



Appeal Decision

Site visit made on 9 October 2018

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

an Inspector appointed by the Secretary of State

Decision date: Thursday, 28 February 2019

Appeal Ref: APP/J1915/W/17/3181608 **Land at North Drive, High Cross SG11 1AR**

- 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 Sean Harries, Beechwood Homes Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0251/FUL, dated 1 February 2017, was refused by notice dated 21 June 2017.
 - The development proposed is the erection of 21 dwellings with associated parking, landscaping, open space and access.
 - This decision supersedes that issued on 22 March 2018. That decision on the appeal was quashed by order of the High Court
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the planning application the number of proposed dwellings on the site reduced from 21 to 20. While the description of the proposal in the banner above references that applied for in the application form, I have dealt with the scheme for the lower number of houses as dealt with by the Council in their decision.
3. Both main parties considered that the appeal could be dealt with under the written representations procedure. Having considered the matter I am of the view that the planning issues involved in the case can be readily understood from the appeal documents and site visit, and furthermore that the issues raised are not complex and do not require questioning.
4. During the course of my consideration of the appeal the East Herts District Plan was adopted, on 23 October 2018 (the District Plan). Policies which are referred to in the Council's decision notice from the previous Local Plan have subsequently been superseded. Both parties were given further opportunities to comment on this change to the development plan during the appeal process.

Main Issues

5. The main issues in this case are as follows:
 - the effect of the proposed development on the setting of nearby listed buildings; and

- the effect of the proposed development on the character and appearance of the area.

Reasons

6. High Cross is a fairly small settlement, based around the old Roman road of Ermine Street (called High Road in the vicinity of the village) and the junctions of this road with Marshalls Lane and North Drive. Aside from Marshalls Lane, development is largely focused on the road itself and on land to the east of the road. On the northern side of the village lies the Grade II listed Church of St John the Evangelist which visually forms the focal point for the settlement. North Drive is fairly well built up from the junction with High Road, particularly on the southern side. On the northern side of the road development is more spread out, largely due to the appeal site which is a reasonably large open paddock/field encircled by trees.
7. The appeal site is roughly square in shape, and aside from the trees is bordered by North Drive to the south, with an access track to the Church, Rectory and an additional property running along the west side of the site and a small Church car park to the north west of the appeal site. To the north of the site lies the Grade II listed Rectory and its grounds. To the east of the site lies the rear of gardens to properties on Poplar Close, as well as a property on North Drive at the south east side of the site.

Listed Buildings

8. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting.
9. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
10. The Church of St John the Evangelist was constructed in 1846 to a design by Anthony Salvin, and is constructed in ragstone with limestone dressing. A tower with ashlar battlemented parapet and small copper spire was added in 1906, and is sited on the south west of the Church, close to the appeal site. The building has a steep slate roof and diagonal corner buttresses are noticeable.
11. The Rectory is noted by the listing to date from 1846, and is stated to have also probably been designed by Anthony Salvin. The property is substantial and appears from public areas and the appeal site to in effect have two façades; towards the south and the site, and towards the west and the Church. The residential house is constructed in red brick with a red tile roof. The brick work contains interesting black diaper patterns at first floor level and on the

chimney breasts, with distinctive tall lower windows each side of French doors. Decorative patterns of glazing bars in squares and octagons in mullioned and transomed 3-light windows are visible in its south elevation. The appellant notes that the Rectory's principal relationship is with the Church as signified by the addition at the end of the listing as "included for group value". However, even though the listing states that it is listed for group value it is nonetheless a listed building, which falls to be considered as such.

12. The significance and special interest of the Church derives from its stature, its architectural design and detailing, with the Rectory also attaining significance from its detailed design. The setting of the two buildings is enhanced by each other, and encompasses the appeal site. My site visit took place in early October when much of the tree cover to the sides of the site remained; nevertheless the Church was clearly visible to the south east and substantial glimpses of the Rectory's south façade could be seen from the site and more distantly from North Drive. Distinctive and attractive views of the Church's tower and spire could be clearly seen from North Drive, particularly from the south east where there is a lack of trees adjacent to the entrance to Little Duncans. From this angle when travelling towards the west the Church is very noticeable and the empty green space of the site clearly contributes to its setting.
13. The appellant's evidence notes that the appeal site was a glebe; that is, land devoted to the maintenance of the incumbent of a church and hence the appeal site also has a historical connection to the Church. While I appreciate that a glebe does not have to be located close to the Church, its close physical connection in this case, sited close to an entrance to the Church and its graveyard, and overlooked by the south façade of the Rectory, adds to its significance as part of the setting of the heritage assets.
14. The development would involve the construction of a range of houses and apartments largely located around the edge of the site, aside from the boundary with North Drive which is kept reasonably open adjacent to the access. The interior of the site would have a fairly large open space and play area. However, despite these measures the proposal would still have a significant effect, altering it from an open space close to the heritage assets to one with the appearance of a small housing estate.
15. While there is existing surrounding development to the south of the Church, the construction of the proposal would have an adverse effect on the setting and therefore the significance of the Church, altering substantially the character of the appeal site and bringing built development close to the Church in an area which has been historically linked to the Church and free from development. The effect would be particularly noticeable from the south east corner of the graveyard, where instead of the current open vista beyond the small car park there would be a view of the side and rear of two storey houses, and would be more significant in views of the heritage asset from North Drive adjacent to Little Duncans. In such views the primacy of the Church tower and spire would be diluted and replaced to a fairly large extent by the pyramidal roof of units 16-18 and the hipped roof of plots 19-21. While distance, proposed planting and the height of the proposed dwellings would slightly lessen such effect, and the height of the church tower and spire would mean that it would still remain visible, harm would still be caused.

16. The primary relationship for the Rectory is with the Church, which the proposal would not alter. However, there would remain an adverse effect upon the setting of the Rectory; while lesser than that upon the Church it would still be impacted upon adversely by the development of a site that would historically have been overlooked as an open space from the grand openings on the south façade of the Rectory.
17. Having regard to the advice in the Government's planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the setting and therefore the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. I note in this respect that the appellant also considers that the proposal would cause less than substantial harm to the setting of the two listed buildings. Paragraph 196 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
18. The public benefits of the scheme include the economic and social benefits arising from the provision of additional housing, both market and affordable, in the heart of the village. The scheme would generate economic benefits through both its construction and the activities of future residents of the proposed houses; such residents would also contribute socially to the village. While 20 houses is not an especially high number of dwellings, in the context of a village the size of High Cross it would be a reasonably significant development.
19. Benefits are also outlined of the ecological effect of the scheme. Due to the scale of the site and available land used for planting such benefits would be limited. A benefit to the wider community would also be accrued through the provision of public open space and a play area on the site, which is not publically accessible at present.
20. In terms of the provision of sustainable drainage, flood alleviation for an off site development and the maintenance of a watercourse along a site boundary, the necessity for these works largely arise from the development of the site itself. Benefits are also described in terms of financial contributions towards various community facilities; however, such contributions are contained within a Section 106 Agreement and are as such agreed by the parties as being necessary to make the development acceptable in planning terms. I also note the letter from the landowners, the Diocese of St Albans (the Diocese) stating that the sale of the Diocese's properties is essential to the mission of the Diocese, in terms of providing income towards the payment of parochial clergy. However, be that as it may, I am not convinced that this constitutes a public benefit to the scheme.
21. Finally, the proposal also includes a scheme to improve North Drive. This road is a shared surface private road owned by the District Council and serves a reasonably high number of dwellings, both on North Drive and linked side roads. The quality of the road was fairly mixed at the time of my visit and the proposal would improve this via the resurfacing of the road and associated works. I note however that there does not appear to be significant public support from local residents for this aspect of the scheme.

22. I have concluded that the proposal would fail to preserve the setting, and result in less than substantial harm to the significance of the Grade II listed Church and the Grade II listed Rectory. I have paid special regard to the desirability of preserving these settings, and note that I am required to give considerable importance and great weight to preserving the setting of such heritage assets. Having considered the range of public benefits provided by the scheme I consider that they attract moderate weight and consequently would not outweigh the clear harm caused. Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The proposal would be contrary to Policies HA1 and HA7 of the District Plan which together state that development proposals should preserve and where appropriate enhance the historic environment, and that proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.

Character and appearance

23. Policy VILL2 of the District Plan states that in High Cross limited infill development will be permitted provided, amongst other criteria, that it relates well to the village in terms of location, is of a scale appropriate to the size of the village, is well designed and in keeping with the character of the village, does not represent the loss of a significant open space or gap important to the form and/or setting of the village, and would not unacceptably block important views or vistas.
24. Despite its lack of public access, the open space of the site contributes to the semi-rural character and appearance of the village; as a fairly large field/paddock in the heart of the village and via the positive effect of the site upon the setting of the Church and the Rectory the site adds to the appearance of the settlement, providing a break in development and enhancing the character of the village. However, its lack of public access or community use and the encircling of much of the site by protected trees restricts the site's role in defining the form of the village, albeit that for the reasons given above I still consider that the site has such a role.
25. However, the design of the proposal with a reasonably sized centrally located area of publically accessible open space would mitigate such an effect such that in my view overall, and notwithstanding the adverse effect that I have found above on the setting of the two nearby heritage assets, the proposal would not have an adverse effect on the character and appearance of the area. Subsequently the scheme would comply with policy VILL2 of the District Plan.

Other Matters

26. A Section 106 Agreement has been submitted which provides for various community contributions, affordable housing, maintenance of the public open space, the road improvement works and fire hydrants. I have considered the public benefits of the proposed affordable housing and road improvement works above; aside from this as I am dismissing the appeal on other grounds I have not considered this matter further.

Conclusion

27. To summarise, I have concluded that the proposal would harm the setting of nearby listed buildings, and that this harm would not be outweighed by the identified public benefits of the scheme. As such the proposal would conflict with the Framework and the District Plan policies HA1 and HA7. Furthermore, I do not consider that such harm would be outweighed by the financial benefits of the scheme to the Diocese.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR



Appeal Decision

Site visit made on 21 January 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2019

Appeal Ref: APP/J1915/W/18/3212492

The Bird in Hand, 26 Green End, Braughing, Hertfordshire SG11 2PG

- 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 R Pugh against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2342/FUL, dated 5 October 2017, was refused by notice dated 6 September 2018.
 - The development proposed is described as 'erection of two detached dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision it has adopted The East Hertfordshire District Plan 2018 (EHDP). This has superseded the East Herts Local Plan Review 2007, which was referred to in the reasons for refusal. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through his appeal submissions.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would; 1) Preserve the setting of Braughing Chapel and Nos 24-26 Green End, which are Grade II listed buildings; 2) Preserve or enhance the character or appearance of the Braughing Conservation Area, including the effect on trees; and 3) Whether any harm to designated heritage assets would be outweighed by public benefits; and
 - 4) The effect of the proposed development on local amenity with particular reference to parking.

Reasons

The effect on the setting of listed buildings

4. The list description for Nos 24-26 Green End explains that the building probably dates from the 17th Century but could be earlier. This historic character is still very evident. It is an imposing structure that would have once had a large curtilage and been a local landmark as a public house. The garden has been

subdivided following the change of use to two dwellings but the remaining area is still large and enables a semi-rural view from the appeal site over the river valley and towards the Parish Church. There are two timber outbuildings along the northern boundary of the appeal site. The one nearest the road appears on historic maps and may be curtilage listed. Both are single storey, finished in black boarding and are subservient to the main listed building. This gives a logical hierarchy to the built form within the appeal site.

5. The erection of two dwellings within the appeal site would harmfully disrupt the built hierarchy currently evident, as the proposed dwellings would visually compete with the massing and scale of the listed building. The appeal scheme would also further reduce the historic curtilage of the building and interrupt the visual connectivity currently evident between the listed building and the river valley landscape. As such, the proposal would impose upon, and harm, the setting of Nos 24-26 Green End.
6. To the south of the appeal site is Braughing Chapel. This is a modest, unassuming and attractive historic building set in a small curtilage. It is only accessed via a public footpath and there are no other buildings within its immediate setting. Although in the heart of the village it has a sense of separation and tranquillity and this is important to the way it is experienced as a chapel. The appeal scheme would harmfully erode the building's sense of tranquillity and separation as the two dwellings would be imposing and positioned relatively close to it, albeit separated by the garden of No 24. Moreover, the houses would be comparatively large and this would have the visual impact of over powering the diminutive scale and massing of the chapel.
7. I therefore conclude that the appeal scheme would harm the setting of both Braughing Chapel and Nos 24-26 Green End. This would be contrary to Policies HA1 and HA7 of the EHDP¹ and Policy 10 of the Braughing Neighbourhood Plan 2018 (NP), which seek to secure development proposals that preserve and where possible enhance the historic environment of East Herts. This includes a requirement to only permit proposals that would not have an adverse impact on the setting of listed buildings.

Whether the proposed development would preserve or enhance the character or appearance of the Braughing Conservation Area

8. The significance of the CA is multifaceted and is evident in the period architecture, the landscape setting and the form of the village. The CA is made up of two historic settlements – Braughing and Green End. These two areas are separated by the River Quin, the immediate banks of which are largely open and undeveloped. This creates a green swathe through the CA which is distinctive and attractive. The long open gardens of the properties in Green End contribute to the overall quality of the river valley and act as a point of transition between the river and the frontage development along Green End.
9. The development along Green End is mainly residential frontage development arranged in a discernible building line with some variation in the extent properties are set back from the road. There is little development in depth away from the road save for a modern housing estate that has been built to the north of the appeal site. This includes a cul-de-sac arrangement untypical

¹ Within its first reason for refusal the Council has referred to emerging Policies HA2 (Non- Designated Heritage Assets) but this does not appear relevant to any of the main issues.

- of the pattern of development in the CA and is generously described in the Conservation Area Appraisal as being a neutral feature.
10. The erection of two properties behind No 26 would disrupt the frontage pattern and grain of development along Green End. Moreover, due to their location towards the end of the existing garden, the dwellings would appear as discordant interlopers in the green swathe formed by the river valley. The dwellings would also appear unusually cramped and dense given the extensive site coverage that would arise from two large houses of modern proportions and massing being squeezed into relatively small plots. The dwellings would not be discrete additions as they would be visible from neighbouring properties, Green End, Fleece Lane and Church End to a lesser extent.
 11. The appeal site drops as it falls towards the river and drawing 12854-P003-1st appears to suggest that only part of the roof top of the proposed dwellings would be visible from Green End. However, this drawing shows a two dimensional perspective and therefore underestimates the impact of the proposal. Moreover, this is only a single viewpoint. The dwellings would be more widely visible. Thus, the change in levels would not mitigate the impact on views from Green End. Instead, the properties would be strident features given their incongruous siting and the extensive scale and massing. This would interrupt the existing view from Green End over the appeal site towards the Parish Church and the river valley.
 12. The appeal scheme would necessitate the removal of a feature tree that is currently in the position of the proposed turning head. Pressure to fell other trees may also materialise because the rear garden of 'Unit A' would be dominated by the trees currently in the north eastern corner of the appeal site. The trees, particularly the feature tree, are visible from a number of public vantage points, including Green End. As a consequence, they contribute to the verdant setting of the river corridor and the appearance of the CA and are therefore of amenity value. The appeal scheme lacks adequate information justifying the removal of these trees and therefore their loss would be a further harmful impact of the proposal upon the character and appearance of the CA.
 13. I therefore conclude that the appeal scheme would harm the character and appearance of the CA. This would be contrary to Policies HA1, HA4, VILL1, DES2, DES3 and DES4 of the EHDP and Policies 2 and 10 of the NP, which seek to secure development proposals of a high standard of design that preserve and where possible enhance the historic environment of East Herts, including conservation areas, and are designed to be in keeping with the village and its landscape character.

Whether any harm to heritage is outweighed by public benefits Para 134

14. The harm I have identified would be reasonably localised and therefore 'less than substantial' within the meaning of the National Planning Policy Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
15. The proposal would deliver two new homes and this would contribute towards the Council's housing supply. However, the contribution would be very modest and the Council are currently able to demonstrate a housing land supply in excess of five years. As a consequence, this benefit would be limited. More locally, the proposal would assist in meeting the housing target for the village

outlined in the EHDP. However, this is of limited weight because the houses would not meet the local need for two bedroom properties and the NP has identified other sites that would meet the housing target.

16. The proposal would result in benefits to the construction industry and future residents may spend locally. However, the contribution to the construction industry would be short lived and I have seen nothing to suggest the 'spend' from two additional households would have a notable effect on the viability of facilities in the village. Moreover, evidence has not been provided to suggest local facilities are suffering for lack of patronage. As such, the economic benefits carry limited weight.
17. Thus, when giving considerable importance and weight to the special regard I must have to the desirability of preserving the setting of listed buildings and the character or appearance of a CA², I find that the significant harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the National Planning Policy Framework as harm to designated heritage assets would not have a clear and convincing justification.

The effect of the proposed development on local amenity with particular reference to parking

18. Policy TRA3 of the EHDP states that vehicle parking provision will be assessed on a site specific basis and should take into account the District Council's Supplementary Planning Document 'Vehicle Parking at New Developments'. This document suggests that three spaces should be provided at a four bedroom property but it does not appear to be up to date and grounded in extant policy and evidence.
19. The appeal scheme would provide two parking spaces per property along with a generous turning head. The appeal site is well placed to enable future residents to access many everyday services on foot or by bicycle. It is also close to bus stops. As a consequence, future residents of the appeal scheme are unlikely to be reliant on private motorised transport and therefore the parking demands may be satisfied by two spaces per dwelling. Even if this judgment is incorrect, the proposed turning head would be large and therefore parking within this area would not result in vehicles having to reverse onto to the road or perform manoeuvres that would be of danger to pedestrians. Moreover, I have seen nothing to suggest that occasional on street parking would harm the amenity of the area by, for example, contributing to parking stress or the safe movement of traffic and pedestrians.
20. Although not specifically identified on the drawings there would be space within the appeal site, or land within the appellant's control, to provide secured cycle parking and vehicle parking space to serve the existing property. The existing access drive is sufficiently wide in this respect. Such provision could have been secured through a suitably worded planning condition had the scheme been otherwise acceptable. There is no evidence before me as to why powered two-wheeler storage facilities would be appropriate in this instance and therefore this omission is of little consequence. Accordingly, the proposal would include adequate vehicle parking provision and therefore a harmful impact on local amenity, and a conflict with Policy TRA3 of the EHDP, would not occur.

² See Sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Other Matters

21. Various concerns have been raised by interested parties regarding the setting of the Parish Church (Grade I listed) and Braughing Bury (Grade II* listed). I would need to see further evidence, including comments from Historic England, before coming to a conclusion on whether the appeal site is in the setting of these structures and what effect the appeal scheme would have upon them. However, given my findings it has not been necessary for me to seek this evidence. For similar reasons I have not specifically addressed the other concerns raised such as the effect on living conditions and wildlife.

Conclusion

22. The proposed development would provide adequate parking facilities but it would significantly harm the significance of designated heritage assets. Consequently, it would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR



Appeal Decision

Site visit made on 29 January 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2019.

Appeal Ref: APP/J1915/W/18/3204495

1 and 3 Kingsmead Road, Bishop's Stortford, Hertfordshire CM23 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Larry Tucker against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2560/FUL, dated 1 November 2017, was approved on 8 December 2017 and planning permission was granted subject to conditions.
 - The development permitted is demolition of nos. 1 and 3 Kingsmead Road, Bishop's Stortford and construction of 4 no. two-storey 3 bed dwellings with parking and landscaping.
 - The condition in dispute is No 6 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A, and the enlargement of the dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.
 - The reason given for the condition is: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.
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Decision

1. The appeal is allowed and the planning permission 3/17/2560/FUL for demolition of nos. 1 and 3 Kingsmead Road, Bishops Stortford and construction of 4 no. two-storey 3 bed dwellings with parking and landscaping, granted on 8 December 2017 by East Hertfordshire District Council, is varied by deleting condition 6 and substituting this with the following condition:
 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement of any of the dwellinghouses hereby permitted consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall be undertaken without the prior written permission of the local planning authority.

Procedural Matters

2. Since the appeal was made the Council has adopted the East Herts District Plan October 2018 (DP), where Policy DES4 over the design of development is considered relevant. My decision is based on this as the currently adopted development plan. This replaces the East Herts Local Plan Second Review April

2007 and its Policy ENV9 as referred to in the reasons given for the condition in dispute.

3. On 24 July 2018, also since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the main parties an opportunity to make further comment, my decision reflects this.

Background and main issue

4. The tests for planning conditions, as set out in paragraph 55 of the Framework, are that they should be imposed only where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 53 prior to this states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The national Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances.
5. The condition in dispute relates to approval for a scheme to replace two detached bungalows with two pairs of semi-detached, two-storey houses. The application approved was made following refusal of an earlier scheme for the same nature of development, only of a different design and with accommodation on three floors, and where a subsequent appeal was later dismissed and to which I have had regard.
6. The approved scheme was considered by the Council to have overcome the concerns with the previous proposal over the size and bulk of the roofing being out-of-keeping in the street scene and harming the outlook from the next-door house at No 1A. This was through providing shallower-pitched hipped roofs without the previously proposed flat-crown elements. However, to address concerns over future changes to the roofs, Class B permitted development rights for such additions and alterations were removed by the condition in dispute.
7. This condition also removed the Class A permitted development rights to subsequently enlarge, improve or make other alterations to the approved dwellings. This was to maintain control over alterations that might harm the character and appearance of the area or have an adverse impact on the living conditions of neighbours.
8. The main issue in the appeal is whether the condition is justified by being reasonable and necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers, with particular regard to those residing at No 1A.

Reasons

9. The shallow-pitched, hipped roofs to the approved houses would help avoid them appearing over-bulky and dominant in the street-scene, which was a concern with the previous scheme. In the light of this, the exceptional circumstances do exist for a condition removing Class B permitted development rights, to allow the Council to have control over any further changes to the rear and sides of the roofs. The Council has suggested this as a condition should

the removal of the present condition 6 be allowed and the appellant is amenable to this.

10. Unlike the findings of the Inspector with the previous scheme, that approved was found by the Council not to have an over-bearing impact on the occupiers of No 1A. This relates to the design whereby the adjacent Plot 1 dwelling has a hipped roof and retains a side wall cut back from the rear to preserve the neighbour's side outlook. The appellant advises me that permission has recently been granted to extend No 1A to the rear by 3.3 metres which reduces the case for restricting the Class A permitted development right on the approved scheme. However, at the date of my visit, No 1A had yet to be extended and I must appraise this case on the basis of present circumstances.
11. The scheme approved, whilst of an acceptable design, represents a significant increase in the amount and scale of the housing occupying the two plots. Nevertheless, I am satisfied that Class A permitted development would have no materially adverse impact on the appearance of the housing within the street scene. I have no reason to suppose that extensions permitted at No 1A would not be carried out. In any event, there would not be the degree of harm to the living conditions of any neighbouring occupiers for a condition restricting Class A permitted development rights to meet the test of necessity.
12. On the basis of the above, I consider that the current condition 6, removing both Class A and B permitted development rights, would not meet the tests set out in the Framework. However, a revised condition replacing this, that restricted only Class B roof developments, would be justified.

Other Matters

13. Consideration has been given to the further matters raised by interested parties. There is not the justification to both dismiss the appeal and refuse permission. The effects of the development on character and appearance and living conditions, along with any further issues such as adequacy of foul drainage and parking space, do not amount to reasonable grounds for this.
14. Regarding the imposition of further conditions, there are not the exceptional circumstances to restrict Class E permitted development rights for rear garden outbuildings and other features incidental to the enjoyment of the dwellings. Although the appellant is amenable to this, there are also not the exceptional circumstances to restrict the permitted development rights over the change of use of the dwellings to small houses in multiple occupation. There is not the evidence over a proliferation of such uses causing adverse impacts in this locality or a DP policy which would support such a condition.

Conclusion

15. Subject to the condition applied, which is necessary in the interests of character and appearance and to comply with DP Policy DES4, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR



Appeal Decision

Site visit made on 14 January 2019

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2019

Appeal Ref: APP/J1915/W/18/3209955

Gaylors Farm, Cherry Green Lane, Westmill, Buntingford, Herts SG9 9LD

- 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 Mrs Lynette Hodge and Miss Caroline Howe against the decision of East Herts Council.
 - The application Ref 3/17/2995/OUT, dated 18 December 2017, was refused by notice dated 19 March 2018.
 - The development proposed is the erection of two detached bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the spelling of 'Miss Howe' from the application form, although I note that elsewhere, including on the appeal form, it is written as 'How'.
3. The application was made in outline, with all matters reserved for future consideration except for access. As part of the application, drawings were submitted to show the layout of two bungalows on the site, together with a section to indicate massing. However, other than the proposed access, I have considered those drawings on the basis that they were submitted for indicative purposes only.
4. The Council's decision referred to policies in the East Herts Local Plan Second Review 2007 and the National Planning Policy Framework 2012. However, both those documents are now superseded, and I have had no further regard to them.
5. In its appeal statement letter dated 13 November 2018 the Council refers to policies in the East Herts District Plan 2018 ('EHDP'), adopted on 23 October 2018. Copies of those policies it considered relevant were provided with the appeal questionnaire. The EHDP had been submitted for examination at the time of the Council's decision, and its emerging policies were referred to in the delegated officer report.
6. I have therefore considered the proposal against the EHDP policies, and other material considerations, including the National Planning Policy Framework 2018 ('Framework'), which was referred to by both principal parties.

Main Issues

7. The main issues are:

- i) The impact of the proposal on the character and appearance of the area;
- ii) Whether or not the proposal would accord with policies which generally seek to direct development to locations within villages with reasonable accessibility to services and amenities, or where it would enhance or maintain the vitality of rural communities; and
- iii) Whether or not there is a reasonable likelihood of protected species being present on the site and affected by the development.

Reasons

Character and appearance

8. The appeal site lies in the countryside, a little way beyond the edge of Westmill village. The land between the village and the site comprises predominantly fields, trees and hedgerows, with very few buildings. There is however, a small group of buildings on, and close to, the appeal site, which include a few dwellings set slightly back from Cherry Green Lane ('lane').
9. The structures on the site are set to the rear of most of the other nearby buildings. Collectively, their footprint covers a significant proportion of the site. However, they are generally of a limited height, and have roofs which slope down towards the field boundary to the rear, which helps assimilate them into the countryside. In their form, and their construction, they look like typical agricultural buildings, and they do not appear out of place in this countryside location. Additionally, given their siting, height, colour and form, and some intervening landscaping, they are not prominent from the lane.
10. Whilst 'scale and 'layout' are reserved for future consideration, the proposed bungalows would, in all likelihood, have a combined footprint, and a mass, significantly smaller than the structures they would replace, and they could be appropriately designed to reflect the local vernacular. However, in this countryside location, set well-back from the lane, and with other buildings between them and the highway, the siting of these dwellings would appear isolated and incongruous, and at odds with the area's prevailing character.
11. Consequently, the scheme would harm the character and appearance of the area, albeit that harm would be limited, given that existing poor quality structures would be demolished, and that views of the replacement bungalows from the lane would be limited. Nevertheless, the scheme would not constitute any of the acceptable development types listed in EHDP Policy GBR2, and it would conflict with its objective of concentrating development within existing settlements in order to maintain the countryside as a valued resource. As it would not respect the character and appearance of this rural area, it would also conflict with EHDP Policy DES4.
12. Given the context here, the proposed bungalows would appear physically isolated and remote from a settlement. As the scheme would not address any of the listed circumstances at Framework paragraph 79 where isolated homes in the countryside may be acceptable, it would also conflict with that policy.

Accessibility

13. The lane leading to Westmill is narrow, unlit and without footpaths, and the village offers a very limited range of services and facilities. Consequently, occupants of the proposed bungalows would be likely to travel by car to larger settlements, to meet many of their day to day needs. That could include Buntingford, which is approximately two miles away, but it appears to me likely that residents would regularly travel to more distant settlements. Whilst in rural areas accessibility to services and facilities is often limited, given this scheme's context, its accessibility to services would be significantly worse than from housing in nearby villages.
14. Framework paragraph 84 recognises that to meet local business and community needs in rural areas sites may have to be found beyond existing settlements and in locations that are not well served by public transport. However, it also sets out at paragraph 78 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that development in one village may support services in a village nearby. As this proposal is for housing on a site which is not within a village, and given its context, it would not comply with that approach.

Protected species

15. The Council maintains that barns on the site could house protected species, particularly bats and their roosts. For their part, the appellants state that there is no evidence of protected species, but that the scheme would include bat and bird boxes, and measures to encourage hedgehogs.
16. However, Circular 06/2005 ('the Circular') states that the presence of protected species is a material consideration when a proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it '*...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*'.
17. This scheme was not accompanied by an ecological survey, and neither principal party has provided evidence to back-up their respective position. However, the structures on the site have many openings, and given their countryside location, on the basis of the very limited evidence before me, I consider that there is a reasonable likelihood of bats, and possibly other protected species, being present, and being impacted by the proposed development. Consequently, the scheme would conflict with the precautionary approach in EHDP Policy NE3 and the Circular.

Other matters

18. The site's existing structures are described by the appellants as disused, or used only sporadically for agricultural storage. However, I have no cogent evidence to support their assertion that there is no realistic possibility of them ever being used for agricultural purposes again. Moreover, whilst the appellants state that other uses for the site have been thoroughly investigated, and that local residents were generally opposed to any intensification of traffic, I have very few details of that.

19. As I have no cogent evidence that an agricultural use here is no longer needed or viable, or that improvements to the premises would not make employment generating uses viable, the scheme would conflict with EHDP Policy ED2. However, that policy sets out that its objective is to support sustainable economic growth in rural areas and to prevent the loss of vital sources of employment. Other than citing Policy ED2, the Council's evidence does not address this issue.
20. As the existing buildings are in a poor condition, and the site does not appear to provide any meaningful economic activity or employment, there would not be a significant conflict with the thrust of that policy. Additionally, I have very little evidence regarding the need for employment-generating uses here, and I consequently give this matter very little weight.
21. Whilst the access would be shared with other traffic, I have no persuasive evidence that the arrangement would be unsafe. The limited traffic associated with this modest scheme would not result in severe impacts on the highway, or a significant detrimental effect on the character of the local environment. The Highway Authority raised no objection, and the delegated officer report states that there are no objections regarding access. The scheme would not therefore conflict with EHDP Policy TRA2.
22. I have considered the appellants' and their families' physical and medical needs, and their understandable objective to live near each other, and to provide mutual help as they get older. However, I have not been presented with a mechanism by which occupancy of the bungalows would be restricted to the appellants, or evidence to demonstrate that this scheme is the only way in which their objective could be achieved. Moreover, the harm that I have identified would be likely to persist long beyond those needs.
23. I have no persuasive evidence that rain falling onto the existing panelled roofs causes significant noise disturbance. Whilst there is new housing around Buntingford, I have few details of that, and it does not change my conclusions regarding the harm that would be caused here. As these buildings have an agricultural use, the site is not previously developed land.
24. Permitted development rights apply to the change of use of agricultural buildings to dwellings. However, such rights come with various restrictions, and are subject to a prior approval process. Whilst I acknowledge the government's general approach with regards the conversion of buildings in the countryside, I have no such scheme before me here, and in their Design and Access Statement the appellants set out that these buildings are not suitable for conversion.
25. The scheme would however make an efficient use of an under-utilised site to deliver two bungalows. It would make a small contribution to the Framework's objective of boosting the supply of homes. Those homes could include various sustainable technologies. These are limited benefits in its favour.
26. There were representations in favour of the proposal, as well as some against. However, I have considered the scheme on its merits against planning policies.

Planning Balance and Conclusion

27. Summing up, given the scheme's location, the occupants would have poor access to services, facilities and amenities, and the bungalows would appear

visually isolated, thus causing limited harm to the character and appearance of the area. Additionally, I am not satisfied from the available evidence that protected species would not be adversely impacted by the proposal.

28. I have had due regard to the Public Sector Equality Duty ('PSED') contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. However, whilst the appellants and family include persons who share a protected characteristic it is not clear that this scheme is the only way in which their needs could be addressed. Additionally, applying the equality principles set in the Act, even if both bungalows are required by the appellants, given the precautionary approach to protected species set out in the Circular, this does not change my overall conclusion.
29. The scheme's limited benefits do not outweigh the totality of the harm that I have found it would cause. It would conflict with the development plan when considered as a whole, and it is not sustainable development as defined by the Framework. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 19 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2019

Appeal Ref: APP/J1915/W/18/3202578

The Old Orchard, Old Hertingfordbury Road, Hertingfordbury SG14 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Victor & Miss Tamar Garber against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0165/OUT, dated 25 January 2018, was refused by notice dated 16 April 2018.
 - The development proposed is construction of 4 bedroom detached house.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline form with matters of access to be considered at this stage, but all other matters reserved for later consideration. I have determined the appeal on the same basis so give little weight to the drawings showing illustrative floor plans, elevations and siting of the dwelling.
3. Since the time of the Council's decision, the East Herts District Plan (the 'District Plan') has been adopted and supersedes the East Herts Local Plan Second Review (the 'Local Plan'). As such policies ENV1 and ENV2 of the Local Plan referred to in the decision letter no longer have any effect. I have been provided with copies of policies DES3, DES4 and TRA2 of the District Plan and have considered the proposal against these policies.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area including protected trees.

Reasons

5. The site comprises a portion of the undeveloped woodland bank between Old Hertingfordbury Road and Ladywood Road. The area is covered by a tree preservation order and in my view it forms part of the valuable vegetative buffer between the busy A414 and the houses at the western end of Hertford.
6. Though the precise siting and scale of the proposed dwelling are reserved matters, it is inevitable that wherever on the site a four bedroom house would be located, it would involve the removal of a number of the protected trees. The appellant suggests nine trees would be removed if the dwelling were built as shown on the illustrative plan. Though this number corresponds with the

submitted Arboricultural Implications Assessment, the Arboricultural Implications Plan shows seven trees would be removed. A further discrepancy is that the Assessment fails to recognise the removal of T88 which is identified as a 14 metre high, category B, field maple and is located in the same part of the site as the dwelling in the illustrative plans.

7. Notwithstanding T88, trees T77, T79, T89 are all identified for removal. These are tall, mature trees which appear prominently from the footpath to the east of the site, from the properties to the north, and from the parking area between Nos 139 – 142 and Nos 143 – 146 Ladywood Road. The tree survey identifies these as all having over 20 years remaining life expectancy and classes them as category B trees.
8. I recognise the appellant's offer to plant four new trees, but this area is already well populated with short trees, and new ones may struggle to compete with the more established trees. Moreover it would take many years for the new trees to be comparable replacements for the mature trees lost.
9. In summary, it is inevitable that a four bedroom dwelling on this site would involve the removal of protected trees, and most likely those identified on the Arboricultural Implications Plan. These trees contribute considerably to the important landscape buffer on this bank and therefore their removal would unacceptably harm the character and appearance of the area. As such the proposal would conflict with policies DES3, which aims to ensure proposals protect existing landscaping features, and DES4 which expects development to respect the character of the site and its surroundings.
10. I find no conflict with policy TRA2 which requires proposals to provide safe and suitable access, as the proposed access would appear to be satisfactory. Indeed no objection is raised by the Council in this regard. Nonetheless, this does not outweigh the harm identified above.

Other matters

11. The appellant refers to criminal activities taking place on the site. However, aside from some litter on the site, I saw no evidence of this. In any case, as the site forms just a small part of the longer embankment I would anticipate that if any such activity does currently occur on the site, the development would merely result in it relocating elsewhere along the bank.
12. I understand that the site was put forward as part of the Council's 2009 call for sites and that it was identified as being suitable for one dwelling in 6 – 10 years. However I have not been provided with any document showing site allocations which would substantiate this, so can give it little weight.
13. It is not disputed that the site is sustainable in terms of its proximity to services and facilities, but this would be expected of all development and does not carry significant positive weight in my considerations.

Conclusion

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

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 19 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2019

Appeal Ref: APP/J1915/W/18/3208328

Land adjacent to Tudor Manor, White Stubbs Lane, Bayford SG13 8QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Wedge against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0251/FUL, dated 2 February 2018, was refused by notice dated 27 March 2018.
 - The development proposed is demolition of annexe, stables, storage and garage buildings, construction of new house with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the time of the Council's decision, the East Herts District Plan (the 'District Plan') has been adopted and supersedes the East Herts Local Plan Second Review (the 'Local Plan'). As such policy GBC1 of the Local Plan referred to in the decision notice no longer has any effect. I have been provided with copies of policies INT1, GBR1, DES3, DES4, TRA1, TRA2, TRA3, NE1 and NE3 of the District Plan, though it is policies GBR1, TRA1 and DES4 which appear particularly relevant to the main issues identified below and so I have primarily determined the proposal against these policies.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - whether this development would be suitably located having regard to local and national policy;
 - the effect on the character and appearance of the area; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

4. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. Policy GBR1 refers directly to the Framework so is consistent with it.
5. The proposal involves the demolition of four buildings ancillary to the main dwelling at Tudor Manor. The appellant has provided detailed calculations of the floor area and volume of these buildings and states that the proposed dwelling would represent a 7% reduction in volume and a 49% reduction in footprint compared with those buildings to be demolished. This is not disputed by the Council. On the basis of these figures the development would clearly not be materially larger than the buildings it replaces.
6. However, an assessment of whether a building is materially larger can also include matters of height and visual perception as well as floor area and volume. In this case, three of the four buildings to be removed are single storey and the fourth, and largest, is one and a half storeys. The proposed dwelling would be two-storey with dormers at roof level and therefore effectively a storey taller than the largest existing building. This would also give it a greater visual bulk.
7. So, though smaller in volume and footprint, due to its greater height, I consider the proposed building would, overall, appear to be materially larger than all the various buildings to be removed combined. As such the proposal would not fall within the above exception listed in paragraph 145 and so would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. Spatially there would be no impact on openness as the figures show that more of the site would become undeveloped as a result of the proposal. However there is a visual aspect to openness, and the greater height of the proposal compared to the buildings to be demolished, plus its prominent position alongside the main house and almost directly in line with the access, means it would have a greater visual impact on the openness of the Green Belt when seen from the road albeit, due to landscaping on the front boundary, the impact would not be severe. My view is not inconsistent with the appellant's Landscape and Visual Impact Assessment (LVIA) which concludes that the impact on the Green Belt would not be significant. Nonetheless, there would be some harm to openness and this harm is in addition to its inappropriateness. I recognise that additional landscaping may be provided, but this could not be relied upon in the long term, to wholly obscure views of the building.
9. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to consider whether any other harm is caused by the development and then balance the other considerations against the totality of that harm.

Location

10. There are a few houses and businesses located along White Stubbs Lane in the vicinity of the site. However I do not consider they are sufficiently numerous or concentrated such that they form a settlement. In addition the site is significantly detached from Bayford and Little Berkhamsted and could not be considered part of those settlements. Consequently, whilst I note the presence of dwellings to either side of Tudor Manor, I nonetheless consider that the site is isolated.
11. I accept that in rural areas access to services and facilities should not be expected to be comparable to that of more urban environments. Nonetheless, I do not consider the closest services or facilities are within a distance of the site that makes them readily accessible by sustainable modes of transport. As such I consider any benefit to those rural communities resulting from the proposal would be limited.
12. As a result the proposal would be isolated, would not enable sustainable journeys to be made, and would fail to support the vitality of rural communities. It therefore would conflict with policy TRA1 which promotes sustainable transport, and would be inconsistent with chapter 5 of the Framework¹ which identifies that housing in rural areas should maintain or enhance the vitality of rural communities and should not be isolated.

Character and appearance

13. The area is generally characterised by detached dwellings in verdant and spacious rural surroundings. The development would be positioned roughly equidistant between the existing dwelling at Tudor Manor and the gatehouse and it would maintain significant gaps between those buildings. This would afford it its own spacious surroundings. Furthermore by being set significantly back from the road, alongside Tudor Manor, it would not appear incongruous in its setting. Its impact on the wider landscape would be minimal, as concluded in the appellant's LVIA, though this is different from its impact on openness.
14. Overall, I do not consider the dwelling would harm the rural character and appearance of the area. Consequently it would accord with policy DES4 which requires development to have regard to its context.

Other considerations

15. It has been suggested the gatehouse is a separate dwelling from Tudor Manor but that the proposal would involve this separate use ceasing. However if this building does have a lawful use as a separate dwelling, my decision could not enforce this cessation. As such the proposal would represent one additional dwelling.
16. Furthermore though I recognise the appellant's offer to have the permitted development rights for this gatehouse removed, this would not affect the impact on the openness Green Belt resulting from the height of the proposal.
17. The design of the proposed house is impressive. However I do not consider the buildings to be removed are unattractive, and therefore any aesthetic benefit would be limited.

¹ which updates chapter 6 in the previous version of the Framework referred to in the Council's decision notice

Planning Balance and Overall Conclusion

18. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. It also would constitute isolated development which fails to support sustainable modes of transport or the vitality of nearby communities. Its lack of harm to the character and appearance of the area carries neutral weight.
19. I conclude that the other considerations do not clearly outweigh the harms and therefore there are no very special circumstances to justify the development. Consequently, the development conflicts with the Framework and policy GBR1 which aims to protect the Green Belt from inappropriate development.
20. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 14 January 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2019

Appeal Ref: APP/J1915/W/18/3205669

Southacre, Acremore Street, Bury Green, Little Hadham SG11 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Fuller against the decision of East Herts Council.
 - The application Ref 3/18/0403/OUT, dated 22 February 2018, was refused by notice dated 23 April 2018.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling at Southacre, Acremore Street, Bury Green, Little Hadham SG11 2HD in accordance with the terms of the application, Ref 3/18/0403/OUT, dated 22 February 2018, subject to the conditions on the attached schedule

Procedural Matters

2. On the application form the property is cited as 'Acremore'. However, in an email dated 7 January 2019 the appellant states that it is actually called 'Southacre', and that 'Acremore' is the neighbouring property. As the address on the application form is misleading, I have referred to the site as Southacre in my decision.
3. The application was made in outline, with all matters other than access reserved for subsequent approval. I have dealt with the scheme on that basis and, other than the access arrangements, I have treated the proposed site layout plan as indicative only.
4. The Council's decision referred to policies in the East Herts Local Plan Second Review 2007, and the National Planning Policy Framework 2012. However, both those documents are now superseded, and I have had no further regard to them.
5. During the appeal process both main parties were given the opportunity to comment on the adopted East Herts District Plan 2018 ('EHDP'), and the new National Planning Policy Framework ('Framework'). It is the policies in those documents that I have considered in my decision, with particular regard to the policies cited in the Council's email dated 24 January 2019, which it states replaced those in its decision.

Main Issues

6. The main issues are:

- Whether or not the proposal would accord with policies which generally seek to direct development to locations within villages with reasonable accessibility to services and amenities;
- The impact of the proposal on the character and appearance of the area; and
- Whether the proposal would result in the loss of a significant employment use.

Reasons

Accessibility

7. The site lies in the countryside, a little distance from the nearest villages of Bury Green and Little Hadham, the latter being identified in the EHDP as a larger Group 2 Village with more services. Both villages are reached via Acremore Street, which is a narrow, unlit, without footpaths, and without public transport. Consequently, I do not consider that the site is located with easy access to services and facilities, other than by car.
8. However, there is a large building on the appeal site which is permitted for B1 and B8 commercial uses. The appellant states that the proposed dwelling would be erected in place of that commercial building, and that is what is shown on the drawings. He continues that he currently travels by car to work at the site, and that, if the appeal were allowed, he would live there, and work from home.
9. For my part, I consider that, whoever were to occupy the dwelling, they would, in all likelihood, be largely reliant on private vehicles to get to and from the site. However, that could be said equally of any employees or visitors to the commercial use.
10. Consequently, with regards the site's accessibility to services and facilities, whilst there would be a slight conflict with the Framework, including its requirement to manage patterns of growth to promote walking, cycling and public transport, the scheme would be very small scale and it would not result in significant harm. As EHDP Policy GBR2 seeks to protect the countryside as a valued resource, and as its part (d), which addresses replacement buildings, does not refer to the sustainability of the location, on this issue there would be no conflict with that policy.

Character and appearance

11. According to the appellant's calculations, the building on the site measures approximately 23 x 14 metres. It is certainly a substantial structure, which is of a rather crude and eclectic construction, finished in a mix of materials including blockwork, timber and sheeting. Although not untypical of some former agricultural buildings, in this location close to other dwellings, some of which are listed buildings, it detracts from the area's character.
12. As the application was made in outline, I have no details of the proposed dwelling's scale, layout and appearance. However, subject to the consideration

of those matters at reserved matters stage, a dwelling on this site would respect the general arrangement and character of its surroundings. That dwelling could be constructed in materials, and of a form, appropriate to its context, and would be likely to result in a significantly reduced quantum of built development compared to the building it would replace.

13. EHDP Policy GBR2 permits various forms of development, provided that they are compatible with the character and appearance of the rural area. That includes the replacement, extension or alteration of a building, providing that its size, scale, mass, form, siting, design and materials are appropriate to the site and its surroundings. Subject to detailed consideration at reserved matters stage, the scheme would not conflict with that policy.
14. Whilst the site sits amongst a very small scattering of buildings, the scheme would result in an isolated dwelling in the open countryside, contrary to Framework paragraph 79. However, for the above reasons, rather than causing harm, this scheme involving the replacement of an unsightly building, would significantly enhance the character and appearance of the site and its surroundings.

Employment uses

15. EHDP Policy ED2 seeks to prevent the loss of vital sources of rural employment, and sets out that where a proposal would result in the loss of an employment generating use, justification will be required.
16. I understand that the appellant runs his business from the site, but that he is the only person working there. I do not have detailed evidence, such as marketing, to demonstrate that a commercial use here is not needed or viable. However, a letter from the Chartered Surveyor at Swords dated 15 February 2018 concludes that, in their experience of letting commercial property, there is a lack of demand for isolated rural properties such as this, given their constraints, such as poor access.
17. I observed that Acremore Street is single-track, narrow, sinuous, and in a poor condition. Little Hadham Parish Council reports that it is permanently covered by running water. Given those characteristics, and the site's relatively isolated location, I consider that the existing building would be unlikely to generate significant interest from other B1 or B8 uses.
18. Consequently, from the available evidence, I am not persuaded that the scheme would result in the loss of a significant employment site. I therefore conclude on this issue that, whilst there would be a conflict with EHDP Policy ED2, it would be very limited.

Other matters

19. There are Grade II listed buildings to the north and east of the site. However, given that the scheme would involve the demolition of an existing commercial building, and having regard to the distance to those buildings, intervening landscaping and other features, I agree with the Council that their settings would be preserved.
20. Having regard to the condition and configuration of Acremore Street, and the site's commercial use, I am not persuaded that, even if there would be a slight net increase in traffic as a result of this single dwelling, that would result in

significant harm to highway safety. My conclusion on this matter is supported by the absence of an objection from Hertfordshire County Council as Highways Authority.

21. The appellant's statement refers to the Council's inability to demonstrate a five year housing land supply as required by the Framework, although it acknowledged that that could change upon adoption of the EHDP. The Council maintains that it can demonstrate such a supply. That position was not challenged by the appellant in his letter dated 4 February 2019. On the basis of the available evidence, I accept that the Council has the required housing land supply, and I have not considered the proposal against Framework paragraph 11 d).
22. In its favour, the scheme would make use of previously developed land, enhance the character and appearance of the area, and would contribute to the supply of housing. Those are significant benefits, which find support from the Framework. There would also be economic benefits during construction, and social and economic benefits from the occupants' use of services and facilities in nearby villages.
23. The appellant states that the existing building could be converted to a dwelling under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to the prior approval procedure. Whilst I have no details of any such scheme before me, given that this appeal has been made, and that the appellant states that he intends to live on the site and continue to run his business from it, I have no persuasive reason to doubt that that is what the appellant would seek to do, should the appeal be dismissed. That would involve the retention of a large building which I have found to be harmful to the area's character, and is a fallback to which I give some limited weight.
24. Finally, I have dealt with this scheme on its planning merits; the appellant states that he is the owner of the land, and any ownership disputes are a civil matter.

Conditions and conclusion

25. Summing up, policies in the development plan and the Framework weigh both in favour and against the scheme. I have found that whilst the proposed dwelling would not be accessibly located other than by private vehicle, that could be said equally of the existing commercial use.
26. In providing a new dwelling on previously developed land, and in enhancing the character of the area, the scheme would contribute to the social and environmental dimensions of sustainable development as defined at paragraph 8 of the Framework. Although there would be a loss of employment land, I am not persuaded that that would be significant, and there would be some economic benefits from the dwelling's construction and from its use. Finally, there is the prospect of the appellant implementing the fallback position.
27. The conflict with the development plan would be very limited. Having regard to all material considerations, and considered as a whole, the benefits of the scheme would outweigh the very modest harm that I have found it would cause, and it would accord with the general thrust of EHDP Policy INT1. Consequently, the appeal will be allowed.

28. The Council proposed a number of conditions, which I have considered against the relevant tests in the Framework, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit conditions for an outline permission, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as the details of access are concerned. As limited details of car parking and turning facilities have been provided, a condition requiring further details to be submitted is necessary in the interests of highway safety.
29. Given that the site is in commercial use, and in the interests of pollution prevention and ensuring appropriate living conditions, my pre-commencement condition no. 6, which has been agreed by the appellant, is necessary, and which requires the submission of a contamination survey and the implementation of appropriate remediation.
30. In the interests of protecting nearby residents from noise during demolition and construction, and to protect future occupants of the proposed dwelling from adjacent uses, my condition nos. 7 and 8 are necessary.
31. The Council's suggested conditions requiring the submission of sample materials, and the submission and implementation of landscaping, are unnecessary as those are matters that would be addressed at reserved matters stage.
32. The application was made, and the appeal has been allowed, on the basis that the existing building on the site would be demolished. To ensure that that would occur, and following consultation with both main parties, I have imposed my condition no. 9.
33. Finally, Hertfordshire County Council as Fire Authority has requested that a fire hydrant be provided by means of a planning obligation, although it acknowledges that if adequate hydrants are already available, no extra ones will be needed. No obligation is before me, and as I have limited information to assess this matter, including whether a hydrant is required, I cannot conclude that an obligation is necessary to make the development acceptable.
34. Subject to the conditions on the attached schedule, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) In so far as the details of access are concerned, the development hereby permitted shall be carried out in accordance with drawing no. 217231 DWG 004 Rev A.
- 5) Prior to the occupation of the dwelling, a vehicle car parking and a vehicular turning area shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority, and shall be retained for those purposes thereafter.
- 6) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to, and approved in writing by, the LPA, and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:
 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until (i) A desk-top study has been completed satisfying the requirements of paragraph (1) above; (ii) The requirements of the LPA for site investigations have been fully established; and (iii) The extent and methodology have been agreed in writing with the LPA. Copies of a report on the completed site investigation shall be submitted to the LPA on completion.
 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.
- 7) Prior to the erection of the dwelling hereby approved, a scheme shall be submitted for the protection of the occupants of that dwelling from noise from adjacent uses for written approval by the Local Planning Authority. The dwelling shall not be occupied until the scheme has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises outside the hours of 0730hrs to 1830hrs on Mondays to Fridays, and 0730hrs to 1300hrs on Saturdays. There shall not be any such work at any time on Sundays or Bank Holidays.
- 9) Prior to works commencing on the dwelling hereby approved, the existing building on the site, as identified on drawings 217231 DWG 001 Rev A and 217231 DWG 002 Rev A, shall be fully demolished and any materials not used in the development permitted shall be removed from the site.



Appeal Decision

Site visit made on 19 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2019

Appeal Ref: APP/J1915/W/18/3207306

Beechview, 14 Amwell Lane, Stanstead Abbots SG12 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr David Sorrentino against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0416/HH, dated 13 February 2018, was approved on 17 April 2018 and planning permission was granted subject to conditions.
 - The development permitted is erection of one and a half storey double garage with storage and study above.
 - The condition in dispute is No 4 which states that: "*The proposed rooflights upon the rear (south western elevation) of the building hereby approved shall be fitted with obscured glass and fixed shut, and shall be permanently retained in that condition.*"
 - The reason given for the condition is: "*To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.*"
-

Decision

1. The appeal is allowed and the planning permission Ref 3/18/0416/HH for erection of one and a half storey double garage with storage and study above at Beechview, 14 Amwell Lane, Stanstead Abbots SG12 8DX granted on 17 April 2018 by East Hertfordshire District Council, is varied by deleting condition 4.

Application for costs

2. An application for costs was made by Mr David Sorrentino against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matter

3. Since the time of the Council's decision, the East Herts District Plan (the 'District Plan') has been adopted and supersedes the East Herts Local Plan Second Review (the 'Local Plan'). As such policies ENV1 and ENV5 of the Local Plan referred to in the reasons for the condition no longer have any effect. I have been provided with copies of policies HOU11, DES4 and WAT1 of the District Plan, though it is policies HOU11 and DES4 which appear particularly relevant to the main issue identified below and so I have primarily determined the proposal against these policies.

Main Issue

4. The main issue is the effect of removing condition 4 on the living conditions of the occupiers of neighbouring properties with respect to their privacy.

Reasons

5. The double garage subject of the extant planning permission would be positioned at the end of the back garden. It would face out towards an access track which runs along the rear of the properties on Amwell Lane. The rear, south-west, facing rooflights would therefore point towards the main house and generally towards the rear of the other neighbouring houses fronting Amwell Road. It is not disputed between the main parties that the bottom edge of the rooflights would be 1.5 metres above the floor level of the room above the garage, and hence would be below most people's eye level.
6. The adjacent property at No 16 has a number of trees in its garden along the boundary with the appeal site. These are of a size and height that would prevent any significant views from the development into the garden at No 16, or the properties on Woodham Way perpendicular to the site, such that the privacy of the residents would be harmed.
7. The other adjacent property at No 12 is separated from the appeal site by a close boarded fence around 2 metres in height and with little else to obscure views from the development into this adjoining property. However I take into account that the two roof lights would be small, that the distance between the development and the rear conservatory at No 12 would not be short, and that the room served by the rooflights would be a study/store detached from the main house and therefore is not likely to be used as intensely as habitable rooms like bedrooms or living rooms in dwellings. Therefore any loss of privacy for the neighbouring occupiers of No 12 would be limited.
8. Moreover, a degree overlooking between properties is not uncharacteristic in this area and I noted dormer windows at 9 Woodham Way, and rooflights at 5 and 7 Woodham Way, which all very closely face 16 Amwell Lane. There is also a large outbuilding at 4 Amwell Lane which has two rooflights facing towards No 6. Indeed there is even the opportunity for overlooking to properties near the appeal site from passengers waiting on the platform of St Margarets station and from the 3-storey flats on the other side of the railway line, albeit at a greater distance.
9. I note the concerns of neighbours regarding the intended use of the development. However condition 6 of the planning permission restricts its use solely to purposes ancillary to the residential use of No 14 and I have no reason to consider any such ancillary uses would be unacceptable. Also though the building would be large, I do not consider it would appear obtrusive to neighbours nor incongruous in the context of other outbuildings in nearby gardens. I acknowledge the concerns from the occupiers of No 12 with regard to the main house at No 14, but that is not a matter for me to consider in this appeal.
10. In summary, I do not consider that the removal of condition 4 would result in the privacy of the occupiers of the nearby properties being significantly affected and therefore their living conditions would not be unacceptably harmed. Therefore without condition 4 in place, the development would remain to

accord with policies DES4, which seeks to avoid significant detrimental impacts on the occupiers of neighbouring properties, and HOU11 which aims to ensure development is appropriate to the character of the surrounding area.

Conclusion

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed and I vary the planning permission by removing condition 4.

Andrew Owen

INSPECTOR



Costs Decision

Site visit made on 19 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2019

Costs application in relation to Appeal Ref: APP/J1915/W/18/3207309 Beechview, 14 Amwell Lane, Stanstead Abbots SG12 8DX

- 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 Mr David Sorrentino for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the grant subject to conditions of planning permission for erection of one and a half storey double garage with storage and study above.
-

Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
3. In his appeal statement the appellant draws attention to windows at other nearby properties, particularly No 12, which he feels affect his privacy and so suggests inconsistency on the Council's part in imposing the disputed condition on the planning permission. Though failing to determine cases in a consistent manner can give rise to an award of costs, I have little information on these other examples, including if they required planning permission. Moreover, the windows at No 12 are on the main house which is a different form of development to the proposal. Therefore I cannot consider that the other examples are directly comparable such that the inclusion of the condition represented inconsistency on behalf of the Council.
4. As such, notwithstanding the fact that I consider the condition is not necessary, it has not been demonstrated that unreasonable behaviour resulting in unnecessary or wasted expense on behalf of the applicant, as described in the PPG, has occurred. Consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 19 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2019

Appeal Ref: APP/J1915/W/18/3205962
8 Warren Park Road, Hertford SG14 3JA

- 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 Easter against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0478/FUL, dated 3 March 2018, was refused by notice dated 10 May 2018.
 - The development proposed was originally described as demolition of existing dwelling and outbuilding with creation of 2 new dwelling houses and shared car port.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the time of the Council's decision, the East Herts District Plan (the 'District Plan') has been adopted and supersedes the East Herts Local Plan Second Review (the 'Local Plan'). As such policies ENV1, HSG7 and BH6 of the Local Plan referred to in the decision letter no longer carry any weight. I have been provided with copies of policies INT1, HERT1, HOU7, DES3, DES4, TRA1, TRA2, TRA3, HA1 and HA4 of the District Plan, though DES4, HA1 and HA4 appear particularly relevant to the main issues identified below and so I have primarily determined the proposal against these policies.
3. The appellant's statement says that they wish to remove the car port from the proposal. I consider no parties would be prejudiced by this step and so I have considered the proposal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the Hertford Conservation Area (HCA) and the effect on the living conditions of the occupiers of adjoining properties with respect to their privacy, outlook and light.

Reasons

Character and appearance

5. The HCA covers a large part of the town including its commercial centre and some of its residential suburbs. The appeal site is located in a part of the HCA which is largely characterised by substantial, detached houses in spacious

plots. The grand houses at Beech House, York House and Hartham House and the building comprising Bengo Grange and Tunley, all to the east of the site, are particularly striking albeit different in their detailed design. Nos 3, 5 and 7 opposite the site are more modest in their scale but still appear as sizeable detached dwellings sitting comfortably on their plots. No 6, to the west, is a rare example of a much smaller single storey property on a small plot but has the appearance of being associated with the adjacent Duncombe School as it shares its access with that of a car park at the school.

6. The existing dwelling at the site, in the context of its neighbours, is not attractive. Its combination of single storey and two storey aspects and mix of materials, including some tired looking weatherboarding at first floor level on its front elevation, result in an appearance that detracts from that of its surroundings. However it is not prominent in the street scene, being set well back from the road and partially obscured by vegetation and a brick wall on the front boundary.
7. The proposed development would provide two, five bedrooomed dwellings, side by side. Though their height would be broadly comparable to the adjacent dwelling at No 10, their higher eaves, use of mansard roofs and narrower width gives the houses a strong vertical emphasis. They would appear cramped on their narrow plots, and would contrast harshly with the more spacious buildings nearby, especially with No 10. Furthermore although I recognise the proposed mansard roof would have pitched elements, the incorporation of a significant amount of flat roofing in the development, such as to the side of the house at unit 2, on the front facing bay windows and at eaves level on the front and rear faces, would predominate and would provide an additional area of contrast with the surrounding houses which all have traditional pitched roofs.
8. Overall, due to their height, form and design, I consider the dwellings would jar starkly with the character and appearance of the other houses in the immediate area. I note there are houses further along Warren Park Road, which are similar in their width and plot size to the proposal. However, these are some distance from the site and are not seen in the same context. Indeed those properties lead up to the junction with New Road where the dwellings are considerably smaller and so their scale is appropriate for their location.
9. I understand planning permission was granted in 2012 for an extension to the existing dwelling which, from the plans of it before me, would have comprised substantial alterations to the appearance of the house including to its height. Though I gather the proposed houses would be only a little taller than that approved scheme, they would be considerably narrower and be on narrower plots, and so would appear far more cramped. Moreover, that planning permission was granted over 6 years ago and as it has not been suggested that it has been implemented, it is no longer extant and I give it little weight.
10. As such, although the existing dwelling does not contribute positively to the character and appearance of the HCA, the proposal's contrast with its context means it would fail to preserve or enhance the character and appearance of the HCA. The development would therefore conflict with policies DES4, which aims to ensure development reflects local distinctiveness, HA1 which states that development should preserve the historic environment, and HA4 which requires proposals to preserve or enhance the character and appearance of conservation areas.

11. The harm to the significance of the HCA would be less than substantial and therefore it is necessary, in accordance with paragraph 196 of the National Planning Policy Framework, to consider any public benefits from the proposal. Though the development would provide an additional dwelling this does not outweigh the harm that the proposal would cause to the character and appearance of the HCA.

Living conditions

12. Both dwellings would have large rear balconies at first floor level. The balcony at Unit 1 would be close to the boundary with No 10 which comprises a fence around 2 metres in height. Though there is a small tree and a tall hedge in the neighbouring garden along parts of the boundary, these would not wholly obscure views from the balcony over the rear garden, particularly of that part of the garden nearest the house. Therefore I consider the occupiers of No 10 would suffer an unacceptable loss of privacy. I note the offer from the appellant of a obscurely glazed panel 1.8 metres in height along the edge of the balcony, but this is not shown on the plans and it would not be appropriate to secure such a change through a planning condition as this would deprive the occupiers of No 10 from the opportunity to comment on an alteration fundamental to this issue. As such I must determine the appeal on the basis of the plans before me.
13. The balcony at Unit 2 would be a significant distance from No 10 such that I do not consider the neighbours would suffer a loss of privacy resulting from the use of this balcony. Also, though it would be close to the western boundary of the site, the adjoining land is a car park.
14. The house at Unit 2 would be around 3 metres from the rear garden of No 6. Though there is some vegetation on this boundary, the proposed dwelling would tower over the small rear garden appearing overdominant from here and most likely from within the dwelling itself, particularly its conservatory. In addition, its position to the south east of No 6 means it is likely that it would obscure direct sunlight to the property in the morning. Consequently, I consider the proposal would unacceptably harm the outlook from, and obscure light to, this property.
15. In summary the development would result in a loss of privacy for the occupiers of No 10 and would harm the outlook from, and the light received by, the dwelling at No 6. This would result in the living conditions of the occupiers of these properties being unacceptably harmed. The development would therefore fail to accord with policy DES4 which aims to ensure development does not significantly impact upon the amenities of the occupiers of neighbouring properties.
16. I accept no objections were received from either adjacent neighbour. Nonetheless, I must consider the amenities for existing and future occupiers.

Conclusion

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

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 14 January 2019

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2019

Appeal Ref: APP/J1915/W/18/3211924

2 Middle Farm Cottages, Cottered Road, Throcking SG9 9RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Daniel and Lauren Snelling against the decision of East Herts Council.
 - The application Ref 3/18/0785/FUL, dated 15 March 2018, was refused by notice dated 14 June 2018.
 - The development proposed is the removal of an existing concrete garage and steel container and the building of a new dwelling on land adjacent to 2 Middle Farm Cottage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision refers to policies in the East Herts Local Plan Second Review 2007, and the National Planning Policy Framework 2012. However, both those documents are now superseded, and I have had no further regard to them.
3. In its appeal statement letter dated 20 November 2018 the Council states that in reaching its decision it had regard to emerging policies in the East Herts District Plan. It continues that the East Herts District Plan was adopted on 23 October 2018 ('EHDP'), and that, in light of those policies, the Council would not have made a different decision on the application. Copies of those policies it considers relevant to the appeal were provided with the appeal questionnaire.
4. The emerging policies, including the alleged conflict with Policy GBR2, were clearly referenced in the delegated officer report. Whilst that policy was not cited in the Council's reason for refusal, the appellants have had an opportunity to comment on it, and on other EHDP policies during the appeal process.
5. I have therefore considered the scheme against the EHDP policies referred to by the parties, and against the National Planning Policy Framework 2018 ('Framework') and other material considerations.

Main Issues

6. The main issues are:

- i) Whether or not the proposal would accord with policies which generally seek to direct development to locations within villages with reasonable accessibility to services and amenities, or where it would enhance or maintain the vitality of rural communities; and
- ii) The impact of the proposal on the character and appearance of the area.

Reasons

Accessibility

7. The EHDP identifies village development boundaries for Group 1 and Group 2 Villages. Those settlements not identified as either Group 1 or Group 2 Villages are labelled Group 3 Villages, where Policy VILL3 applies. These are villages with a poor range of services and facilities, where it is often necessary for residents to travel outside the village for most of their daily needs. They are therefore regarded as the least sustainable locations for development in the District, although limited infill in accordance with an adopted Neighbourhood Plan will be permitted.
8. EHDP Policy GBR2 seeks to maintain the rural area as a valued countryside resource, but permits various forms of development provided that it is compatible with the character and appearance of the rural area, including the limited infilling and redevelopment of previously developed land in sustainable locations, or rural exception housing.
9. The proposed dwelling would be sited on garden land between the semi-detached dwelling at 2 Middle Farm Cottages and the semi-detached pair at 3 and 4 Middle Farm Cottages. Just to the west of that very small group, are a range of buildings around the Bluntswood Hall wedding venue, and, after a short gap to the east, there is a small cluster of buildings around Lower Farm. However, the site is otherwise surrounded by fields and countryside, and there is a significant gap with little or no built development to the west of Bluntswood Hall before the small settlement of Throcking is reached around the Church – about 610m from the site. Consequently, whilst Throcking is a Group 3 Village to which EHDP Policy VILL3 applies, in my view, this site is not within it.
10. Cottered, a Group 2 Village, which has some facilities and services as identified on page 16 of the appellants' statement, is roughly 2km to the west of the site. Buntingford, with its much more extensive facilities, including an hourly bus service to the nearest railway station 12km away, is about 2.4 to 3km to the east. The facilities at Walkern are about 5km from here. However, all those settlements are some distance from this site, and are generally reached via narrow and unlit lanes with no footways, and limited public transport.
11. Consequently, whilst the occupants of the proposed dwelling might work from home in common with a significant proportion of residents in this parish, they would have poor access to services and facilities, and would be highly dependent on the private car to meet their day to day shopping, social, and other needs. Whilst a condition could be imposed requiring the development to be designed to enable charging of plug-in and other ultra-low emission

vehicles, that would not address the site's poor accessibility. The scheme would therefore conflict with the overall development strategy of the EHDP, including its Policy GBR2.

12. Framework paragraph 78 sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that development in one village may support services in a village nearby. The National Planning Practice Guidance notes that rural housing is essential to ensure viable use of local services and community facilities. It advises that all settlements can play a role in delivering sustainable development in rural areas. However, as this site is not within a village or a settlement, the proposal would not comply with that policy and that guidance.
13. Whilst I have taken account of the different opportunities to maximise sustainable transport solutions between urban and rural areas, I conclude on this issue that the proposal would not be accessibly located.

Character and appearance

14. In terms of design, the proposed dwelling would respect the siting, form and materials of its neighbours either side. It would be within an existing garden, which is previously developed land, and which includes a small garage and a small steel container – both of which would be removed.
15. Nevertheless, in consolidating built development in an otherwise visually isolated countryside location, the scheme would harm the landscape and visual character of this open and prominent site, and the wider rural area. However, given my findings regarding the proposed dwelling's design, that harm to the character and appearance of the area would be very limited. Nevertheless, as the scheme would conflict with the objective of concentrating development within existing settlements in order to maintain the countryside as a valued resource, it would not accord with EHDP Policy GBR2.
16. Whilst there is a loose scattering of buildings nearby, this dwelling would not be within, or closely associated with, a community or a settlement. It would appear physically isolated. As the scheme would not address any of the listed circumstances at Framework paragraph 79 where isolated homes in the countryside may be acceptable, it would also conflict with that policy.

Other matters

17. Whilst the Council states that there would be insufficient off-street parking for the proposed development, having regard to section 6 of the appellants' statement and the site plan, I am satisfied that two or three cars could be parked within the site.
18. Despite the appellants' intention to undertake additional native planting, I have no detailed evidence to conclude that the scheme would significantly enhance biodiversity.
19. This single dwelling would provide good living conditions for its occupants, and its design and construction would take account of Lifetime Homes requirements, and would incorporate sustainable technologies and practices. It could be swiftly delivered, and thus make a very small contribution to the

supply of housing, on previously developed land, in accordance with the Framework.

20. The provision of a three bedroom family home would address an identified need in the Strategic Housing Market Assessment, and could help re-balance the rather aged population structure in this parish. There would be limited and general economic benefits through, for instance, additional Council Tax receipts, New Homes Bonus payment, financial expenditure and employment. Those are modest benefits in the scheme's favour.
21. The Council states that it can demonstrate a five year supply of deliverable housing sites as required by the Framework. I have no cogent evidence to the contrary. Consequently, I do not consider the relevant development plan policies to be out-of-date, and Framework paragraph 11d) does not apply.
22. Finally, whilst I do not have full details of the appeal decisions elsewhere referred to by the appellants, from the available evidence, many of those sites are within a settlement, or the Council could not at that time demonstrate a five year housing supply. Consequently, there are significant material differences compared to the circumstances here. According to the officer report, the site at Stocking Pelham referred to in the appellants' final comments is also within a village.

Planning Balance and Conclusion

23. Summing up, given this site's location and context, it is not within a village, and the occupants of the proposed dwelling would have very poor access to services and amenities. I am not persuaded that they would significantly contribute to the vitality of Throcking, or other villages and rural communities in the area.
24. Additionally, whilst the scheme's detailed design would respect its immediate neighbours, it would appear visually isolated, thus causing limited harm to the character and appearance of the area. As this development would not be in the right place, it would not fully satisfy the social, environmental and economic objectives of sustainable development as defined at paragraph 8 of the Framework.
25. The scheme's modest benefits do not outweigh the harm that I have found it would cause. I have had regard to representations both in favour and opposed to the scheme, and note that there was no objection from Cottered and Throcking Parish Council. However, having considered the scheme on its planning merits, it would conflict with the development plan and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 22 January 2019

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2019

Appeal Ref: APP/J1915/Z/18/3208972

Bus shelter at Stop N, O/S Charrington House, Link Road, Bishops Stortford, CM23 2JW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Ms Anita Martin, Clear Channel UK Ltd, against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0814/ADV, dated 9 April 2018, was refused by notice dated 14 June 2018.
 - The advertisement proposed is a replacement of existing double sided paper advertising unit with a double sided digital advertising unit.
-

Decision

1. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The development hereby permitted shall be carried out in accordance with the following plans: Site location plan, Dwg No 204173 Rev C

Main Issue

2. There is one main issue which is the effect of the proposed advertising panels on the character and appearance of Link Road and the surrounding area, including the Bishops Stortford Conservation Area (CA).

Procedural matter

3. The application form refers to the appeal site as being outside Charmingtons House and in the town of Hertford. However, it is clear from the evidence, including my site visit that the building is known as Charrington House and the site is in Bishops Stortford. I have used the correct name throughout my decision.
4. The Council has referred in its decision notice to Policy BH15 which relates to advertisements in conservation areas. This has been superseded by Policy HA6 of the East Herts District Plan, October 2018, which was adopted by the Council on 23 October 2018. I have therefore had regard to Policy HA6 in place of the earlier policy.

Reasons

5. The Regulations require that decisions are made only in the interests of amenity and public safety. This is reiterated in the National Planning Policy Framework (NPPF). The Council's policy alone cannot be decisive, but I have taken it into account as a material planning consideration. The NPPF makes clear that advertisement control should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to local authority's detailed assessment.
6. The appeal site is situated on the western side of Link Road, a busy modern street which appears to provide a bypass for the nearby town centre. The highway is illuminated by tall, street lights. The bus shelter stands adjacent to a large modern office building and a short distance from a surface car park. To the south, the modern Jackson Square shopping centre building is prominent in the street scene.
7. Link Road is not identified in the Bishops Stortford Conservation Area Appraisal and Management Plan, adopted in December 2014, as making a positive contribution to the conservation area and although trees and verges soften its appearance I would agree that it is neutral in this regard. To the east of Link Road lie the Castle Gardens and Waytemore Castle, a Scheduled Ancient Monument. These are important heritage assets. However, they are sufficiently well separated from the appeal site for it to have any material effect on their character, appearance or historic significance.
8. Owing to its busy, urban character, the proposed advertising panels, which would be modest in size and form an integral part of a bus shelter, would not appear out of place on Link Road. Although they would be digital and internally illuminated, this would not necessarily make them brighter or more prominent in the street scene than the existing display which is also internally illuminated. Rather, it would modernise the technology and appearance and that would not be out of place in this essentially modern setting. Given the proximity of Link Road to the town centre, a car park and large shops, including a supermarket, it is likely to be busy and well lit after dark. The LED lighting would not therefore be out of place or have a materially detrimental effect on the area.
9. It is concluded on the main issue that the proposed advertising panels would have no materially detrimental effect on the character or appearance of Link Road and the surrounding area and would preserve the character and appearance of the Bishops Stortford CA. In consequence, their effect on visual amenity would be acceptable.
10. In addition to the five standard conditions set out in the Regulations, the Council suggests a condition requiring the development to be carried out in accordance with the approved plans. I agree that for the avoidance of doubt this is necessary and reasonable.
11. For the reasons set out above and having regard to all other matters raised, including the representations of the Town Council, I conclude that the appeal should be allowed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 19 December 2018

by **Andrew Owen BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2019

Appeal Ref: APP/J1915/W/18/3206385

Lodge Farm, Epping Green, Hertford SG13 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Lord against the decision of East Hertfordshire District Council.
- The application Ref 3/18/0897/VAR, dated 18 April 2018, was refused by notice dated 25 June 2018.
- The application sought planning permission for change of use and conversion of 2 No. barns to a total of 5 No. holiday lets including demolition of lean-to, erection of single storey rear extension and alterations to fenestration, and insertion of new doors and windows to both barns without complying with conditions attached to planning permission Ref 3/17/2456/FUL, dated 28 March 2018.
- The conditions in dispute are Nos 2 and 4 which state that:
"2. *Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, D, E and F of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order shall be erected or constructed on the application site.*"
"4. *This permission relates solely to the use of the premises hereby approved for short-let holiday residential use. The property shall not be occupied as a permanent dwelling and shall not be occupied by any one person for a period exceeding 12 weeks in any calendar year. The owner shall maintain a register of occupants for each calendar year, which shall be made available for inspection by the Local Planning Authority on request.*"
- The reasons given for the conditions are:
"2. *To enable the Local Planning Authority to control the development, to preserve and safeguard the openness of the Green Belt and to protect the visual amenities of the area, in accordance with Policies GBC1 and ENV1 of the East Herts Local Plan Second Review (2007) and Policies GBR1 and DES3 of the East Herts District Plan Pre-submission Consultation (2016).*"
"4. *To enable the Local Planning Authority to control the development and to avoid the creation of isolated dwellings in the countryside in accordance with Paragraph 55 of the National Planning Policy Framework.*"

Decision

1. The appeal is allowed and planning permission is granted for change of use and conversion of 2 No. barns to a total of 3 No. holiday lets including demolition of lean-to, erection of single storey rear extension and alterations to fenestration, and insertion of new doors and windows to both barns at Lodge Farm, Epping

Green, Hertford SG13 8NQ in accordance with the application Ref 3/18/0897/VAR dated 18 April 2018, without compliance with condition number 2 previously imposed on planning permission Ref 3/17/2456/FUL dated 28 March 2018 and subject to the following conditions:

- 1) The development hereby permitted shall begin before 28 March 2021.
- 2) Notwithstanding the provisions of Classes C3 and C4 of Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the holiday let accommodation hereby approved shall be used to provide holiday accommodation only and shall not be used as permanent unrestricted accommodation or as a primary place of residence.
- 3) This permission relates solely to the use of the premises hereby approved for short-let holiday residential use. The property shall not be occupied as a permanent dwelling and shall not be occupied by any one person for a period exceeding 12 weeks in any calendar year. The owner shall maintain a register of occupants for each calendar year, which shall be made available for inspection by the Local Planning Authority on request.
- 4) No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted GEMCO Phase 1 Geo-environmental Assessment report dated August 2015 (Ref No. 701 R01 Issue 1), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.
- 5) The materials to be used in the construction of all external surfaces of the development hereby permitted shall match, in type, colour and texture to those on the existing buildings known as 'Denzils Barn and 'The Old Stables'.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Before the access is brought into use for the proposed development, visibility splays of 2.4m x 45m and 2.4m x 62m (west and east respectively), within which there shall be no obstruction to visibility between a height of 600mm and 2m above the carriageway shall be provided and permanently maintained.
- 8) The development hereby approved shall be carried out in accordance with the following approved plans: FPES1.0 A, 320 P1, 320 P2, 320 P3 A, 320P4 A, 1804/RW and FPES2.0.

Procedural matters

2. Since the time of the Council's decision, the East Herts District Plan (the 'District Plan') has been adopted and supersedes the East Herts Local Plan Second Review (the 'Local Plan'). As such policies GBC1 and ENV1 of the Local Plan, which are referred to in the reasons for the conditions no longer have any effect. I have been provided with adopted versions of policies GBR1, DES4 and ED5 of the District Plan and so I have determined the proposal against these policies.
3. The extant planning permission describes the development as comprising five holiday lets. The parties agree however that the approved drawings show only three holiday let units. My decision therefore refers correctly to three holiday lets.

Main Issues

4. Based on the reasons for the two conditions, I consider the main issues are the effect that removing condition 2 would have on the openness of the Green Belt, and the effect of removing condition 4 on the character of the countryside.

Reasons

Condition 2 – openness of the Green Belt

5. Paragraph 53 of the National Planning Policy Framework (the 'Framework') advises that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. The planning practise guidance (PPG) adds that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances.
6. Condition 2 removes permitted development rights relating to extensions or alterations to dwellings, means of enclosure and means of access. The Council do not refer to the means of access or enclosure in their statement so I have focussed my attention on the potential for extension of the buildings.
7. The site is within the Green Belt and one of the essential characteristics of the Green Belt is its openness. Were the condition not in place, the buildings could, without further recourse to the Council, be extended which would reduce the openness of the Green Belt. However given the close arrangement of the buildings and the relatively constrained nature of their curtilages I consider the opportunities to take advantage of this would generally be limited, particularly at Unit B which is the most visually open part of the site due to the open paddocks to the east. The area with the greatest scope for extension would be to the west of Units A and C but, due to the wooded nature of the land, the visual impact on the Green Belt would be restricted. As such, whilst extending the buildings would impact on the openness of the Green Belt, it is likely that that impact would be minimal.
8. Overall, I do not consider there is clear justification or any exceptional circumstances to justify condition 2 and therefore it is unnecessary. In removing the condition the proposal would still accord with policy DES4 which requires all development to be of a high standard of design, policy ED5 which ensures tourist development does not harm the environment, and policy GBR1 which, in combination with the Framework, seeks to retain the openness of the Green Belt.

Condition 4 – character of the countryside

9. The Council state condition 4 is imposed in order to ensure the buildings do not become permanent dwellings. Condition 3 restricts the use of the properties to being just for holiday accommodation and the only requirements specific to condition 4 are the prevention of any guest staying more than 12 weeks, and the need to keep a register of occupants. The appellant suggests the need to keep a register can be incorporated into condition 3.
10. I accept the 12 week period is somewhat arbitrary. Nevertheless I consider it is necessary to have some time limit. Without it, guests could in theory stay for an unlimited period of time on holiday away from their home address. This would be akin to a permanent residence and dwelling in the countryside, which is what the condition seeks to avoid. Moreover, the time limit gives precision which assists in the Council's ability to enforce the use of the buildings.
11. Whilst this may dissuade some potential customers from choosing Lodge Farm as a holiday venue, I would anticipate this would be rare and retaining the limit would have little effect on the viability of this rural business.
12. The appellant refers to the support given by paragraph 79 of the Framework to the re-use of redundant or disused buildings for homes. This paragraph closely repeats paragraph 55 of the previous version of the Framework. The Inspector in a previous appeal at this site¹ concluded the conversion of the barn into a dwelling would not accord with this paragraph and would be isolated. I have no reason to come to a different view. Consequently, the use of the barns as dwellings would also fail to accord with paragraph 79 and therefore it is necessary to retain condition 4 to ensure their use does not become comparable to that of dwellings in this isolated location.
13. In summary I consider it necessary for the condition to remain. Without it, the development would be akin to a permanent home and so would fail to accord with the advice in the Framework which guards against isolated homes in the countryside.

Conditions

14. The guidance in the PPG makes it clear that decision notices for the grant of planning permissions under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The appellant states no conditions have been discharged.
15. I have altered the standard condition relating to the commencement of the development as the PPG states that a planning permission granted under section 73 cannot extend the time limit within which a development must be started. The development therefore must be commenced within three years of the date of the original planning permission.
16. The conditions relating to the use of the barns and setting the time limit for the length of stays are necessary as explained above. The condition relating to land contamination is necessary in order to protect the living conditions of future occupiers and nearby occupiers, that relating to materials and landscaping are necessary so as to protect the character and appearance of the area, and that concerning vehicle visibility is necessary in the interests of highway safety. I

¹ Ref APP/J1915/A/13/2194060

have included the condition specifying the relevant plans in order to provide certainty.

17. One condition requires compliance prior to the commencement of development so that the effects of the proposal are properly mitigated in order to make it acceptable, and the appellant has agreed to this.

Conclusion

18. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed and a new planning permission granted without condition 2 as previously imposed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 23 January 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2019

Appeal Ref: APP/J1915/W/18/3208058

55 Thorley Park Road, Bishops Stortford CM23 3NG

- 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 D Shrimpton against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1045/FUL, dated 4 May 2018, was refused by notice dated 3 July 2018.
 - The development proposed is described as: 'Change of use from C3 to large house of multiple occupation to accommodate nine bedrooms. Single storey front extension and two storey side extension with accommodation within the new loft space and gabled dormer to the rear of the side extension. Conversion of the existing loft space with rear box dormer. Insertion of two No roof lights to existing loft space. Provision of off street car parking for four No cars'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The East Hertfordshire District Plan (2018) (the District Plan) has been adopted by the Council since the decision on the planning application. The parties have had an opportunity to comment on the District Plan in relation to the case during the appeal process. The saved policies within the East Hertfordshire Local Plan Second Review (2007) are no longer extant.
3. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework (the Framework) has been published and is a material consideration in decision-taking from the date of its issue (per paragraph 212 of the Framework). The parties had the opportunity to make comments on the bearing of this on the appeal. Whilst there have been further revisions since to the Framework contained in the new version published in February 2019, no changes have been made to the content directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my assessment of the appeal's merits.

Main Issues

4. The main issues are: -

- The effect of the proposed development on the character and appearance of the street scene and its host dwelling, with particular reference to the massing and built form of the development
- The effect of the development on the living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance
- The effect of the development on the living conditions of future occupiers of the appeal site with particular reference to off-street parking provision
- The effect of the development on the living conditions of future occupiers of the appeal site with particular reference to provision of sufficient refuse storage.

Reasons

Character and appearance

5. Thorley Park Road is a residential street with properties of varying styles, both detached and semi-detached. The dwellings are set back from the road by moderately sized front gardens. Many of the dwellings have been enlarged with single and two storey side extensions, reducing the original openness of spaces between buildings. Similarly, many have had single storey front extensions added and/or dormer windows built in the roof.
6. The development proposed is for the conversion of the existing dwelling house to a large house of multiple occupation (HMO) with nine bedrooms. The property would be enlarged by a single storey front extension and two storey side extension adding a gabled dormer to the rear of the side extension with accommodation within the new loft space. The existing loft space would also be converted into living accommodation with an additional rear box dormer and the insertion of two roof lights. The development would also provide an increase in the number of off-street car parking spaces.
7. Whilst some of the extensions in the vicinity are considered by the appellant to be comparable to the proposal, many of the extensions appeared, to a greater or lesser degree, to be subservient to the original building.
8. No 55 Thorley Park Road is a semi-detached house, the attached dwelling, No 53, has a front and side extension that increases the massing of the combined semi-detached dwellings. The proposed side extension at No 55 would extend the frontage of the structure formed by Nos 53 and 55 by over half of the width of No 55, further increasing its overall massing.
9. I saw, on the opposite side of the road, Nos 44 and 46, and 48 and 50 have been extended to produce similar frontages to the one proposed in this case. However, the single storey element of No 50, on its wider frontage, alleviates the massing of the gable end of that block. Moreover, the proximity of No 48 to No 46 helps to conceal their adjacent gable ends. The eastern gable of No 44 is

on the inside of a bend in the street alignment and is alleviated by the single storey element. As a result of the combination of these factors it does not appear prominent in the street scene.

10. In contrast, the proposed gable of No 55 would, by virtue of the gap between No 55 and No 57 and the bend in the alignment of Thorley Park Road to the west of the site, appear prominent in the street scene and would, taken together with its rear element, appear as a bulky and a dominating structure considerably at odds with the prevailing character of the area.
11. Policy HOU11 advises that roof dormers may be acceptable if appropriate to the design and character of the dwellings and its surroundings and that dormers should generally be of limited and modest proportions, so as not to dominate the existing roof form.
12. Notwithstanding the appellant's view that the scale of the rear dormer is acceptable, the proposed dormer occupies a significant area of the rear roof slope of No 55 and would be likely to be visible from adjacent rear gardens. Whilst dormer windows have been added to properties in the area, this is not the case on the immediately adjacent roofs. I therefore consider that such an addition would be a dominant addition to the roof structure and incongruous with the form of adjacent roofs.
13. The appellant has suggested that by using materials to match those used in No 55 and adjacent buildings the extensions could be blended into the existing street scene. However, the use of matching materials, of itself, could not sufficiently soften the overly dominant massing and form of the proposed development and therefore would not overcome its impacts to the street scene and its host building.
14. I therefore conclude that the massing and built form of the development would result in considerable harm to the character and appearance of the street scene and host dwelling contrary to Policies DES4 and HOU11 of the District Plan, which, taken together and amongst other matters, seek to ensure that the design and layout of development, including extensions, does not impact unacceptably on the character and appearance of its surroundings.

Living conditions of occupiers of neighbouring properties

15. No 53 has windows on both floors of its front elevation, adjacent to the boundary with No 55. These windows would be next to the proposed bin storage area and a short distance from the entrance for the development.
16. Whilst a single-family unit would be likely to have mutual friends and interests and therefore a degree of co-ordination in their lifestyle, scheduling and daily comings and goings, the unrelated occupants of an HMO would be likely to have more disparate lifestyles and interests.
17. The appellant has suggested that the future development, with nine bedrooms could be likened to a large family dwelling, with several generations of the same family living together. However, the dwelling as it currently stands is of a different scale, with only three bedrooms. This would be likely to constrain occupant numbers below those suggested by the appellant. As a result, the number of comings and goings currently generated by the site would be increased by the development.

18. Given that the plans indicate several of the bedrooms are of an appropriate size for double occupancy, there is considerable potential for partners and friends of residents also to be present. For these reasons, and notwithstanding that the number of permanent residents could be restricted by planning condition and HMO licensing regulations, the number of people present at any one time could nevertheless be considerably higher than nine.
19. I accept the appellant's view that London and Stansted Airport are likely to be a source of employment opportunities. Nevertheless, the distances involved in commuting and potential shift working would suggest that there would still be a degree of dependency upon the private car.
20. The appellant has suggested that average motor noise generated by traffic has decreased generally over time, although no substantive evidence has been put before me to support this opinion, or that future occupiers would keep these more modern vehicles. Engine noise is not the only noise and disturbance associated with the use of motor vehicles. Drivers and passengers arriving by vehicle would generate noise such as through the opening and closing of car doors and boots and, with the likely increase in total trip numbers, this disturbance would be proportionally increased.
21. The positioning of the waste bins would be in close proximity to habitable rooms in No 53. With a number of unrelated occupants, use of the extended property as an HMO would be likely to result in a greater level of activity associated with the area around the bins than would be the case currently with occupation by a single family. Further the bins would be accessed for collection through the proposed parking area, which would be likely to be obstructed by parked vehicles making movement difficult. These issues would result in increased noise levels and disturbance to the occupants of No 53.
22. I note the proposal by the appellant to resolve issues of lack of refuse storage provision by the siting of additional bins, proposing a layout utilising space adjacent to the boundary with No 53. Such a solution would, by virtue of the proximity, increase the disturbance from noise for the occupiers of the adjacent property above that associated with the layout shown on the plans.
23. I therefore conclude that the proposed development would result in harm to the living conditions of neighbouring properties with particular reference to noise and disturbance. The development would thus be contrary to Policy DES4 of the District Plan which seeks, amongst other things, to safeguard the living conditions of occupiers of neighbouring properties to ensure that their environments are not harmed by development.

Living conditions of occupants of the property with reference to off-street parking provision.

24. Most of the dwellings in the vicinity have off street parking, in the form of driveways and many retain garages. Whilst admittedly only a snapshot of the situation, on the morning of my site visit I noticed little pressure on on-street car parking, although some vehicles were encroaching on footways, presumably to avoid obstructing the flow of traffic. I observed that the speed of motor vehicles in this environment was, generally, low.
25. Paragraphs 105 and 106 of the Framework explain the Governments approach to parking provision for development, seeking to balance the provision of car

parking to satisfy the needs of residents whilst avoiding over-provision and encouraging the use of softer transport modes with a lesser impact upon the environment. Policy TRA3 of the District Plan requires vehicle parking provision to be in accordance with the current Vehicle Parking at New Development Supplementary Planning Document (2008, amended 2015) (the SPD) and that car parking should be incorporated into the design of development to ensure good quality, safe, secure and attractive environments.

26. These require a maximum of five parking spaces for an HMO with nine bedrooms, however this may be reduced to allow for accessibility to local services. The site does have access to public transport and there are some local services nearby which would justify the slight reduction in parking provision in this case, when assessed against the relevant development plan requirement. The proposed provision of four spaces would, therefore, comply with the policy. The proposed development would therefore make adequate arrangements for car-parking; and I therefore find no conflict with Policy TRA3 of the District Plan, or the SPD, insofar as they seek to ensure that appropriate levels of off-street car parking are provided.

Living conditions of occupants of the property with reference to provision of sufficient refuse storage.

27. Policy DES4 of the District Plan seeks, amongst other things, to ensure adequate provision and storage of refuse bins to make sure adequate facilities are provided for future residents through good design. Paragraph 127 (f) of the Framework requires development to deliver a high standard of amenity for existing and future users.
28. Space for four refuse bins is identified on the plans, which falls short of the requirements of the Council. There would be very limited space on the frontage to accommodate additional refuse bins and whilst additional bins could be provided, as suggested by the appellant, adjacent to the boundary with No 53, this provision could not be made without impacting further upon the living conditions of the occupants of that property. I have limited evidence before me to demonstrate why a provision which is below the Council's standard would be justified or whether this issue could be satisfactorily addressed.
29. Therefore, I conclude on this main issue that the proposed development would not make adequate arrangements for refuse storage and would therefore conflict with Policy DES4 of the District Plan insofar as it seeks to ensure that all developments are of a high standard of design and layout.

Other Matters

30. The appellant asserts that the design of the extensions would not have any adverse impact in terms of loss of outlook or light, that the individual bedrooms all exceed the minimum standards set out in the Technical Housing Standards-nationally described space standards (2015) and that appropriate levels of amenity space would be provided and that the development would not place any significantly greater demands on infrastructure. These matters would be of very limited public benefit.
31. I note the benefits that the development would have in terms of contributions to the local economy by accommodating additional residents and providing

work for local builders. However, in view of the limited scale of the development it would only have limited public benefits.

Conclusion

32. I have found that the proposed development's car parking arrangements would be acceptable. Nevertheless, this points to an absence of harm in this respect rather than a positive benefit of the appeal scheme, and thus has a neutral effect on the overall planning balance. The other matters outlined above weigh only marginally in favour of the development. On the other hand, the proposed development would cause considerable harm to the character and appearance of the area, to the living conditions of the occupants of adjacent properties and would fail to make appropriate provision for the storage of bins. Taken together, these aspects of the appeal scheme carry significant weight and tip the overall balance firmly against the proposed development.
33. Consequently, no material considerations have been advanced in this case of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above-cited policies, the appeal scheme would clearly conflict.
34. Accordingly, For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR



Appeal Decision

Site visit made on 8 January 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2019

Appeal Ref: APP/J1915/D/18/3215886

2 Woodcock Lodge Farm Cottages, Tylers Causeway, Hertford SG13 8QN.

- 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 Neil Pottinger against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1147/HH, dated 16 May 2018, was refused by notice dated 14 September 2018.
 - The development proposed is single storey side and rear 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 Issues

3. The main issues are:
 - a) Whether having regard to development plan policy and national policy in the National Planning Policy Framework (the Framework) the proposal comprises inappropriate development in the Green Belt
 - b) The effect on Green Belt openness and the character and appearance of the host dwelling and wider area
 - c) Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations

Reasons

4. The appeal property is a semi-detached two storey dwelling within a relatively isolated rural location about 1.5 km from the nearest village. In addition to the attached dwelling, there is a farmhouse to the south and bungalow with associated buildings to the west but otherwise the site is surrounded by open farmland.

Whether inappropriate development

5. The site lies in the Green Belt wherein the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are

set out in paragraph 145 of the Framework. That includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. DP Policy GBR1 states that applications will be considered in line with the provisions of the Framework.

6. The parties agree that the proposed extensions, involving the part removal and alteration of the existing rear single storey element, would amount to a 51.6% increase in floorspace over and above the size of the original dwelling. The appellant has referred to a Council 'guideline' of a desired maximum of 60% increase for Green Belt situations such as this by reference to a report relating to an application determined in 2014. However, this is not supported by any other 'official' policy or guidance document and it is unclear if this is still the Council's 'guidance'. No reference is made to it in the officer report for the appeal application.
7. However, notwithstanding the above, I consider that, on the basis of the agreed increases, the proposed extensions would not in any event result in disproportionate additions to the size of the original building. I therefore find that the proposal would not comprise inappropriate development in the Green Belt. Therefore, in accordance with paragraph 143 of the Framework, it is not necessary for very special circumstances to be demonstrated in this instance.

Impact on Green Belt openness and character and appearance of the host dwelling and wider rural area

8. The proposed extensions would in part replace an existing sizeable shed which is located to the rear of the dwelling, though would extend out to the side of the dwelling and result in an increase in the overall 'spread' of the built footprint. I consider that this would result in some impact on the openness of the Green Belt, albeit this could be mitigated to an extent by the proposed planting. The site is visible from the public footpath to the east though in this view the proposed extensions would be largely seen against the backdrop of the existing built form of the semi-detached pair of cottages, including the various extensions that have been carried out to the attached property, No. 1 Woodcock Lodge Farm Cottages. However, overall I consider that there would be a limited impact in this respect and thus conflict with national policy which identifies openness as an essential characteristic of the Green Belt.
9. In terms of design I note that the proposed extension would not be finished in materials to match the existing cottage, but would have largely rendered walls with low sloping grey pre-patinated zinc roof. Although the low roof would assist in minimising the overall bulk of the additions, it is my view that the design and external appearance of the extension would fail to complement the character and appearance of the existing cottage with its brick elevations and hipped tiled roof. In this context, and whilst noting that the nearby bungalow is finished in render, I do not consider that the proposal would be well designed nor appropriate to its setting which in my view predominantly comprises the pair of cottages.
10. I therefore find that there would be harm to the character and appearance of the host dwelling and wider rural area. This would be contrary to DP policies DES4 and HOU11 which seek a high standard of design and layout that reflects and promotes 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.

Conclusions

11. The appellant has referred to the possibility that the dwelling could be extended under permitted development rights. Whilst full details of a scheme have not been provided, such rights are conditional on any materials used in any exterior work being of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The appeal scheme would not therefore be directly comparable in this respect. I also note that the proposed extensions would provide enhanced accommodation for the existing small cottage. However, I consider that these factors do not outweigh the harm to Green Belt openness and to the character and appearance of the host dwelling and wider rural area identified above.
12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 8 January 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019

Appeal Ref: APP/J1915/D/18/3215970 16 Revels Road, Hertford SG14 3JU.

- 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 Fiona Reynolds against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1178/HH, dated 20 May 2018, was refused by notice dated 29 August 2018.
 - The development proposed is first floor side extension and loft conversion including rear dormer.
-

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 (a) the character and appearance of the host dwelling and streetscene and (b) the living conditions of the occupiers of the adjoining property, No. 40 Parker Avenue.

Reasons

4. The appeal property is a semi-detached dwelling that has already been extended to the side with a single-storey extension. It occupies a triangular shaped plot on the corner of Revels Road and Parker Avenue with a wide frontage to Revels Road, narrowing to the rear of the site. The dwelling is sited towards the southern (rear) corner of the plot close to the dwelling at No. 40 Parker Avenue, the property which adjoins to the south-west. Both properties have relatively small rear garden areas with the majority of the garden areas to the side of the dwellings fronting Revels Road and Parker Avenue respectively.

Effect on character and appearance

5. The proposed extensions to the dwelling on the appeal site would increase its bulk at upper floor levels, extending to the side with a front gable feature at first floor and extended roof with gable end incorporating a large flat roofed rear dormer across almost the whole width of the extended roof. Due to its

corner location and slightly raised position relative to the surrounding roads, I consider that the proposed extensions would add disproportionate bulk to the property and as a result would appear unduly dominant in the street scene. The bulk of the first floor element would be exacerbated by the proposed projecting front gable feature, which, as a result, would not complement nor appear subservient to the existing dwelling. It would also serve to unbalance the symmetry of the existing semi-detached pair, the other half of which retains its original hipped roof form.

6. Therefore, I find that the proposal would be harmful to the character and appearance of the host dwelling and wider street scene. It would therefore fail to comply with DP policies HOU11 and DES4 which seek a high standard of design and layout, that reflects and promotes 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.

Effect on living conditions

7. In terms of the impact on the neighbouring property, I noted whilst on site that the existing relationship between these two properties is already extremely close with a degree of mutual overlooking between them. Notwithstanding this, I consider that the introduction of a further first floor element, coupled with the very large rear dormer at roof level as proposed at the appeal property, would considerably worsen this situation due to the very close proximity of the two dwellings. This would result in an unacceptable amount of overlooking of No. 40 Parker Avenue and significant loss of outlook. As referred to above, I saw that this adjoining dwelling does benefit from a separate side garden area, but this is not private. The small rear garden would be unduly dominated by the proposed extensions resulting in an unacceptable level of enclosure.
8. Therefore, I find that the proposal would be harmful to the living conditions of the occupiers of the adjoining property, No. 40 Parker Avenue. It would thus fail to comply with DP policies DES4 and HOU11 which seek a high standard of design and layout and that significant detrimental impacts on the amenity of occupiers of neighbouring properties and land should be avoided.

Conclusions

9. I acknowledge that the proposed extensions would considerably enhance the amount of living accommodation for the appellant and her family. However, this does not in my view outweigh the considerable harm identified above. I saw on my site visit that extensions have been carried out at a number of properties within the vicinity of the appeal site, however, it is necessary to consider the appeal proposal in the context of the particular site circumstances.
10. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 15 February 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2019

Appeal Ref: APP/J1915/D/18/3218658

Barnacres, Ermine Street, Colliers End, SG11 1ER

- 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 Appleby against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1305/HH, dated 2 June 2018, was refused by notice dated 29 October 2018.
 - The development proposed is an outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at Barnacres, Ermine Street, Colliers End, SG11 1ER in accordance with the terms of the application, Ref 3/18/1305/HH, dated 2 June 2018, 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: 190-01, 190-02A, 190-03B, 190-06A, 190-07, 190-08, 190-09, 190-10, 190-11, 190-SK03 (Highways boundary plan showing existing and proposed outbuilding dated 19 September 2018).

Main Issue

2. There is one main issue which is the effect of the proposed outbuilding on the character and appearance of the street scene and the surrounding rural area, including the effect on trees and hedgerows.

Reasons

3. Barnacres is a Grade II listed dwelling. It is of timber framed construction and has a steep old red tile roof. The building was listed in 1983. The Council's Conservation Officer does not consider that the proposed outbuilding would be detrimental to the setting of the listed building and I agree with this view. The existing outbuilding, which is proposed to be altered and enlarged to provide ancillary habitable accommodation, is understood to have been erected in the
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1990s and therefore would not be a curtilage building for the purposes of the listing.

4. The existing outbuilding is a garage set adjacent to the street boundary. It lies to the side and forward of the dwelling. It is a modest building of black painted timber over a brick plinth with a pitched roof of mineralised bituminous felt. It is visible when approaching from the south but predominantly hidden from the street by an overgrown hedgerow.
5. It is proposed to raise the height of the existing eaves and ridge to allow for habitable accommodation at first floor and to extend the length of the building. It would be increased in width to incorporate external insulation. The external finish would be mainly black stained horizontal featheredge boarding which would be characteristic of the area and the clay tiled roof would harmonise with the roof of the host dwelling. Extensive glazing would be introduced on the garden facing elevations but would be hidden from the street and would be acceptable in its domestic setting. Despite its increased size, the building would remain modest in scale and subservient to the host dwelling. Moreover, its position close to the street would be consistent with other comparable outbuildings in Colliers End.
6. The appeal site lies adjacent to currently undeveloped land and at the entrance to the main built up area of Colliers End. However, dwellings extend further north on the opposite side of the road and existing trees and vegetation in the garden at Barnacres would ensure that the proposed outbuilding was not unduly prominent in the street scene at the entrance to the settlement.
7. Insulation would be added to the existing side walls, including the wall adjacent to the street. The Council suggests that this would result in the external side wall being at least 0.5m closer to the street and that this could cause material encroachment into the hedgerow, resulting in loss of or significant damage to the boundary vegetation. However, the appellant states that the distance would be some 0.28m which is consistent with the submitted plans. I have no compelling evidence to suggest that these are not accurate.
8. The submitted plans show clearly that whilst the proposed building would be closer to the boundary vegetation it would not encroach on the main stems. Moreover, the hedgerow stands on a small bank, above the level of the building and whilst it would be necessary to prune the vegetation I am not persuaded by the evidence that significant damage during construction need occur. Furthermore, whilst hedgerow boundaries are characteristic in Colliers End, the affected section of hedgerow is unprotected and of limited amenity value.
9. It is suggested in evidence that a planning permission for three dwellings on land to the north of Barnacres (ref. 3/18/1149/FUL) includes a requirement to provide a footway adjacent to Barnacres which may result in the cutting back of the boundary hedgerow. However, even if this occurred and the proposed outbuilding became more visible in the street scene, its scale and appearance, which would be consistent with other clearly visible outbuildings in Colliers End, would ensure it was not materially harmful to the street scene. Furthermore, the proximity of the proposed building to the main dwelling and its separation from the rural area to the north and west of Barnacres would ensure that there was no harm to the character or rural qualities of the area.

10. It is concluded on the main issue that the proposed outbuilding would have no materially detrimental effect on the character or appearance of the street scene or surrounding rural area or cause material harm to existing trees or hedgerows. In consequence, it would comply with Policies GBR2, DES2, DES3 and DES4 of the East Herts District Plan, 2018. Taken together these policies expect the replacement, extension or alteration of buildings in the rural area beyond the Green Belt to be of a size, form, siting, design and materials appropriate to the character, appearance and setting of the site and the surrounding area, so as to promote local distinctiveness, and to retain and protect landscape features which are of amenity value or form distinctive features of the districts landscape.
11. A third party representation raises concerns regarding drainage and potential encroachment onto highway land. However, I note that neither the Council's Engineer nor the Highways Authority raise any objection to the proposed development and I am satisfied that no material harm would occur in respect of these matters.
12. The Council does not suggest that any planning conditions are necessary. Nevertheless, in order to comply with Section 91 of the Town and Country Planning Act 1990, as amended, the statutory commencement condition is required. In addition, for the avoidance of doubt and in order to protect the character and appearance of the area and the adjacent listed building the development should be carried out in accordance with the submitted plans. I shall therefore impose these conditions.
13. 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

Appeal Decision

Site visit made on 11 December 2018

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2019

Appeal Ref: APP/J1915/D/18/3214558
90 High Oak Road, Ware SG12 7NZ

- 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 Jamie Dunlop against the decision of East Herts Council.
 - The application Ref 3/18/1319/HH, dated 7 June 2018, was refused by notice dated 13 August 2018.
 - The development proposed is the construction of a two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within the Council's Decision Notice, policies ENV1, ENV5 and ENV6 of the adopted East Herts Local Plan along with policy DES4 of the East Herts emerging District Plan are quoted. Since the application was determined, the East Herts District Plan has been formally adopted and it supersedes the East Herts Local Plan. I have determined the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the street scene.

Reasons

4. The appeal relates to an end of terrace property which sits on the corner of High Oak Road and Homefield Road, with the local area home to a range of dwelling types and styles. Like the bungalow style property on the opposite side of the junction, the side elevation of the appeal dwelling is set a comfortable distance from the side boundary and this makes a noticeable and positive contribution to the spacious character of the junction.
 5. The proposal seeks to add a two storey extension to the side of the appeal dwelling. It would be flush with the main front elevation and would be as deep and it would have the same eaves and ridge height. Whilst the extension would replicate the fenestration arrangement and would be finished in appropriate external materials, it would be wide and would bring the dwelling very close to the side boundary and the junction.
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6. This arrangement would project well beyond the established building line of the similar group of properties located on this side of Homefield Road, irrespective of the fact that they sit at a higher ground level beyond the rear garden of the appeal dwelling. As a result, the two storey extension would appear overly prominent within the street scene, it would harmfully reduce the open character of the junction and it would conflict with the established pattern of development within the immediate vicinity.
7. For the above reasons, I find that the proposal would harm the character and appearance of the host dwelling and the street scene within which it sits. In such terms, it conflicts with policy DES4 of the adopted East Herts District Plan 2018, which promotes high quality design and layouts that reflect and promote local distinctiveness.

Other considerations

8. The proposed extension would not harm the living conditions of nearby residents in any way and I note that no formal objections were received from local residents, but these are neutral factors. Whilst it would occupy a section of garden which the appellant suggests is underutilised, this would be at significant cost to the character and appearance of the street scene.
9. It is argued that the scheme amounts to sustainable development. As the appellant has highlighted, the National Planning Policy Framework (the Framework) explains that good design is a '*key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*'. For the reasons outlined above, I have found that the proposal does not amount to good design. On this basis, it cannot amount to sustainable development in the widest sense of the definition provided by the Framework.
10. Finally, the appellant has referred to other developments on corner plots within the local area. I do not know the precise planning circumstances behind all of the examples highlighted, but in the case of the two storey side extension permitted at No. 1 Horrocks Close Ref following a successful appeal, (Ref. APP/J1915/D/18/3198502), I note the Inspector observed that it was to 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 is therefore not directly comparable to the scheme before me. In any event, I have considered the appeal proposal on its individual merits and against the context of the specific street scene within which it would sit.

Overall Conclusion

11. I conclude that proposal would harm the character and appearance of the host dwelling and the street scene within which it sits, contrary to the development plan policy outlined above. The arguments advanced by the appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 14 December 2018

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

an Inspector appointed by the Secretary of State

Decision date: 04 January 2019

Appeal Ref: APP/J1915/D/18/3211204

Hammonia, 2 Gypsy Close, Great Amwell, Ware, Herts SG12 9RW

- 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 E & Y Groom against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1463/HH, dated 26 June 2018, was refused by notice dated 20 August 2018.
 - The development proposed is described on the application form as "*side, front and rear extensions and removal existing roof and erection of re-pitched roof with dormer windows*".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The East Herts District Plan was adopted on 23 October 2018 and replaces the East Herts Local Plan Second Review 2007. I am required to consider the appeal against the development plan in place at the time of my decision and therefore the policies in the Local Plan are no longer relevant to the appeal. I am satisfied that the policies in the District Plan (2018) are not materially different from those referred to in the decision notice and therefore have not deemed it necessary to seek parties' comments on this matter.

Main Issues

3. Whilst the reason for refusal refers to District Plan Policy DES4 the Council has not demonstrated that there is any conflict with this policy. As such the main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 13 of the National Planning Policy Framework (2018) and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt; and
 - (iii) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals comprising the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
5. The appeal property is a 3 bedroom detached chalet bungalow which occupies a large plot in a residential area. The appeal proposal would comprise a range of front, side and rear additions together with the reconfiguration of the roof to enable the formation of 4 bedrooms and 2 bathrooms at first floor level.
6. The Council suggests that the proposal would result in a dwelling with a floor area totalling a cumulative increase of approximately 176% over and above the size of the original dwelling. The appellant has not provided any calculations, although I note that the increase in the volume of the property may not be of quite the same magnitude. However the evidence before me clearly indicates that the proposal would result in substantial additions over and above the size of the original building.
7. For these reasons I conclude that the proposal would result in disproportionate additions to the appeal property over and above the size of the original building. The proposal is therefore contrary to paragraph 145 of the Framework. For these reasons it would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. The proposal would result in a significant increase in the volume, bulk and amount of development on the site. It would reduce, and therefore cause harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Other considerations

10. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
11. The appellant has referred to District Plan Policy VILL2 and the fact that Great Amwell is defined under this policy as a Group 2 Village. Whilst Policy VILL2 states that limited infill development will be permitted in Group 2 Villages this is subject to various design criteria being satisfied and "all other relevant policies" in the District Plan. As such this Policy does not override Policy GBR1, which states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

12. Despite the generally built-up nature of its surroundings, the appeal site is located in the Green Belt and therefore the proposal needs be assessed against the paragraphs 145 and 133 of the Framework and not against the purposes of the Green Belt set out at paragraph 134.

Green Belt balancing exercise

13. The other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effect on openness. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and District Plan Policy GBR1.

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

S Poole

INSPECTOR



Appeal Decision

Site visit made on 14 December 2018

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

an Inspector appointed by the Secretary of State

Decision date: 04 January 2019

Appeal Ref: APP/J1915/D/18/3213532

Timbertops, 34 Firs Walk, Tewin Wood, Tewin, Welwyn, Herts AL6 0NZ

- 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 D Lowe against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1602/HH, dated 6 July 2018, was refused by notice dated 7 September 2018.
 - The development proposed is described on the application form as the reconfiguration of the front façade of the dwellinghouse comprising replacement of garage door with a casement window, creation of new front entrance hall, installation of two front dormers at first floor level and Juliet balcony to the rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The East Herts District Plan was adopted on 23 October 2018 and replaces the East Herts Local Plan Second Review 2007. I am required to consider the appeal against the development plan in place at the time of my decision and therefore the policies in the Local Plan are no longer relevant to the appeal. I am satisfied that the policies in the District Plan (2018) are not materially different from those referred to in the decision notice and therefore have not deemed it necessary to seek parties' comments on this matter.

Application for costs

3. An application for costs was made by Mr D Lowe against East Hertfordshire District Council. This application is the subject of a separate decision.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 13 of the Framework and development plan policy;
 - (ii) the effect of the proposal on the openness of the Green Belt; and
 - (iii) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

5. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals comprising the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The appeal property is a 2-storey detached house. It was originally constructed as a bungalow with a detached garage and has since been extended on a number of occasions resulting in an increase in floor area from approximately 82sqm to about 317sqm. The floor area of the appeal property is therefore almost 4 times greater than that in the original dwelling.
7. The appeal proposal would comprise the reconfiguration of the frontage of the property including a reduction in floor area at ground floor level together with some increases at first floor level as the result of formation of a pair of dormers. In addition a gable would be formed to create a double-storey void above the entrance hall. The appellant has advised that overall the proposal would result in a slight reduction in floor area: this is not disputed by the Council.
8. However, primarily due to the void within the gable above the entrance, the proposal would result in an increase in the volume of the property. The appellant has calculated this would represent a 3.9% increase in volume compared to the current situation. Whilst in isolation this increase in volume would be small, taken together with the substantial earlier additions to the property the proposal would result in disproportionate additions to the appeal property over and above the size of the original building. It is therefore contrary to paragraph 145 of the Framework. For these reasons it would be inappropriate development that is, by definition, harmful to the Green Belt. I attribute substantial weight to this.

Openness of the Green Belt

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
10. Whilst the proposal would only result in a modest increase in the volume, bulk and amount of development on the site, it would have the effect of reducing, and therefore causing harm to, the openness of the Green Belt. The proposal therefore also conflicts with the Framework in this respect, a matter to which I also attribute substantial weight.

Other considerations

11. I turn now to consider whether there are any considerations sufficient to clearly outweigh the harm identified above in respect of inappropriateness and

openness. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.

12. The front elevation of the appeal property has a jumbled and disjointed appearance due to the mix of single and 2-storey elements and the disparate arrangement of roof elements. The proposal would give the property a more coherent frontage that would be more in keeping with the area. Whilst I attribute significant weight to this, I am not convinced that the glazed gable feature, the use of painted render or the overall composition of the front elevation would result in a scheme of sufficient architectural quality to outweigh the concerns set out above.

Green Belt balancing exercise

13. On balance therefore the other considerations do not amount to matters that clearly outweigh the substantial harm to the Green Belt which I have identified in respect of the proposal's inappropriateness and effect on openness. Very special circumstances to justify inappropriate development do not therefore exist. The proposal is therefore contrary to the Framework and District Plan Policy GBR1 which states that planning applications within the Green Belt will be considered in line with the provision of the Framework.
14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR



Costs Decision

Site visit made on

by S Poole BA(Hons) DipArch MPhil MRTPI

by S Poole BA(Hons) DipArch MPhil MRTPI

Decision date: 04 January 2019

Costs application in relation to Appeal Ref: APP/J1915/D/18/3213532 Timbertops 34 Firs Walk, Tewin Wood, Tewin, Welwyn, Herts AL6 0NZ

- 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 Mr D Lowe for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for development described on the application form as the reconfiguration of the front façade of the dwellinghouse comprising replacement of garage door with a casement window, creation of new front entrance hall, installation of two front dormers at first floor level and Juliet balcony to the rear.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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.
3. The PPG advises that local planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The appellant is of the opinion that the Council did not give the planning application due care and consideration and that the decision making process was irrational and was not undertaken in a proper manner.
5. The Council's delegated report fully reviews all the planning matters relevant to the proposed development and makes an entirely rational assessment of the proposal against the relevant planning policies and other matter considerations. As such I am entirely satisfied that, based on the information before me, the Council gave the planning application due care and consideration.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Poole INSPECTOR

Appeal Decision

Site visit made on 11 December 2018

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th January 2019

Appeal Ref: APP/J1915/D/18/3213741

The Willow Barn, Thorley Street, Thorley, Bishops Stortford CM23 4AT

- 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 E Bowler against the decision of East Herts Council.
 - The application Ref 3/18/1603/HH, dated 12 July 2018, was refused by notice dated 3 September 2018.
 - The development proposed is the demolition of existing outbuilding and replacement with single storey building to be used as ancillary residential accommodation in connection with The Willow Barn.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined by the Council, the East Herts District Plan has been formally adopted and this supersedes the East Herts Local Plan. My decision and reference to development plan policies reflects this.

Main Issues

3. The main issues in this case are as follows:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt;
 - Whether the siting of the proposed annex accommodation in relation to the main dwelling is acceptable; and
 - If it does amount to inappropriate development, whether the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

4. The appeal relates to a dwelling which is located within the Green Belt. The dwelling is substantial and has been created following the conversion of an agricultural building, which is part of a wider residential conversion scheme.
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The proposal seeks to replace an existing open fronted garage/outbuilding with a single storey building which would be used as ancillary residential accommodation.

5. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (exception 'c'). Another is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (exception 'd'). Policy GBR1 of the adopted East Herts District Plan (DP) advises that planning applications will be determined in line with the provisions of the Framework.
6. The appellants quote policy ENV5 of the East Herts Local Plan (2007) which explains that an extension to a dwelling or the erection of outbuildings will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area. However, this policy predates the NPPF and the East Herts Local Plan has been superseded by the East Herts District Local Plan. It is therefore neither up to date nor applicable.
7. According to the Council's figures which have not been disputed, the existing building is set about 25 metres from the host dwelling. On this basis, it cannot reasonably be described as an 'extension' (exception 'c'). Nevertheless, it is clearly a domestic building and as the proposed replacement building would be used as ancillary residential accommodation, it would be within the same use, as required by exception 'd'.
8. The figures provided by the Council indicate that the replacement building would be some 1.5 metres taller and its floorspace would be 63 square metres compared to 29 square metres of the existing building. As a result, I consider that the proposed replacement building would be 'materially larger' than the modest building to be replaced. On this basis, it amounts to inappropriate development in the Green Belt, contrary to the Framework and policy GBR1 of the DP.
9. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt. It explains that 'substantial weight' should be given to any harm to the Green Belt and inappropriate development should not be approved except in 'very special circumstances'. The Framework also states very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Effect on openness

10. Although the proposed building would sit within the residential curtilage of a large dwelling, it would be materially taller, wider and deeper than the existing garage/outbuilding. It would be a substantial structure and it would be much more visible and prominent from the highway, even accounting for existing landscaping. The increased mass, bulk and overall prominence of the replacement building would have a much greater impact on the openness of the

Green Belt than the current structure and additional landscaping would not overcome this harm.

11. I therefore find that the proposal would harm the openness of the Green Belt.

Siting of the proposed annex accommodation

12. The Council raises concern that the proposed annex accommodation would not have a 'close and clear functional linkage' to the main dwelling. The replacement building would be closer to the main road than the host dwelling. However, it would be sited within the residential curtilage and would be clearly related to it. Further, any concerns about the building being used as a separate residential unit could be addressed by the imposition of a suitably worded planning condition.

13. On this basis, I am satisfied that although the proposed ancillary accommodation would be physically separate, it would have a clear functional linkage with the main dwelling and its use in this respect could be appropriately controlled. On this basis, I find no conflict with the overall aims of policy HOU13 of the DP.

Other considerations

14. I note the accommodation is required so that support could be provided for elderly relatives. Nevertheless, in the absence of any persuasive evidence, I am not convinced that a more appropriate solution in planning terms is out of the question. I also acknowledge that the development would generate some local economic benefit whilst under construction, but this would be modest and short lived therefore I give only limited weight to this factor.

Overall Conclusions

15. I conclude that although the replacement building and annex accommodation would have sufficient functional linkage to the main dwelling, it amounts to inappropriate development which would harm the openness of the Green Belt, contrary to the Framework and development plan policy outlined above. The arguments advanced by the appellants in favour of the scheme do not clearly outweigh this harm therefore the very special circumstances necessary to justify it do not exist.

16. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 15 February 2019

by K E Down MA (Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2019

Appeal Ref: APP/J1915/D/18/3217064

1 Britannia, Puckeridge, SG11 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms S & Mr D Walker against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1669/HH, dated 20 July 2018, was refused by notice dated 15 October 2018.
 - The development proposed is erection of a two storey front and single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey front and single storey rear extension at 1 Britannia, Puckeridge, SG11 1TG in accordance with the terms of the application, Ref 3/18/1669/HH, dated 20 July 2018, 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: 17060/1 and 17060/2B.
 - 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.

Procedural matter

2. The Council has referred in its decision to Policies ENV1, ENV5 and ENV6. These have been superseded by Policies DES4 and HOU11 of the East Herts District Plan, October 2018, (LP) which was adopted by the Council on 23 October 2018. I have therefore had regard to these new policies in place of the earlier policies.

Main Issue

3. There is one main issue which is the effect of the proposed two storey front extension on the character and appearance of the host dwelling, its semi-detached pair and the street scene.
-

Reasons

4. The appeal proposal includes a single storey rear extension. This would be similar in scale and design to an existing extension at No 2, the semi-detached pair. The Council raises no objection to this part of the proposal and I agree it would be acceptable. I shall therefore restrict my further consideration to the proposed first floor front extension.
5. Britannia is a small modern cul-de-sac of similar semi-detached and terraced houses. The dwellings were built with side gables and forward projecting single storey garages. A number of houses have been extended at both ground and first floor including two storey side extensions, single storey front extensions and the addition of pitched roofs over the original garage projections. Although these alter the appearance of the dwellings and reduce the symmetry between semi-detached pairs they assimilate well into the street scene, adding variety to the somewhat bland architecture.
6. One dwelling, No 18, has an extension with a front gable similar to that proposed at No 1. This is clearly visible in the street scene and, whilst altering the host dwelling, does not detract from its character or appearance. Neither does the lack of symmetry between the extended dwelling and its un-extended semi-detached pair detract from the street scene.
7. The appeal dwelling is currently unextended but its semi-detached pair has been altered to provide a pitched roof over an extended porch and the forward projecting garage, which has been converted to living accommodation. The symmetry between the pair has therefore been disrupted.
8. The proposed extension would comprise a modest first floor addition over the existing flat roofed projecting garage. It would be flush with the side elevation of the dwelling but set down from the existing roof with a shallow front gable. It would alter the appearance of the host dwelling but would remain subservient and sympathetic to the original house. Whilst it would further unbalance the semi-detached pair this would not materially detract from their appearance or that of the street scene in Britannia.
9. The appeal dwelling lies at the junction between Britannia and Station Road and its side elevation, including the proposed extension, would be clearly visible from Station Road were it not for the high evergreen hedge that marks the front and much of the side boundary. However, even if this vegetation was lost the dwelling is sufficiently set in from the street and the proposed extension sufficiently modest that it would have no materially detrimental effect on the character or appearance of Station Road.
10. The Council suggests that as the existing front gable extension at No 18 was permitted under different local plan policies and is located further into the cul-de-sac beyond the large garden of 104 Station Road, it is not comparable with the appeal proposal. However, I have judged the proposal against current policy and am not persuaded that it would conflict with this or that its position in the street would render it otherwise unacceptable.
11. It is concluded on the main issue that the proposed two storey front extension would have no materially detrimental effect on the character or appearance of

the host dwelling, its semi-detached pair or the street scene of Britannia. In consequence, there would be no conflict with Policies DES4 or HOU11 of the LP which, taken together and amongst other things, expect extensions to dwellings to be of a high standard of design and layout and be of a size, scale, form and design that is appropriate to the character, appearance and setting of the existing dwelling and surrounding area, such that they promote local distinctiveness.

12. In addition to the statutory commencement condition, the Council suggests two other conditions. I agree that the proposed extensions should be carried out in accordance with the approved plans in order to provide certainty. Further, they should be constructed using matching materials in order to protect the character and appearance of the host dwelling and the surrounding area.
13. 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

Appeal Decision

Site visit made on 15 February 2019

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2019

Appeal Ref: APP/J1915/D/18/3218139
14 Great Molewood, Hertford, SG14 2PN

- 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 Kevan Elliott against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1787/HH, dated 6 August 2018, was refused by notice dated 1 October 2018.
 - The development proposed is alteration to the roof line and addition of a front dormer at roof level to create bedroom space.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed roof alterations and front dormer on the character and appearance of the host dwelling and the street scene of Great Molewood; and secondly, the effect of the proposed development on the living conditions of occupiers of 12 Great Molewood with respect to outlook, visual intrusion and daylight.

Procedural matter

3. The Council has referred in its decision to Policies ENV1, ENV5 and ENV6. These have been superseded by Policies DES4 and HOU11 of the East Herts District Plan, October 2018, (LP) which was adopted by the Council on 23 October 2018. I have therefore had regard to these new policies in place of the earlier policies.

Reasons

4. The appeal site lies within the Green Belt. However, the Council does not consider the proposed extension to be inappropriate development and no objection is raised on Green Belt grounds. I agree with this assessment.
 5. Great Molewood is a narrow residential street that ends at a substantial railway embankment. It is characterised by dwellings of different ages and designs, including bungalows and houses. Modest front dormers are common in the
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street scene. The land on the south side of the street rises up from the highway to the rear of the dwellings. Some dwellings including No 12 are built above street level while the appeal dwelling, No 14, is split level and set into the rising ground.

6. The proposed roof alterations and dormer would involve replacing an existing front dormer at upper ground floor level with an extended front wall that would tie in at eaves level with the existing roofline on the front gable. The roof would slope up steeply from the new eaves. In addition, the existing ridge that is currently set well back from the front of the dwelling behind a hipped, forward facing roof slope would be extended forward to finish in a high dormer, forward of the existing chimney and some 910mm back from the new front eaves. The alterations would result in the new dormer forming the highest part of the roof and the side elevation facing No 12 being noticeably increased in bulk above the upper floor level when viewed from the street.
7. The proposed alterations would upset the proportions of the dwelling when seen from Great Molewood, significantly increasing the bulk and prominence of the western part of the roof. Currently, although higher than the dominant eastern front gable, the set back of the western ridgeline behind a long shallow roof slope limits its impact on the dwelling and street scene. By extending significantly forward and finishing with a dormer window and in front of the existing chimney, the proposed roof would appear as a prominent and unsympathetic addition. Moreover, it would draw attention to the height of the western ridge and detract from the existing sense of balance when viewed from Great Molewood between the dominant eastern and subservient western parts of the dwelling. The proposed alterations would therefore amount to incongruous additions that would materially detract from the appearance of the dwelling and the street scene.
8. The appellant points out that there would be no increase in footprint, a modest increase in the size of the dwelling and no increase in the height of the ridge. Moreover, the alterations would be carried out to modern standards of insulation, in matching materials and the proposed dormer is similar to the existing front dormer. Nevertheless, the design of the proposed development and in particular its height and forward projection over the existing roof would unacceptably harm the appearance of the dwelling. Although No 14 cannot be seen from much of the street that would not justify allowing a materially detrimental development.
9. The appellant draws my attention to the front dormer window at No 12 which extends to the ridge and is prominent in the street scene. However, whilst adding some bulk at roof level this and the other dormers at No 12 remain subservient to the original roof which appears to be otherwise unaltered.
10. It is concluded on the first main issue that the proposed roof alterations and front dormer would materially harm the character and appearance of the host dwelling and the street scene of Great Molewood. In consequence they would conflict with LP Policies DES4 and HOU11 and the National Planning Policy Framework (NPPF) which, taken together, expect extensions to achieve good design such that they respect the character of the site in terms of, amongst

other things, height, massing and appearance. In particular, roof dormers should not dominate the existing roof form.

11. Turning to the effect on living conditions, No 12 is a traditional bungalow with roof dormers and has side windows facing the appeal dwelling. One window is in a side facing dormer and according to the evidence is obscure glazed and serves a bathroom. Two other windows are in the side elevation at ground floor level. Due to the elevated position of the dwelling these are positioned at a level between the lower ground and ground floor windows in the appeal dwelling. One window appears to be a secondary window and would, in any case, continue to enjoy outlook across the frontage of No 14 and is sufficiently well separated from it that no material loss of light would occur.
12. The second window is set further back and, owing to the angle between the two dwellings, is closer to the side elevation of No 14. Although outlook is currently affected by the existing side elevation of the appeal dwelling, the proposed increase in height of this elevation both behind and in front of the chimney would materially increase the sense of enclosure and loss of outlook. Some loss of daylight is also likely, exacerbating the harm. This room appears from the evidence to serve a bedroom/study. The loss of outlook and light would therefore materially detract from the living conditions of occupiers.
13. It is concluded on the second main issue that the proposed development would have a materially detrimental effect on the living conditions of occupiers of 12 Great Molewood with respect to outlook, visual intrusion and light. This would conflict with LP Policy DES4 and the NPPF which taken together expect new development, including extensions, to secure a high standard of amenity for existing and future occupiers, including by avoiding significant detrimental impacts on the amenity of occupiers of neighbouring properties.
14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 8 January 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019

Appeal Ref: APP/J1915/D/18/3216246

28 Page Hill, Ware SG12 0RZ.

- 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 Robert Nimmo against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1808/HH, dated 7 August 2018, was refused by notice dated 31 October 2018.
 - The development proposed is first floor rear extension including insertion of 2 roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension including insertion of 2 roof lights, at 28 Page Hill, Ware, Hertford SG13 0RZ, in accordance with the terms of application ref. 3/18/1808/HH dated 7 August 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: RN-001 Rev. 01 (Existing layout including location plan); RN-007 Rev. 01 (Proposed rear extension).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the host dwelling.

Main Issues

2. The main issues are the impact on (a) the character and appearance of the host dwelling and (b) the living conditions of the occupiers of the adjoining properties, Nos. 26 and 30 Page Hill.

Reasons

3. The appeal site is located within a small modern estate of detached and terraced dwellings. The dwelling on the appeal site is an end terraced property and has an existing single storey rear extension across the whole width of the dwelling. The proposed first floor extension would be above this addition, extending out to the same depth for most of its width, but would 'step in' where it would be closest to the boundary with the adjoining attached property, No. 30 Page Hill, where it would be of reduced depth.

Effect on character and appearance

4. The extension would have a pitched roof with gable end with a slightly lower ridge than that of the host dwelling. Whilst the extension would be fairly large, and add some bulk to the rear of the dwelling, I consider that it would nevertheless be of a proportionate size in relation to the original dwelling and appear suitably subservient to it. The design of the extension would result in a 'stepped' roof, with the main element being of asymmetric form. Whilst this would look somewhat different from the simple pitched roof form of the host dwelling, it would have a similar roof pitch and would be finished in matching materials. In my view it would not appear 'awkward' as suggested by the Council.
5. I note that various single storey extensions have been added to other properties within the wider terrace but there are no existing first floor additions. Whilst the proposed extension at the appeal site would, therefore, be the first one in the row, I do not consider that it would look out of place or overbearing given its design and proportionate scale.
6. I find that it would be of sympathetic design and appearance and would not be harmful to the character and appearance of the host dwelling. It would therefore comply with policies HOU11 and DES4 of the East Herts District Plan 2011 to 2033 (2018) (DP) which seek a high standard of design and layout that reflects and promotes 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 is appropriate to the character, appearance and setting of the existing dwelling and surrounding area and extensions that generally appear as a subservient addition.

Effect on living conditions

7. With regard to the impact on the attached dwelling, No. 30 Page Hill, the extension would be sited up to the common boundary, but reduced in depth where it adjoins it, with the main, deeper part of the extension set further away from the boundary. The flank elevation of the deeper element of the extension facing this property would appear as a high wall with only a short depth of roof as a result of its asymmetric form. However, I consider that it would be sufficiently set back such as to not result in an unduly detrimental or overbearing impact. In addition, whilst noting that the dwelling on the appeal site is located to the south west of this adjoining dwelling and would therefore introduce some overshadowing, given the relatively modest depth of extension proposed I do not consider that this impact would be unacceptable.
8. The other adjoining property, No. 26, is a detached dwelling set further forward in its plot relative to the dwelling on the appeal site. At present, the two storey element of the dwelling on the appeal site projects further south relative to the main rear elevation of No. 26, though is roughly level with the rear elevation of the conservatory which is sited to the rear of this property, adjacent to the boundary of the appeal site. The proposed first floor addition would result in the two storey element extending to a greater depth than that of the conservatory.
9. However, there is a path between the dwellings which provides some separation and, taking into account the depth of the proposed first floor

addition and its roof form which would slope away from the boundary, I consider that no unacceptably overbearing impact would be introduced. Whilst it is likely that there would be some impact on daylight, I do not consider that it would be significant. In addition, due to the relative orientation of the properties, there would also be some impact on the amount of sunlight received by this neighbouring property; however, this would be limited to early morning only.

10. I find that the proposal would not detract from the living conditions of the occupiers of the adjoining properties. It would thus comply with DP policies DES4 and HOU11 which seek a high standard of design and layout, and that significant detrimental impacts on the amenity of occupiers of neighbouring properties and land should be avoided.

Conclusions

11. Overall I find that the proposal would not be an unacceptably harmful form of development. With regard to conditions, in addition to referring to the approved plans in the interests of proper planning, a condition to require matching materials is required in the interests of good design and visual amenity.
12. For the reasons set out above, conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 21 January 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2019

Appeal Ref: APP/J1915/W/18/3213451

Land at Chapel Lane, Little Hadham, Hertfordshire SG11 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Oakhall Group against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1819/PIP, dated 2 August 2018, was refused by notice dated 6 September 2018.
 - The development proposed is described as 'erection of four bungalows (2 x affordable)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant is seeking 'permission in principle' (PiP) for the erection of four homes. The matters for consideration are limited to the location, land use and amount of development. Points of detail, such as the layout of the dwellings and their scale and appearance are to be considered at the technical details consent stage if PiP is approved. As such, these matters are not currently before me and therefore the layout plan submitted with the application is not for formal consideration.
3. The application for PiP must be determined in accordance with the development plan unless material considerations indicate otherwise. Since the Council issued its decision it has adopted The East Hertfordshire District Plan 2018. This has superseded the East Herts Local Plan Review 2007 and Policies GBC2, GBC3 and BH6 therein, which were referred to in the reasons for refusal. It is incumbent upon me to base my decision upon the most up to date planning policies and this is what I have done. The appellant has had an opportunity to address the change in policy through the final comments stage of the appeal.

Main Issues

4. The main issues in this appeal are whether the appeal site would be suitable for the location, land use and amount of development proposed, with particular reference to: 1) Policies concerned with housing in rural areas; and 2) Whether the proposal would preserve or enhance the character or appearance of the Hadham Ford Conservation Area¹.

¹ Both the Council and the appellant have considered this point and therefore I consider it to be a matter that is relevant to whether the location, land use and amount of development proposed is suitable 'in principle'.

Reasons

Whether the appeal site is a suitable location for the proposed development

5. The appeal site encompasses a small paddock the eastern boundary of which is delineated by a hedge. There are two residential properties on the eastern side of the hedge, the gardens of which abut the appeal site. The hedge marks the logical edge of the village and therefore it delineates the settlement boundary as articulated on the Council's Policies Map. The appeal site is therefore located within the Rural Area Beyond the Green Belt for the purposes of applying the policies in The East Hertfordshire District Plan 2018 (EHDP).
6. Policy GBR2 states that in order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, certain types of development, listed (a) to (h), will be permitted subject to their effects. The corollary of this is that proposals advocating a type of development not listed would not be supported 'in principle' by the policy. The appeal scheme would not be any of the types of development listed (a) to (h) in the policy, such as a rural exception site or the redevelopment of previously developed land. A definition of the term limited infilling for the purposes of Policy GBR2 has not been provided but the appeal site is too large, with too wide a frontage, to be considered as such.
7. In addition to maintaining the Rural Area Beyond the Green Belt as a valued countryside resource, the EHDP also sets out a spatial strategy for the location and distribution of new housing. This is based on a form of settlement hierarchy where the largest villages with the most facilities – Group 1 Villages – will accommodate at least 500 homes. Group 2 villages, which are generally smaller and have fewer facilities than Group 1 villages, are to have more limited levels of development restricted to infilling within the village development boundary. There is no set growth target for Group 2 villages. The settlement boundaries have specifically been drawn tightly around the main built up area of the village but flexibility is provided because local communities can allocate new development outside of settlement boundaries through a Neighbourhood Plan.
8. Hadham Ford is identified as a Group 2 village and therefore infill development within its village boundary is supported by Policy VILL2. The appeal scheme would not amount to limited infill development within the defined boundary of the village and it has not currently been identified to accommodate housing in an adopted Neighbourhood Plan. The policy states that development will be limited to the built up area boundaries of the village prior to the preparation of a Neighbourhood Plan. Accordingly, the appeal scheme does not glean support from Policy VILL2.
9. Thus, the proposal, in terms of its location, would be at odds with Policies GBR2 and VILL2. It would therefore harmfully undermine the adopted and evidenced based spatial strategy for rural housing in the development plan and the consistency and relative certainty that should flow from a plan led approach to the location of new development. The Policies referred to above have been recently adopted and postdate the introduction of the revised National Planning Policy Framework. Moreover, the Council has advised that it can demonstrate a 6.2 year housing land supply, a point that has not been challenged by the appellant. As a consequence, Policies GBR2 and VILL2 carry full weight.

Whether the proposal would preserve or enhance the character or appearance of the Hadham Ford Conservation Area (CA)

10. Hadham Ford is broadly linear in form being arranged along a through road that runs alongside the River Ash. Its setting within a shallow river valley and the presence of small paddocks and open fields around the edge of the village affords the settlement a rural character and this, along with the period architecture at its core, conveys a special character and significance.
11. The appeal site is an undeveloped paddock which adjoins open rolling countryside to the north. Its undeveloped state provides a visual break between the core of the settlement and a historic farmstead to the west, which is also within the CA and encompasses the original farm house and two traditional buildings converted to dwelling. The rural appearance of the appeal site and its function as a pleasant visual gap adds positively to the attractive agricultural landscape setting of the village and thus the significance of the CA. This is the case even though the CA Plan does not identify it as an important open space to be protected. In this respect my findings are consistent with those of a previous Inspector².
12. Thus, the erection of four homes in this location would inherently erode both the rural setting of the village and the visual gap between the historic farmstead and the village core. This would harm the significance and character of the CA even when having regard to other developments that have taken place along Chapel Lane, such as the erection of Foxearth and Sammy Croft, both of which now have a settled appearance and are outside the CA.
13. The details submitted with the application suggest the four dwellings would be small bungalows and this would allow the hedge along the site frontage to provide a notable level of screening, particularly if the homes were set back and finished in sensitive materials that would harmonise with the historic farmstead. However, the hedge would not entirely screen the structures and its longevity could not be guaranteed. In any event, I am unable to attach conditions that would secure housing of a diminutive scale to an approval of PiP. Applicants can be informed of what is expected for the technical details consent but that is not the same as imposing conditions that would make an unacceptable development acceptable. Accordingly, mitigation through design is not a point that can be afforded significant weight in establishing the principle of development. Consequently, the proposal would be contrary to Policies HA1 and HA4 of the EHDP, which seek to secure development that preserves and where possible enhances the historic environment, including the special interest of conservation areas.
14. The harm to the CA would be localised and therefore it would be less than substantial within the meaning of the National Planning Policy Framework. As public benefits of the proposal, it could deliver affordable housing and small bungalows intended to service a local need, such as downsizers. The appellant's have also indicated that the homes could be offered to locals in the first instance. However, as explained in the preceding paragraph, I am unable to attach planning conditions to any PiP approval and nor is a planning obligation permitted to be taken into account either³. Thus, regardless of

² APP/J1915/A/12/2178912

³ See Paragraphs 020 and 022 of the Planning Practice Guide

whether they outweigh the harm I have identified, these public benefits cannot be secured at this stage as matters supporting the principle of development.

15. As recorded in the East Herts Village Hierarchy Study 2016, the village benefits from a number of facilities including a public house, village hall and bus stop. Residents of the appeal scheme would be well placed to support the retention of these facilities without relying on private motorised transport. The benefits flowing from this weigh in favour of the proposal. However, I have seen little to suggest the facilities are suffering for lack of patronage and therefore these benefits are not determinative as matters outweighing the inevitable impact upon the CA that would occur from siting homes in this location.
16. Thus, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of a CA⁴, I find that the harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the National Planning Policy Framework as harm to a designated heritage asset would not have a clear and convincing justification.

Other Matters and Conclusion

17. The appellant has suggested that there are limited opportunities infill development in the village due to site constraints including flood zones, heritage and the tight form of the settlement boundary. However, I cannot rule out all possibility of infilling within the village as there appears to be some gaps. Notwithstanding this, there is no growth target for the village and the local community are in the process of preparing a neighbourhood plan and this will provide the option to allocate sites outside the settlement boundary if infilling is found to be inadequate. This would allow the net to be cast wider in an attempt to find sites, which may include others elsewhere in the parish identified in the Council's Strategic Land Availability Assessment.
18. Planning permission has been granted for housing at Ashcroft Farm, a site outside of a settlement boundary. However, the evidence before me does not demonstrate that the circumstances of this decision are so similar to the appeal scheme as to be a determinative point in favour of it. Instead, when considered on its own merits the appeal scheme has failed for the reasons already given. The other two cases referred to by the appellant are in other local authority areas and would have been subject to different policies and site circumstances, including Green Belt. As such, they are not particularly relevant to my deliberations and therefore I have afforded them limited weight. The appellants concerns with the Council's processing of the application, including a perceived lack of engagement, has little bearing on my decision, which turns on the merits of the proposal, relevant planning policies and material considerations.
19. To conclude, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

⁴ See Sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990