. Therefore a main issue for both these cases is whether the proposal would preserve the special architectural and historical interest of the Grade II listed building, and this is supplemented for Appeal A with whether the proposal would preserve or enhance the character or appearance of the WCA.

## **Reasons**

5. The residential unit of No 19 Watton Road forms part of a former brewery. The grade II listed building has a rectangular plan shape, with a three storey tower on its east end, and two storeys and 1 storey on the remainder of the building. The building is built in yellow brick, with noticeable and distinctive red brick arches to ground floor 5 bay arcade to north and 2 bay to east, and red brick soldier arches to many windows. The gabled tower has louvres to north side and a separate protruding louvred ventilator to the rear of the roof. The listing mentions an integral water tank in the gable, but this is no longer in place. No 19 appears to occupy the majority of the tower element of the building, which has been completely converted to residential uses. The Act requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.
6. The WCA is a large conservation area, and covers much of the town centre and surrounds, with the River Lea and New River playing a key part of the area's character and appearance. In the vicinity of the appeal site, the WCA is characterised by the open space of the recreation ground to the west of the site, the appeal site itself with its prominent design, height and location, and the listed maltings buildings behind it.
7. The proposal seeks to remove a section of the roof of the three storey tower element to create a roof terrace, with balustrade to replicate the appearance of the previous water tank, removed when the building was converted to residential use. It is stated that the water tank was removed in 2003. Internal enclosed stairs would be constructed from the third floor to gain access to the proposed terrace.
8. Evidence submitted by the appellant describes how the water tank would have been used while the building was a brewery, from 1862 to 1912 and that tower breweries were built with a water tank at or near the top of the tower so that gravity could be utilised for brewing.
9. Photographs are contained in the evidence showing the former water tank, with the clearest being a photograph dating from the 'Mid 20th century'. This picture clearly shows the historic heritage of the building, and depicts an industrial building with the water tank part of the character and usage of the building.
10. However, the character of the building is much altered now, with the windows particularly in the ground floor, but also at first and second floor clearly showing a residential building. Evidence of the former tank can be seen through the introduction of newer, lighter bricks where the tank sides would have been, and supports are still visible on the east side of the building.
11. The proposal would, superficially at least, reintroduce an element of the former industrial appearance back into the listed building. However, I am not

convinced over the validity of this; the proposal would not be a water tank, but a façade in effect for a roof terrace. Furthermore the submitted sections appear to show a guard rail installed above the 'tank' sides, which would reduce the intended effect of the design, effectively domesticating any industrial character that the new tank sides may bring to the building. The false water tank would clash somewhat with the domestic residential character of the building that now exists, and the terrace would appear incongruous with the additional rail.

12. Such an effect would appear out of place in my view on the building, despite its history and the historical connotations of the scheme, harming the significance of the listed building and having an adverse effect on the WCA, in which locally views of the building are prominent due to its setting and height. I do not consider that such an effect would be justified by the existing irregular and varied roofscapes in the surrounding area; while this clearly adds to the character of the area (including the existing roof of the appeal site), for the reasons given above I consider that the proposal would cause harm to the listed building and the WCA.
13. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider that the proposal would result in harm being caused to the significance of this listed building and the WCA. However, due to the size of the works proposed, I am satisfied in this case that the degree of harm caused would be less than substantial.
14. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. The extension would enhance the appellants' enjoyment of the property by providing the external terrace. However, leaving aside whether the appellants' enjoyment of the property can be properly regarded as a public benefit, it appears externally to be in good condition and within its current optimum use. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused.
15. The Council raise concerns within their evidence over the internal effects of the proposal. My visit was unaccompanied and I considered the proposal from public areas only, and make no comment therefore on any effects that the scheme may or may not have on the internal aspects of the listed building for Appeal B.
16. The appellant notes that Historic England did not raise objections to the applications. However, the consultation response from HE does not offer any comments, positive or negative, and suggests that the Council seeks the view of their own specialist conservation officer. I also note that the Town Council did not object to the proposal, and the reference made to the lift shaft at Kew Palace. I have considered the proposal on its own merits.

### **Conclusion – Appeals A and B**

17. I therefore conclude that the proposal would not preserve the special architectural and historical interest of the Grade II listed building, and that in so doing would also fail to preserve the historic character and appearance of the WCA to which the building makes an important contribution. The proposal would conflict with the Framework.
18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeals should fail.

*Jon Hockley*

INSPECTOR





# The Planning Inspectorate

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Development Control  
East Hertfordshire District Council  
Development Control  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Your Ref: 3/17/2736/FUL  
Our Ref: APP/J1915/W/18/3196746

05 December 2018

Dear Development Control,

## **Town and Country Planning Act 1990**

### **Appeal by Mr David Bottrill**

**Site Address: Foxglove Barn, Moor Place Park, MUCH HADHAM, SG10 6BF**

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.

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

Yours sincerely,

***Mariola Bartkowiak***

Mariola Bartkowiak

*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 28 August 2018

by **R Sabu BA(Hons), BArch, MA, PgDip ARB**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2018

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**Appeal Ref: APP/J1915/W/18/3196746**

**Foxglove Barn, Moor Place Park, Much Hadham SG10 6BF**

- 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 Bottrill against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2736/FUL, dated 21 November 2017, was refused by notice dated 15 January 2018.
  - The development proposed is the change of use of land to domestic garden.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. I note that the East Herts District Plan October 2018 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the adopted LP rather than the former development plan policies cited in the Council's reasons for refusal of planning permission.
3. The change of use has already occurred therefore I consider this appeal retrospectively.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area; including whether it would preserve or enhance the character of the Much Hadham Conservation Area.

### Reasons

5. The appeal site is a part of a group of dwellings situated a short distance from the settlement of Much Hadham. In planning terms it is in an area designated within the LP as a Rural Area Beyond the Greenbelt (RABGB).
6. Policy GBR2 of the LP sets out that permission for change of use will not be granted except for a number of circumstances which do not apply in this case. I do not see any reason to disagree in this instance and find that the change of use conflicts with this Policy in principle.
7. Notwithstanding the above, the development plan makes provision for the proposed type of development via Policy HOU12 of the LP which allows the extension of the curtilage of a residential property into the countryside subject

- to a number of criteria. These are that the change of use should not have an adverse effect on the character and appearance of the surrounding area and landscape, is well related to other residential land and does not involve a harmful incursion into the countryside and the provision of appropriate landscaping and boundary treatment.
8. The rural area around Moor Park Place is characterised by fields of pasture land and a sense of openness. The absorption of the appeal site to the rear garden of Foxglove Barn has roughly doubled the size of a garden which was previously one of the largest in Moor Park Place. The appeal site and existing rear garden is covered with manicured lawn which has a suburban appearance in contrast to the rough pasture land in the rural area around the development.
  9. A change of use could lead to domestic paraphernalia typical of suburban contexts and would cover an area significant in size such that it would be an intrusion of suburbia into the countryside. Furthermore, the rear garden of Foxglove Barn slopes up towards the house, and any future additions to the garden would be prominent when viewed from the rural area.
  10. I acknowledge that post and rail fences may be common in rural areas and that the hedge provides a soft boundary to the appeal site. However the intrusion into the countryside is not only a result of the boundary treatment, but also the use of the appeal site as a domestic garden. I recognise that the appellant has not yet introduced additional garden paraphernalia to the appeal site, but a change in use would not prevent such items being introduced in the future or by changes in ownership.
  11. I have considered the use of a condition removing Class E Permitted Development Rights as suggested by the main parties. Although this may prevent certain buildings from being erected on the appeal site, it would not prevent the further development of the site into a suburban garden that would be incongruous in the rural area.
  12. The appeal site lies within Much Hadham Conservation Area (CA) and its significance lies in the evidence of traditional vernacular architecture which forms the attractive linear village of Much Hadham set in open countryside. Although Moor Place Park is situated a short distance away from the village, it also forms part of the CA and contributes to its significance by being a sensitively designed and well contained development surrounded by rural pastureland.
  13. Although the Council has not specifically identified harm to the significance of the CA in its reasons for refusal, the proposal would be an incursion into the rural pastureland which encloses the village. It would therefore result in less than substantial harm to the significance of the CA in the terms of paragraph 196 of the Framework. The appellant has not provided any public benefit that would arise from the proposal and from the evidence before me. What is more, I do not consider there are any public benefits which would outweigh the less than substantial harm identified in this case. As such, I find that the proposal would fail to preserve or enhance the character or appearance of the Much Hadham Conservation Area.

14. In terms of the 'Historic parks and gardens to be protected'<sup>1</sup> (HPG), from the Appraisal Plan, the eastern extent of the Moor Park Place development including Foxglove Barn and its rear garden without the appeal site follows the boundary of the designated area. The HPG is described in Historic Parks & Gardens Supplementary Planning Document September 2007 (SPD) as a small park made in second half of the 17<sup>th</sup> Century, therefore the significance of the park lies in its existence of over 200 years and its relatively unchanged rural appearance. The proposed development has reduced the size of the park, changing part of its use from a historic park to a private garden. It is significantly set in from the boundary of the rest of the park and forms a significant incursion.
15. The proposal would therefore harm the character and appearance of the rural area as it would conflict with Policy HA4 of the LP which requires that developments preserve or enhance the special interest, character and appearance of the area. It would also result in moderate harm to a non-designated heritage, as set out in Paragraph 197 of the Framework, which further weighs against the grant of planning permission.
16. The Historic Environment Unit has stated that the development is unlikely to have a significant impact on heritage assets of archaeological interest. I have no evidence before me which states otherwise. This factor does not weigh against or in favour of the proposal.

#### **Other Matters**

17. The neighbouring property, Oak Barn, has fenced off the land to the rear of their garden to the same extent and in a similar fashion as the appeal site. However, the Council has stated that "*it would appear that this also requires permission to be used as residential curtilage.*" I do not have any evidence before me which suggests that the change of use of the neighbouring land constitutes lawful development or has planning permission, and such considerations are beyond my remit here. Therefore I have considered this appeal in the context of the boundary of the Moor Park Place development as indicated on the site plan submitted by the appellant.

#### **Conclusion**

18. For all the reasons given above, I find that the proposed development would harm the character and appearance of the area and would be in conflict with Policies DES2, DES3, DES4, GBR2, HA4 and HOU12 of the LP which together seek to protect the landscape character of the district and promote local distinctiveness.
19. For the reasons given above, I conclude that the proposed development conflicts with the development plan, fails to preserve or enhance the character or appearance of the Much Hadham Conservation Area and there are no material considerations indicating a decision otherwise than in accordance with the adopted development plan. The appeal should therefore be dismissed.

*R.Sabu*

INSPECTOR

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<sup>1</sup> Much Hadham Conservation Area Appraisal Plan 2 Adopted Management Plan





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## Appeal Decision

Site visit made on 28 August 2018

**by R Sabu BA(Hons), BArch, MA, PgDip ARB**

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

**Decision date: 04 December 2018**

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**Appeal Ref: APP/J1915/W/18/3200946**

**Land adjacent Coombe Villas, Medcalf Hill, Widford SG12 8TD**

- 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 3/17/2918/FUL, dated 7 December 2017, was refused by notice dated 12 March 2018.
  - The development proposed is the erection of 3no detached dwelling houses.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I note that the East Herts District Plan October 2018 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the LP rather than the former development plan policy cited in the Council's reasons for refusal of planning permission. I have alerted the appellant of this and give him an opportunity to comment. These comments were taken into account when determining the appeal.

### Main Issues

3. The main issues are:
  - Whether or not the proposed development would accord with the Council's development strategy for the area; and
  - The effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Location*

4. The appeal site lies behind 1 Coombe Villas and backs onto open countryside some distance from the Category 2 Village of Widford and within the area defined as Rural Area Beyond the Green Belt (RABGB) in the LP.
5. Policy GBR2 of the LP sets out that new construction will not be permitted within the RABGB with a number of exceptions including infill development within Category 2 Villages being permitted. The site adjoins open countryside to the rear and side of the site. The proposed development therefore would not

fill a gap in the urban fabric of the area and would not constitute infill development in terms of the development plan. The proposed development would not meet any of the other exception criteria identified. Consequently the proposed development would not accord with the Council's development strategy for the area having particular regard to LP Policy GBR2.

#### *Character and appearance*

6. Although the appellant considers that the site is currently unattractive, I find that it is in keeping with its agricultural context as it is largely an open area of grass with some ancillary uses at the periphery. There were areas of open farmland immediately adjacent to the appeal site. Therefore the proposed development would significantly alter the existing nature of the site by introducing suburban development to an agricultural setting, thereby harming the character and appearance of the site and surroundings.
7. The appeal site lies at a higher level than the road and slopes up away from it. Therefore the proposed development would be located at a higher level than the existing houses along the road. I recognise that the trees along the rear boundary of the appeal site would provide some screening from the rural area beyond. However, given the location of the proposed development, it would have a significant impact on the openness of the area.
8. For the reasons given above, the proposed development would harm the character and appearance of the area contrary, in that regard, to Policies DES1, DES2 and DES3 of the LP which place importance on good design in achieving high quality places, and would also conflict in that respect with the Framework.

#### *Planning balance*

9. The appeal site is located to the rear of a group of dwellings which are separated from Widford village by a stretch of the B1004 which is a rural road without pavements. In addition, as accepted by the appellant, Widford lacks any retail facilities and has only a few communal facilities. Consequently frequent travel outside the village is necessary and would largely be by private vehicle. On this basis the appeal site is not in a sustainable location in terms of access to facilities and would be likely to result in a reliance on the private car.
10. The appellant notes the economic benefit of the proposed development by creating jobs in construction and an increased income earned by a larger population. This would be the case for any location, and the proposed development would not provide any particular benefit for the nearest village of Widford or the RABGB. Therefore I give the economic benefit as suggested by the appellant limited weight.
11. The appellant refers to a number of benefits which are said to outweigh the identified harm, including the contribution to housing supply. Although the appellant initially referred to the Council's lack of a 5 year Housing Land Supply (HLS), the Council has confirmed that its most recent Annual Monitoring Report does demonstrate 5 year HLS. This is unchallenged by the appellant; therefore the benefit that the proposed development contributes to housing supply attracts limited weight given the limited contribution it would make to supply and bearing in mind the site's location as discussed above.
12. Therefore, the proposed development would be in conflict with the Council's development strategy for the area, would harm the character and appearance



of the area, and the benefits suggested by the appellant do not outweigh the harm identified.

### **Other Considerations**

13. I note the evidence regarding the potential presence of protected species in the area and the accessibility of services / facilities. While these considerations weigh against the appeal, they have not altered my overall decision.
14. I acknowledge an appeal decision to grant planning consent for 4 detached dwellings in Widford which were also in the RABGB. In that case, the main parties both confirmed that the Council was unable to demonstrate a 5 year HLS at the time. Therefore the Inspector, upon considering the planning balance, determined that this material consideration outweighed the conflict with the development plan. As the evidence now indicates that the Council can now demonstrate a 5 year HLS, I give that appeal decision limited weight.
15. The appellant has noted that the Council has granted permission for a number of other dwellings in and around Widford. However, I am not aware of the particular circumstances of those cases and in any event I must consider the appeal scheme on its individual merits.

### **Conclusion**

16. For all the reasons given above I conclude that the appeal should be dismissed.

*R Sabu*

INSPECTOR



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## Appeal Decision

Site visit made on 30 November 2018

by **J A B Gresty MA MRICS**

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

Decision date: 20<sup>th</sup> December 2018

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**Appeal Ref: APP/J1915/D/18/3212432**

**Tollgate House, Amwell Hill, Great Amwell SG12 9QZ**

- 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 Ross Newham against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/0297/HH, dated 9 February 2018, was refused by notice dated 4 July 2018.
  - The development proposed is ground floor and basement extension to side and rear of existing dwelling following demolition of outbuildings and replacement of existing retaining wall.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - Whether the proposal constitutes inappropriate development in the Green Belt,
  - Its effect on the openness of the Green Belt,
  - The effect of the proposed extension on the character and appearance of the area, and
  - If it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm to the Green Belt, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Inappropriate Development*

3. The appeal property is a two-storey, detached house situated in a large, landscaped plot within the Green Belt. The appeal proposal is for a single-storey, ground floor extension to the house plus an extension at basement level to the south of the host dwelling. The National Planning Policy Framework (the Framework) states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to exceptions listed in the Framework which include extension or alteration of a

- building provided that it does not result in disproportionate additions over and above the size of the original building.
4. The appellant indicates that the original dwelling had a floor area of 115 square metres, that the ground floor extension would have a floor area of some 30.9 square metres and the basement extension a floor area of about 263.9 square metres. After taking into account the proposed demolition of a lean-to structure, these measurements indicate that the proposed development would result in an increase of the floor area of the original dwelling of about 250 square metres, an increase of 217 percent.
  5. The appeal proposal includes demolition of outbuildings. Their total floor area is unclear but the evidence presented indicates that it is between about 72 and 100 square metres. These buildings are not part of the original dwelling. Accordingly, their demolition does not contribute towards the assessment of the proportionate increase in the size of the original dwelling.
  6. The Framework does not define what a disproportionate increase in size would be. However, the proposed development would result in the total floor area of the extended dwelling being about three times the size of the original dwelling. Most of this increase would occur outside the footprint of the original dwelling. Consequently the size of the extended dwelling would bear very little resemblance to that of the original dwelling. I consider this to be indicative that the proposed development would result in disproportionate additions over and above the size of the original building.
  7. The proposed ground floor extension would have a floor area of about 30.9 square metres. On its own the ground floor extension would not be a disproportionate addition over and above the size of the original building and it would not be inappropriate development in the Green Belt as defined by the Framework. This is recognised by the Council and following a separate planning application, Ref 3/18/1763/HH, it granted permission for the ground floor extension on 1 November 2018. In light of this, it is necessary to consider the effect of the proposed basement level extension in addition to the ground floor extension.
  8. A further exception listed in the Framework is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. Whilst the appeal property is in a suburban location, the proposed basement development would not infill a space between two buildings or structures and it would not represent infill development.
  9. The Framework's definition of previously developed land includes land which is or was occupied by a permanent structure. The proposed basement level extension would be on the site of what is, at least in part, artificially made-up land held in place by a retaining wall. Whilst the wall is a structure and there is a small enclosed space built into the side of the made up land with its entrance through the retaining wall, evidence has not been presented to indicate that the bulk of the site in which the basement level extension would be formed is a structure. Further, the definition of previously developed land specifically excludes land in built-up areas such as residential gardens. Accordingly the site of the proposed basement level extension is not previously developed land as defined by the Framework and I conclude that the proposed development would not represent one of the exceptions listed in the Framework in this respect.

10. Overall, I conclude that the appeal proposal as a whole would not represent any of the exceptions listed in the Framework and it would be inappropriate development in the Green Belt as defined by the Framework. In this respect the appeal proposal would not comply with the requirements of Policy GRB1 of the East Herts District Plan 2018.

#### *Openness*

11. The Framework confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. The Council indicates that, following demolition of some outbuildings and excavation to form a sunken garden, the development would result in a modest net increase in the openness of the Green Belt. In this respect the proposed development would not be harmful to openness which is one of the Green Belt's essential characteristics.

#### *Character & Appearance*

12. The proposed ground floor extension would complement the design and scale of the host property and it would be in keeping with the character and appearance of the local area in this respect. Further, the proposed basement level extension would be largely hidden from view and it would have limited effect on the appearance of the appeal property. The proposed sunken garden would be in keeping with the host property's garden which is extensively landscaped with terraces and retaining walls. Whilst, because of its scale and proposed uses, which would include a substantial swimming pool, the basement level extension would inevitably change the character of the appeal property, this would not be reason to dismiss the appeal. On balance, I concur with the Council that the proposed development would be in keeping with the character and appearance of the appeal property and the local area as a whole.

#### **Other Matters**

13. The appellant holds that the proposed development is required to support a property of this size and maintain the viability of the house which is a Grade II listed building. However, evidence has not been presented to demonstrate that the property is unviable or how the proposed extension would improve its viability. Accordingly, I attach little weight to the appellant's views in these respects.
14. At an appeal, Ref APP/N5090/D/17/3174495, dated 19 September 2017, the Inspector concluded that, although it would *add considerably to the internal floor area of the existing house*, a basement extension of a dwelling in the Green Belt in the London Borough of Barnet would not be inappropriate. The Inspector's reasoning included that the extension would not affect the external appearance of the building or its visual bulk in the Green Belt. However, evidence has not been presented to indicate what the proportionate increase in the size of the original dwelling would be as a result of the basement extension. I note that the approved basement extension would be entirely within the footprint of its host dwelling, which would inevitably restrict the proportionate increase in the size of the dwelling. This is unlike the proposed basement level extension which would have a footprint several times larger than that of the appeal dwelling, none of which would be under the appeal dwelling. There are significant material differences between the development approved by the Inspector at appeal Ref APP/N5090/D/17/3174495 and the

development proposed in this appeal. Each case must be considered on its own merits and I attach limited weight to the Inspector's decision regarding appeal Ref APP/N5090/D/17/3174495 in considering this appeal.

*Very Special Circumstances*

15. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. The proposed development would result in a modest increase in the openness of the Green Belt which adds some weight in favour of the proposed development.
17. Whilst the host dwelling is a substantial building, it has an inconvenient internal layout which limits the practicality of the accommodation. The proposed development would provide useful additional accommodation which would lead to an improvement in the living conditions of the occupiers of the property. However, the property has the benefit of an extant planning permission for the proposed ground floor extension, Ref 3/18/1763/HH, which if implemented would improve the useable accommodation of the dwelling, to the extent that the living conditions of the occupiers of the property would be improved significantly. Accordingly, I consider that the personal benefit which the appellant would realise as a consequence of the additional accommodation which would be provided by the appeal scheme adds only modest weight in favour of the appeal scheme.
18. Inappropriate development is by definition harmful to the Green Belt. The proposed development would represent inappropriate development in the Green Belt as defined by the Framework. Taken as a whole, the lack of harm of the proposed development to the character and appearance of the local area, the modest improvement in the openness of the Green Belt as well as the benefit to the living conditions of the occupiers of the appeal property, is not sufficient to outweigh the harm the proposed development would do to the Green Belt by reason of its inappropriateness. Therefore, I conclude that evidence has not been presented to demonstrate that very special circumstances exist to clearly outweigh the harm to the Green Belt.

**Conclusion**

19. On balance and for the above reasons, I conclude that the appeal should be dismissed.

*J A B Gresty*

INSPECTOR



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## Appeal Decision

Site visit made on 13 November 2018

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 December 2018

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**Appeal Ref: APP/J1915/D/18/3210786**

**12 Norman Avenue, Bishop's Stortford CM23 4HL.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Michael Henry against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1092/HH, dated 10 May 2018, was refused by notice dated 18 July 2018.
  - The development proposed is a two storey extension.
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### Procedural Matter

1. The Council has described the proposal as a part single storey / part two storey front extension. In my view this more accurately describes the proposal and I shall use it below.
2. Since the appeal was submitted the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.

### Decision

3. The appeal is allowed and planning permission is granted for part two storey, part single storey front extension, at 12 Norman Avenue, Bishop's Stortford CM23 4HL, in accordance with the terms of application ref. 3/18/1092/HH dated 10 May 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
  - 2) This permission shall relate to the following plans: Location Plan, Block Plan, 018/732-1 (Existing elevations), 018/732-2 (Existing ground floor), 018/732-3(Existing first floor), 018/732-4a (Proposed elevations), 018/732-5a (Proposed ground floor), 018/732-6a (Proposed first floor).
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the host dwelling.

### Main Issue

4. The main issue is the impact on the character and appearance of the street scene.

## Reasons

5. The appeal property is a detached two storey dwelling. It is located within a modern estate characterised by predominantly detached dwellings. Dwellings mainly front the road set behind generally well planted front boundaries.
6. The dwelling on the appeal site is set some distance back from the road behind a detached double garage which is located to the front of the plot. However, the dwelling is visible in approaches from the north-east along the main estate road across an area of open space which adjoins the appeal site. Although partly screened by an existing garage in the adjoining plot to the east, and by some trees on the open space, the majority of the dwelling, particularly its upper floor, is visible.
7. However, whilst this is the case, I do not consider that the proposed front extension to the dwelling would be unacceptable. Whilst it would be seen within the above street scene, it would be subordinate in size and proportion. In the main view from the north over the public open space, the two storey element would be sited furthest away, to the west of the plot and adjacent to the two storey element of the adjoining dwelling at number 13, against which it would be viewed. The flat crown roof of the single-storey element would be of slightly different appearance to the main roofs but seen against the two-storey element and at the lower level would not be unduly prominent nor inappropriate.
8. I note that the majority of the dwellings within the immediate locality of the appeal site have not been extended and retain their original relatively simple form and modest depth. Whilst the proposed addition would add to the bulk and depth of the dwelling on the appeal site, I do not consider that it would be either disproportionately large in relation to the host dwelling nor would it result in a dwelling that would appear overly large relative to those which surround it.
9. Overall I find that the proposal would not be harmful to the character and appearance of the street scene and wider area. It would thus comply with DP policies DES4 and HOU11 which seek a high standard of design and layout, promote local distinctiveness and the best possible use of available land by respecting or improving upon the character of the site and the surrounding area; also that development should be of a size, scale, mass, form, siting, design and materials that are appropriate to the character, appearance and setting of the existing dwelling and surrounding area.
10. I therefore conclude that this appeal should be allowed.

*P Jarvis*

INSPECTOR



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## Appeal Decision

Site visit made on 13 November 2018

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 December 2018

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**Appeal Ref: APP/J1915/D/18/3210683**

**18 Linkside Road, Bishop's Stortford CM23 5LP.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms. Caroline Soper against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1126/HH dated 15 May 2018, was refused by notice dated 12 July 2018.
  - The development proposed is a first floor extension above existing ground floor extension.
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### Procedural Matter

1. Since the appeal was submitted the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue is the impact on the character and appearance of the street scene.

### Reasons

4. The appeal property is a semi-detached two storey property located on the corner of Linkside Road, a main road, with Rosebery, a short cul-de-sac. The immediate locality of the site is characterised by similar semi-detached properties, some of which have been extended.
5. The dwelling on the appeal site has been extended to the side with a single-storey addition. It is sited right up to the pavement edge of Rosebery with the flank wall forming the boundary wall. It is a parapet wall with mono-pitch front element and is of a height roughly level with the bottom of the first floor windows of the host property. The proposal would be a first floor above this with hipped roof to match the host dwelling.
6. The proposed extension would therefore result in two-storey built form across the whole width of the plot, right up to the pavement edge. In my opinion, the extended dwelling would result in the introduction of an unduly prominent feature in the street scene, which would be notably more visually intrusive than the existing single storey flank wall. Furthermore, it would result in a built



form that would be out of keeping with the generally more spacious layout of the area, particularly on similar corner plots where the dwellings are set back from the pavement edge, such as that on the opposite corner of Rosebery.

7. I note that the appellant has referred to a number of properties in the area where two-storey side extensions have been added. However, these are generally in locations within a continuous built frontage where the flank elevation of the side extension is not readily seen. The dwelling on the corner of Greenway, to the south of the appeal site, does occupy a similar location but the dwelling is set back from the side (Greenway) frontage, which is marked by a low fence, thus maintaining a degree of spaciousness and not resulting in a prominent flank wall right on the pavement edge.
8. I find that the proposal would be harmful to the character and appearance of the street scene. It would thus conflict with DP policies DES4 and HOU11 which seek a high standard of design and layout, promote local distinctiveness and the best possible use of available land by respecting or improving upon the character of the site and the surrounding area; also that development should be of a size, scale, mass, form, siting, design and materials that are appropriate to the character, appearance and setting of the existing dwelling and surrounding area.
9. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR



## Appeal Decision

Site visit made on 13 November 2018

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 December 2018

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**Appeal Ref: APP/J1915/D/18/3210113**

**2 Motts Close, Watton at Stone, Hertford SG14 3TR.**

- 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 Ian Paskell against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1134/HH, dated 11 May 2018, was refused by notice dated 10 July 2018.
  - The development proposed is construction of two-storey front extension.
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### Procedural Matter

1. Since the appeal was submitted the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.

### Decision

2. The appeal is allowed and planning permission is granted for the construction of a two-storey front extension, at 2 Motts Close, Watton at Stone, Hertford SG14 3TR, in accordance with the terms of application ref. 3/18/1134/HH dated 11 May 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
  - 2) This permission shall relate to the following plans: 01 (Location Plan); 03 (Existing ground floor plan); 04 (Proposed ground floor); 05 (Existing and Proposed first floor plan); 06 (Existing elevations); 07 (Proposed elevations).
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the host dwelling.

### Main Issue

3. The main issue is the impact on the living conditions of the occupiers of the adjoining property, No. 20 High Street, Watton at Stone.

### Reasons

4. The appeal property is a detached two storey dwelling, one of two modern detached dwellings which front the High Street but which have a shared access off Motts Close to the west of the site.

5. The adjoining dwelling to the east, No. 20 High Street, is a large detached bungalow in a relatively large plot. It is set at a higher level than the dwelling on the appeal site, around 1 metre, and slightly forward of it. There is a bedroom window in the flank elevation of this property that faces towards the appeal site, located opposite the projecting single storey element of the front garage of the dwelling on the appeal site. The proposed extensions would insert a first floor over this garage extension.
6. I viewed the relationship between the two properties from the front of the appeal site and also visited the neighbouring property, looking out through the flank bedroom window, which is the sole window serving that bedroom, towards the appeal site. Whilst the proposed first floor addition would be likely to have some impact on the light currently received through that window, I do not consider that it would have a significantly harmful impact due to the separation distance, level difference and relatively limited forward projection of the proposed first floor addition.
7. The proposal would not project so far forward as to completely block out the light and any sky view, thus maintaining a reasonable outlook for the occupiers of that dwelling. Furthermore, the extension is located on the northern side of the dwelling, such that there would be little impact on any sunlight. Overall I consider the impact would be acceptable.
8. I find that the proposal would not detract from the living conditions of the occupiers of the adjoining property, No. 20 High Street. It would thus comply with DP policies DES4 and HOU11 which seek a high standard of design and layout, that development should be of a size, scale, mass, form, siting, design and materials that respect or improve upon character, appearance and setting of the existing dwelling and surrounding area and that significant detrimental impacts on the amenity of occupiers of neighbouring properties and land should be avoided.
9. I therefore conclude that this appeal should be allowed.

*P Jarvis*

INSPECTOR