



Appeal Decisions

Hearing Held on 19 June 2019

Site visit made on 19 June 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal A: APP/J1915/W/18/3204166 **10 Benington Road, Aston SG2 7DX**

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/17/1491/FUL, dated 23 June 2017, was refused by a notice dated 29 March 2018.
 - The development proposed is alterations, extensions and conversion of existing Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden with associated access, parking and refuse. Conversion of detached rear barn to create 1no 2-bed unit with associated access, parking, refuse and private amenity space. Erection of 5no dwellings in the existing PH car park and garden with associated access, parking, refuse and private amenity space.
-

Appeal B: APP/J1915/Y/18/3204165 **10 Benington Road, Aston SG2 7DX**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/17/1492/LBC, dated 23 June 2017, was refused by a notice dated 29 March 2018.
 - The works proposed are conversion of the existing listed Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden, incorporating alterations and partial demolition of areas of the existing flat roof rear extension area. Conversion of the listed barn to the rear of the Public House to create a 2-bed unit with alterations to the listed building and partial demolition of areas of the existing cat slide side aisle.
-

Appeal C: APP/J1915/W/18/3212386 **10 Benington Road, Aston SG2 7DX**

- 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 Annakut Ltd against the decision of East Hertfordshire District Council.
- The application Ref: 3/18/1041/FUL, dated 4 May 2018, was refused by a notice dated 29 June 2018.
- The development proposed is described as development of the existing facilities and site to create 5no new build properties consisting of 2no x 3-bed units and 3no x 4-bed units on the existing car park and garden with associated access, parking, refuse and private amenity space. Conversion of the existing, disused, listed Public House to

create 3no x 2-bed units with associated access, parking, refuse and private amenity space. Alterations to the listed building and partial demolition of areas of the existing flat roof rear extension area to form new entrances. Conversion of the listed Barn to the rear of the Public House to create 1no x 2-bed unit with associated access, parking, refuse and private amenity space. Retained willow tree and landscaped open space to the centre of the scheme. Alterations to listed building accordingly.

Appeal D: APP/J1915/Y/18/3212384
10 Benington Road, Aston SG2 7DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Annakut Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/1042/LBC, dated 4 May 2018, was refused by a notice dated 29 June 2018.
 - The works proposed are described as the development of the existing facilities and site to create 5no new build properties consisting of 2no x 3-bed units and 3no x 4-bed units on the existing car park and garden with associated access, parking, refuse and private amenity space. Conversion of the existing, disused, listed Public House to create 3no x 2-bed units with associated access, parking, refuse and private amenity space. Alterations to the listed building and partial demolition of areas of the existing flat roof rear extension area to form new entrances. Conversion of the listed Barn to the rear of the Public House to create 1no x 2-bed unit with associated access, parking, refuse and private amenity space. Retained willow tree and landscaped open space to the centre of the scheme. Alterations to listed building accordingly.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Procedural Matters

5. The description of the works in Appeal D is taken from the application form. However, it is only the works to the Rose and Crown and Barn that require listed building consent and not the proposed changes of use and new built development. I have dealt with the appeal on that basis.
6. A Statement of Common Ground was completed and signed at the Hearing. I have had regard to this document in making my decision.

7. Since the appeals have been made the Council has adopted the East Herts District Plan, 2018 (LP) and Saved Policies of the East Herts Local Plan Second Review April 2007 have been replaced. The Council has subsequently advised which LP policies are most relevant to these appeals and the appellant has had the opportunity to comment on them, so has not been prejudiced.
8. Revised versions of the National Planning Policy Framework (the Framework) have been published since the appeals were lodged. The current version is dated February 2019. The main parties have been given the opportunity to comment on any relevant implications for the appeals and have not therefore been prejudiced. I have had regard to the responses and the Framework in reaching my decision.

Main Issues

9. A main issue in all of the appeals is whether the proposed development/works would preserve the special architectural and historic interest of listed buildings known as the Rose and Crown PH and the Barn at the Rose and Crown PH.

Additional Main Issues - Appeals A and C only

10. Whether the proposal would result in the loss of an important community facility; and whether the proposal would make adequate provision for parking and the effect on highway safety.

Reasons

Listed Buildings

11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is the starting point for consideration of these proposals and a weighty statutory requirement.
12. The Rose and Crown Public House (PH) lies at the heart of Aston Village, opposite the cricket ground and within Aston Conservation Area. It is a Grade II listed building. Although its origin was in the C16 (eastern end), probably as a farmhouse, the main building largely dates from the C17 and was substantially renovated in the mid-C20 with an attached stable at the west. It comprises a public house at ground floor level with living accommodation above. From the evidence before me, including the Heritage Statement¹ (HS) and my own observations, the significance of the PH as a heritage asset is largely derived from its age, historic use and architectural features. Those features include, timber framing, exposed floor structure and its three-cell plan form, together with original staircase and some original joinery, all of which contribute to the significance of the heritage asset.
13. To the rear of the PH is a timber framed and weatherboard clad Barn which is also a Grade II listed building and dates from the C17. However, it is clear from evidence submitted as part of the HS, and from my observations, that this building has been substantially altered over the centuries. Albeit the building remains weatherproof with a corrugated iron roof, there is no dispute that it is

¹ Heritage Statement Prepared by Heritage Collective, Ref 3355, dated June 2017.

in a state of disrepair. Its significance as a heritage asset primarily stems from its age and its architectural interest as a vernacular timber framed agricultural building which still retains fragments of historic carpentry and framing. The manger which is retained within the building also contributes to the significance of this heritage asset.

14. All the appeal proposals seek to convert the Barn into a single dwelling. However, Appeal A also includes a proposal to convert the PH into 2no x 2-bed units and 1no micro-pub with associated cellar and upper floor accommodation. Appeal C would be for the conversion of the PH to create 3no x 2-bed units.
15. A structural survey of the Barn was not included as part of the application or appeal documents, and indeed the submitted drawings and HS provide limited information on the construction works that would be required to this building to facilitate the proposed conversion. However, it is clear from the submitted plans that a new roof covering is proposed to replace the iron sheets, and a first floor would be inserted within the western part of the Barn which would be designed to be self-supporting and structurally separate from the timber framing. There would be some subdivision of the existing space at ground level, although the northern part of the Barn would be generally open. In addition, a new floor would be required within the Barn as well as foundations to support new walls within which the new doors and windows would be inserted. There is no dispute between the parties that the proposed conversion would change the historic character and appearance of the Barn, and despite the re-use of the existing barn door openings, the insertion of additional windows, doors and a new floor would give the building a wholly domestic appearance and diminish its character as a vernacular agricultural building and erode the evidential and historic and architectural value of this listed building.
16. Appeal A also proposes to convert the existing public house into 2 x 2bed units and create a micro-pub in the eastern end of the building. The alterations required to the building to subdivide the units would be almost identical to those proposed in Appeal C which is for a conversion to a wholly residential use as 3 x 2bed units. The divisions between the units would generally follow the lines of the original principal cells/spaces at ground floor and continue along these lines vertically. However, to incorporate the existing entrance way into the buildings most eastern unit, it would be necessary to extend the width of this space slightly into the central cell. Whilst a division in this location would enable the retention of an exposed timber frame within the most eastern unit which is the oldest part of the building, there would be an alteration to the original plan form of the building.
17. I appreciate that the works required to the fabric of the building to convert it would be relatively minor and would retain the original eight panelled door and staircase. The C19 doors at first floor level would also be re-used and there would be no alterations to any of the residual timber framing within the building. The insertion of the two new staircases would however require some removal of joists and also some historic fabric would be lost through the removal of a small section of wall between the pub and the extension.
18. In all the appeals there would be some loss of significance through both the alterations to the plan form of the building and the loss of the historic use of the PH. Despite the fact that a small public house function remains in Appeal A, the subdivision of the building and the permanent conversion to separate

residential units would diminish the significance of this heritage asset which, as described above, is in part derived from its historic use.

19. For the reasons given above the works to the listed buildings and the changes of use proposed would fail to preserve the special interest of the Grade II listed buildings known as the Rose & Crown PH and the Barn to the rear of the PH, and would therefore fail to satisfy the requirements of the Act. The overall impact of the proposed scheme would be, in the context of the significance of these assets as a whole, and in the language of the Framework, less than substantial. Because the harm is less than substantial, paragraph 196 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I will return to this matter later.

Community Facility – Appeals A and C only

20. The development plan for East Herts District Council is the East Herts District Plan, 2018. The development plan supports proposals which protect, retain or enhance existing community facilities. In particular, Policy CFLR8 of the LP advises that proposals that would result in the loss of uses, buildings or land for public or community use will be refused unless, amongst other criteria, an assessment has been undertaken which clearly shows that the facility is no longer needed in its current form.
21. The Rose and Crown ceased trading as a PH in 2014 and was put on the market by the brewery. Following a nomination by Aston Parish Council the PH was listed as an Asset of Community Value (ACV) in 2015. I understand that because the Parish Council believed the property was to be bought by a local publican, who had agreed terms to purchase the PH and retain that use, they did not consider it necessary to intervene in the sales process at that time. However, the publican was not successful in the purchase and the property was subsequently sold to the appellant. Whilst since that time there has been some confusion over whether or not the PH remained on the Council's list of ACV, the Council confirmed at the Hearing that a very recent nomination by the Parish Council to secure its inclusion on the list had now been approved.
22. I appreciate that the appellant was unaware of the Council's recent decision to list the PH as an ACV and that they may consider lodging an appeal against that decision. However, my decision on this main issue is not incumbent on the building being listed as an ACV, albeit the desire to have the building listed as an ACV does demonstrate the community's commitment to retaining this facility.
23. The Council do not consider that the appellant has carried out an adequate assessment to clearly show that the facility is no longer needed in its current form. In particular, the Council stated at the Hearing that the appellant had not engaged with the local community and was therefore unable to make a suitable assessment of that community's needs.
24. The appellant does not dispute that there has not been any active engagement with the community, and they did not attend the Parish Meeting when invited to do so to discuss their proposed scheme. However, at that time Policy CFLR8 of the LP had not been adopted and the appellant advised at the Hearing that they felt they had satisfied the provisions of Saved Policy STC8 of the East

Herts Local Plan Second Review April 2007 by providing clear evidence in support of their application to demonstrate how long the public house had been empty, the range of provisions available at other public houses which could serve the local community and had provided evidence to demonstrate that it was not possible for the existing public house to continue as a viable business. Subsequent to the appeals being lodged and adoption of the LP, the appellant has provided additional information in support of the appeal². It is the appellant's view that the evidence now submitted is sufficient to demonstrate that the existing facility is no longer needed.

25. Aston is situated on the edge of Stevenage and there is no dispute that there are a significant number of public houses within a five-mile catchment area of it. The nature of these establishments does however vary, each providing a slightly different provision and the majority with on site car parking space available. Within the Parish of Aston there are three public houses, including the Rose and Crown. The Pig and Whistle is close to the Rose and Crown and has a car park. However, it does not serve food and is generally a drinking establishment with sports TV. The Crown is about 1.5km away and has a large garden, car park and is predominantly an eating establishment.
26. Evidently, there is a wide choice of facilities within the local area. However, that does not mean that the PH is not needed. Despite The Crown being only 1.5km away, the nature of the local roads which link it to Aston village centre and absence of footways and street lighting, means that walking to The Crown is not a realistic option for the majority of Aston's residents. The Coopers Inn does provide food and is recognised by the community as being within walking distance. However, this public house is part of a chain situated within a local centre on the edge of Stevenage and would not, in the view of the represented local community groups, provide a suitable place for village community group meetings. Whilst I appreciate that these other establishments all compete for a customer base, the appeal site lies at the edge of a large centre of population, which is expanding, and is also located at the heart of a village which has an active and supportive local community, including a large number of social, sport and interest groups. The Rose and Crown has a car park, garden and includes an ancillary building, the Barn, which to my mind add value to the PH. I agree with the local residents that these features provide opportunities to support the Public House facility.
27. It is clear from the number of objections received to the proposals, including the repeated applications for the building to be listed as an ACV and the time, efforts and commitment shown by an array of village groups and residents, that the PH is considered by the local community to be needed. The evidence before me suggests that since the PH was closed in 2014, there has been an ongoing commitment and interest by the local community to enter into dialogue with the site owners and explore all options available to them to secure a means by which the PH could be retained as a community pub. The Rose and Crown Investment Group has also prepared an outline business plan to demonstrate their intention to re-open a community owned pub with car park and garden, should the opportunity arise for them to purchase the PH and part of the site.

² Appellant's Final Comments and Annexures, March 2019.

28. I have taken into account the history of the PH, the frequent turnover of tenants who have sought to sustain the business, and the declining barrellage. I have also had regard to the Young & Smith Report submitted on behalf of the appellant. It is clear that the Rose and Crown as a tied PH, coupled with a lack of investment in facilities to attract the local population, high rental charges, and lack of expertise may all have contributed to the inability of the PH to compete with other providers. Furthermore, I have not been provided with any substantive evidence that would suggest that the listed status of the PH has created excessive maintenance costs or hindered any investment proposals. It may well be the case that even with investment, freedom to sell a range of beverages and the appointment of experienced landlords with the ability to provide good food catering, the Rose and Crown would still be unsuccessful. However, given the strength of feeling and commitment demonstrated by the local community to retaining this facility, I am not convinced that at this time it has been demonstrated that the existing facility is not needed.
29. I appreciate that Appeal A would retain a small drinking establishment within the eastern end of the building. This area would have a small bar and could also provide coffee facilities and cold snacks. The appellant has advised that they have agreed heads of terms with a landlord who operates a similar and successful establishment in a neighbouring Parish and who would be keen to invest and develop a similar business within the Rose and Crown. However, the space available would be quite constrained and the absence of kitchen facilities would mean that the facility would not be able to provide food. The proposal would not therefore provide an enhanced provision in terms of quality which would not outweigh the loss of the existing facility which I have found is still needed.
30. I conclude that the proposal would result in the loss of an important community facility. It would therefore conflict with the development plan and in particular Policy CFLR8 of the LP, the aims of which are set out above. I also find conflict with paragraph 92 of the Framework which seeks to ensure that planning decisions should guard against the unnecessary loss of valued facilities and services.

Parking and Highway Safety

31. Policy TRA3 of the LP advises that vehicle parking provision associated with development proposals will be assessed on a site-specific basis and should take into account the provisions of the District Council's currently adopted Supplementary Planning Document 'Vehicle Parking Provision at New Development' (SPD). In addition, Table 2 of the Appendix to the LP – Vehicle Parking Standards sets out parking standards for residential development.
32. The wholly residential scheme (Appeal C) would have 20 parking spaces available for the occupiers of the proposed development. Car parking standards set out above would require a total of 22 spaces to be available. However, these are maximum standards and the standards in the LP indicate that a reduction of up to 25% may be acceptable taking into account the type, tenure, size and mix of housing proposed, on-street parking conditions in the surrounding area, access to existing public/private car parking facilities, proximity to public transport and services and level of cycling parking to be provided.

33. The applications were supported by Transport Statements³ which support a reduction in those maximum standards based on predicted car ownership, availability of public transport and access to facilities and opportunities to cycle. There would clearly be some opportunities to cycle to some local facilities and each property would be provided with secure cycle parking. There is also a bus stop adjacent to the site, but the bus services through Aston are limited and do not provide any realistic opportunities to travel for employment. However, there is a more frequent service from Gresley Way which is accessible on foot. Taking into account the above factors I am satisfied that the proposed parking provision, which would be only marginally below the maximum standard, would provide adequate space for the occupiers of the proposed development and their visitors to park their cars.
34. That said, the scheme which includes the micro-pub (Appeal A) would only provide three spaces for the micro-pub facility as opposed to the 11 spaces that would be required to meet the adopted parking standards. There would be one space for the occupiers of the living accommodation, one for staff and only one space available for customers.
35. I have taken into account the nature and scale of the proposed micro-pub and appreciate that the absence of food preparation facilities and its small scale are factors to be taken into account when assessing the requirement for parking. The location of the facility with limited access to public transport and the nature of the rural road network where footways and street lighting are scarce, mean that opportunities for walking to the public house, particularly on dark evenings would be limited. From the evidence provided by local community groups at the Hearing it seems likely that visiting social/sporting clubs who would wish to use the facility would need to park their cars at the premises. Taking into account all of the evidence before me, it would seem to me that the number of spaces to be provided, which would be significantly less than the maximum required, would not be sufficient.
36. Furthermore, there would be no opportunities to park on the adjoining streets. Benington Road is narrow with no provision for on-street parking. Similarly, from my own observations on site and evidence from the Parish Council, there is already high competition for on-street parking within the village. The absence of adequate customer parking would be likely to lead to inappropriate parking on the highway which would lead to vehicle manoeuvres and congestion which would not be in the best interests of vehicle or pedestrian safety.
37. I conclude that whilst the proposed development in Appeal C would provide adequate parking for future occupiers, for the reasons set out above, the proposed development in Appeal A would not and would have a harmful effect on highway safety. Appeal A would conflict with the development plan and in particular with Policy TRA3 of the LP and the SPD which seek to ensure, amongst other things, that new development provides parking to meet the needs of future occupiers and users taking into account the site's specific location and characteristics of both the site and the proposed development.

³ Transport Statements, Entran Ltd on behalf of Annakut Ltd, V1 June 2017 & V2 May 2018.

Other Matters

38. The appeal site is located within the Green Belt. There is no dispute that the site is situated within the village of Aston and taking into account the scale of the development proposed and its relationship to surrounding development I would agree with the Council that the proposed new buildings would be limited infilling within the village. Therefore, in line with the provisions of paragraph 145 of the Framework the proposed new buildings would not therefore be inappropriate development in the Green Belt.
39. I have taken into consideration the relationship of the site to neighbouring properties on Garden Fields. However, the proposed siting and design of the new dwellings in relation to those properties is such that I do not consider the proposal would have a harmful effect on the living conditions of those neighbouring occupiers, with particular regard to privacy.
40. The appeal site also lies within Aston Conservation Area (ACA). The proposed development would provide some visual enhancement to the site frontage and the proposed changes to the external appearance of the Rose and Crown would be minimal. The new infill housing would reflect the scale, character and form of other housing development within ACA and incorporate local materials. For these reasons there is no dispute between the parties that the works would preserve the character and appearance of ACA and I see no reason to disagree.

Overall Planning Balance

41. There would be a public benefit of providing a new use for the Barn and re-use of the PH. In particular, a new use and investment in the Barn would prevent further deterioration of the building's fabric. In addition, there would be some visual enhancement to the site frontage with a reduction in the amount of hard-surfacing.
42. The proposal would provide a new footway across the front of the site and some localised road widening that would be a benefit of the scheme.
43. The proposal would generate temporary economic benefits from the construction of the scheme and further economic benefits from the residential use and increased local spend. There would also be some social benefits generated from the provision of new homes which would add to the mix and choice of housing in the village. However, given the scale of the schemes those public benefits would be limited.
44. The appellant considers that the proposed use would be economically viable. However, there is little evidence before me to indicate it would be the only viable use. On the evidence before me, whilst I acknowledge that any proposal for re-use of the buildings might involve some alterations, I am not satisfied that the proposal represents the optimum viable use for these listed buildings and the site as a whole.
45. Even though I have found that the harm to the designated heritage assets is less than substantial, it is not to be treated as a less than substantial objection. The modest public benefits attributable to the proposal, as set out above, would not outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the Framework and would conflict with Policies HA1 and HA7

of the LP which seek to ensure that development proposals and works preserve and where appropriate enhance the historic environment of East Herts and sustain the significance of listed buildings.

46. The harm that would be caused to the special interest/significance of the heritage assets and the loss of a community facility, together with the harm identified to highway safety in Appeal A, leads me to conclude that the proposals would conflict with the development plan as a whole.
47. In accordance with S38 (6) of the Planning and Compensation Act, 2004 and as set out in the Framework, development which conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

48. For the reasons given above and taking into account all other matters raised, I conclude that all the appeals should be dismissed.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Stimson	Shoosmiths
Steven Crutchley	Project Manager
Lorna O'Carroll	Planning Consultant, Icen Projects
Mike Harrison	Forge Design Studio
Richard Fitter	Transport Consultant, Entran Limited

FOR THE LOCAL PLANNING AUTHORITY

Jill Shingler	East Herts District Council
---------------	-----------------------------

INTERESTED PARTIES

Steve Brown	Parish Council
Dave Stimpson	Village Society
Chris Brett	Village Society
Jim Meadows	Tennis Club
Rachel Evans	Local Resident
Jenny Campbell	Local Resident

Clive Willmott	Local Resident
Brian Woodget	Rose & Crown Investment Group
Bernie Eccles	Rose & Crown Investment Group
Councillor Tony Stowe	District Councillor

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground, dated 19 June 2019.
2. Vehicle Parking Provision at New Development, Supplementary Planning Document, June 2008.
3. Vehicle Parking Standards, Appendix to District Plan.



Appeal Decision

Site visit made on 11 June 2019

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/J1915/Y/18/3214346

Tudor Cottage, St Marys Lane, Hertingfordbury SG14 2LX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Chris Neal and Mrs Katie Neal against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/0338/LBC, dated 15 February 2018, was refused by notice dated 19 April 2018.
 - The works proposed are a single storey extension.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. I have noted that the appeal against the associated refusal of planning permission was submitted after the time limit. Therefore, this decision is limited to dealing with the matters at conflict with regard to the refusal of listed building consent rather than any wider issues and policies that may have been identified in the refusal of planning permission.

Preliminary Matter

3. As the proposal relates to a listed building I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposed works would preserve the Grade II listed building, Hertingfordbury Park, and any of the features of special architectural or historic interest that it possesses.

Reasons

5. Tudor Cottage forms part of Hertingfordbury Park which is a Grade II listed building which was first listed in 1950. The core of the building is a country house which dates back to the seventeenth century. The use and the form of the building have evolved over time. It was used as a convent and then a home for the elderly before being converted into separate residential properties earlier this century. It is an imposing red brick building with Flemish bond, Dutch gables, stone mullioned windows and prominent chimney stacks.

6. Substantial extensions were added to the property in the nineteenth century with cross wings at either end creating an H-plan. Further extensions were added during the twentieth century. The existing extensions are generally sympathetic to the original house and have not harmed its special interest. All of the above features contribute to the significance of the heritage asset.
7. Tudor Cottage is part of the central rear portion of the building and has access from the rear. It comprises a three storey wing of the building that projects into the rear garden. It also has a small single storey rear projection which is currently used as a dining room. Of particular architectural significance with respect to the rear elevation of this part of the building is the three storey Dutch gable which is a visually prominent feature and significant in terms of its dominance of the rear elevation of the building.
8. The existing windows in the rear elevation of the appeal site are large segmented openings with lattice glazing and are a key focus of the elevation. The windows are set in the property's two visually prominent red brick gables, including the important Dutch gable, which are key architectural features. Other significant features on the rear of the property include an ornate hopper head on the existing single storey gable.
9. The proposed works are to create a single storey rear extension which would accommodate a new entrance porch and dining room. It would be a contemporary addition to the historic building, constructed of red brick with Flemish bond external walls and window surrounds with feature stucco, a black painted door with lattice glazing, refurbished and relocated existing door, dark grey aluminium bi-fold doors and dark grey flat clay tiled roof. The windows would be dark grey metal framed with lattice pattern divisions. A large roof light feature is also proposed within the main roof area.
10. The proposed works would extend between the existing three storey gable to the boundary with the adjacent property which is known as The Cloisters. The extension would incorporate a pitched roof entrance porch and would extend rearwards from the wall of the existing study, providing a small courtyard area. The proposed extension has been designed to ensure the retention of the building's historic fabric.
11. As a consequence of its projection across the rear of the three storey gable the development would overlap the south facing three storey projection and would block views of the ground floor of the architecturally important Dutch gable. As a result, the way in which the rear elevation of the building is read would materially change. Its visual appearance would change because part of the significant three storey Dutch gable would be obscured. Moreover, even though the proposed extension is single storey, when looked at as a whole, the elevation would be dominated by the ground floor addition.
12. The roof form of the extension, which includes a standing seam metal roof, areas of flat clay roof tiles, a large modern roof light and a pitched roof section above the proposed entrance porch would result in a relatively complex arrangement and variety of materials which would generate a rather awkward and incoherent rear elevation, drawing attention away from the Dutch gable. Whether or not the extension is visible in public views, the siting, form and massing would harm the special interest and significance of the listed building.

13. The roof light and bi-folding doors are unsympathetic modern features which have a poor relationship with the architecture of the existing building. The bi-folding doors relate poorly in terms of the size and detailing of the existing windows on the rear elevation, creating relatively large expanses of glazing which are at odds with the established pattern of glazing. The use of dark grey metal framing is also at odds with the materials used elsewhere on the listed building and would create an uncomfortable and unacceptable relationship. The roof light would introduce a flat area of glazing to the roofscape within a metal roof canopy area which fails to respect the existing roof of the building in terms of form and materials. As such these features do not respond successfully to the high standard of design demanded by such an important elevation. As such, these features would be harmful to the character and appearance of the building and therefore would be harmful to the heritage asset.
14. Some efforts have been made to preserve the listed building. However, while well-intentioned, moving the decorative hopper to the left hand side of the proposed extension compromises its historic significance and its relationship to the building. I also understand that the extension has been designed to protect the property's historic fabric including openings and associated stone mullion surrounds, for example by providing a courtyard area between the existing rear elevation and the proposed ground floor extension. Notwithstanding the attempts to reduce impacts, I find that the works would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 193 of the Framework advises that, when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the poor relationship of the proposed extension to the rear elevation of the listed building with respect to the projection across the three storey Dutch gable, the roof form and modern features such as bi-folding doors and a roof light I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that due to the continued use of the property for residential purposes, the relevance of being able to demonstrate public benefit in this case is problematic. It seems to me that the development would not result in any significant public benefits to outweigh my conclusions with respect to the effect of the works on the character and appearance of the listed building.
17. Given the above, I conclude that the proposed works would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 192 of the Framework.

Other Matters

18. My attention has been drawn to other extensions to Hertingfordbury Park and in particular those that can be found at the adjacent property, The Cloisters and Park House. I can see that the extension to the Cloisters is a well-

designed modern single storey extension which makes use of modern materials in a minimalist style. As such, it is respectful of the historic building. As a result of it being linked to its host property by way of a glazed link it preserves the original rear elevation of the property. It does not alter views of the Dutch gable to a significant degree whereas the works before me would have a significant and harmful impact on the significant architectural and historic feature. In addition, the original rear elevation of the Cloisters has a simpler form and design to Tudor Cottage and therefore was more receptive to the modern extension that has been built.

19. I am also aware of an extension to the rear elevation of Park House which was approved in 1997. I can see that the extension has changed the elevation including the Dutch gable. However, I do not have the full details of the circumstances that led to that extension being approved. In any case, with respect to comparisons with other nearby extensions and other matters, I have considered this appeal on its own merits. Furthermore, any harmful additions that may have been built previously do not justify further harm that may result from the works the subject of this appeal.

Conclusion

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

A A Phillips

INSPECTOR



Appeal Decisions

Site visit made on 11 June 2019

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal A: APP/J1915/W/18/3210980

White Cottage, Patmore Heath, Albury SG11 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Hazell against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/0983/HH, dated 28 April 2018, was refused by notice dated 21 June 2018.
 - The development proposed is a single storey timber conservatory.
-

Appeal B: APP/J1915/Y/18/3210982

White Cottage, Patmore Heath, Albury SG11 2LX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Hazell against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/0984/LBC, dated 28 April 2018, was refused by notice dated 21 June 2018.
 - The works proposed are a single storey timber conservatory.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposals are in a conservation area and relate to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In addition, when considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.

Procedural Matter

4. I understand that the Council has advised that a conservatory could be built in an alternative location on the building, but I have determined these appeals on the basis of the plans on which the Council refused the applications.

Main Issue

5. The main issues are whether the proposal would preserve a Grade II listed building, White Cottage, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Patmore Heath Conservation Area.

Reasons

6. The appeal building was listed in 1985 and is a seventeenth century or earlier timber framed, rendered and thatched cottage. It has been altered in the past with the addition of various single and two storey extensions, including a two storey rear extension which has a tiled roof and four dormer windows. The building is set within an attractive and substantial landscaped garden.
7. The site is situated in the Patmore Heath Conservation Area. This part of the Conservation Area is characterised by a range of mainly detached residential properties in substantial plots located adjacent to Patmore Heath which is an area of grassland habitat.
8. The proposal is for a timber conservatory which would project past the rear wall of the existing building and be of modest proportions. The host building has been altered and extended. However, it retains its simple linear form and a uniformity in its overall design, including the rear of the building where the conservatory would be added. The building has evolved over time, but it has retained its well-proportioned simple footprint, scale and massing. The extensions and alterations that have taken place to date do not disrupt the overall simplicity of the building and its historic and architectural integrity.
9. The design of the conservatory is modern with a projection of approximately 2.9 metres and width of approximately 5.3 metres. It is unsympathetic to the listed building in terms of its poor relationship to the footprint of the property whereby it would result in there being an incoherent and poorly conceived addition to the rear elevation of the historic building. It is also unsympathetic in its design and relationship to the building because the roof design and in particular the angle of roof slope and roof glazing respond poorly to the existing building and detract from the architectural integrity of the listed building. It thereby fails to take adequate account of the special interest of the building which lies in its simple form. The extension would disrupt the linear form of the rear elevation which would be harmful to the special character of the modest cottage.
10. The extension would incorporate a glazed mono pitched roof and timber windows and doors and the external walls at the base of the conservatory would include some render. I do not dispute that in terms of its overall size it would be subordinate to the host building and would incorporate some suitable materials, but nevertheless it would detract from the existing building and its simple architectural quality and historic interest.
11. The appellant contends that the proposal represents a new chapter in the history of the site which complements the existing building and does not mimic it totally. My attention has also been drawn to the appellant's view that conservatories are acceptable on properties in conservation areas and on listed buildings and there are many examples of this. However, there is no evidence

to support this stance. Furthermore, I have determined these appeals on their own merits having special regard to the heritage assets.

12. Section 72 of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Due to the position of the extension on the rear of the property and within a well-screened landscaped garden it is unlikely that the conservatory would be prominent from public or private views other than those experienced within the immediate surroundings of the property's garden. However, given the harm to the historic and architectural interest of the building and the poor relationship of the conservatory to the rear elevation and the footprint of the listed building, in particular, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area. As such, I conclude that the proposal would fail to preserve the character and appearance of the conservation area.
13. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. In terms of the Framework, given the poor relationship to the rear elevation of the listed building, the disruption to the simple linear form of the listed building and inappropriate modern design I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would improve the living accommodation, but that is of very limited public benefit.
15. Given the above and in the absence of any significant public benefit, I conclude that, the proposal would fail to preserve the special historic interest of the Grade II listed building, White Cottage, and any of the features of special architectural or historic interest that it possesses. In addition, it would fail to preserve or enhance the character or appearance of the Patmore Heath Conservation Area. As such, it does not satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with Policies ENV1, ENV5, ENV6 and HA7 of the East Herts District Plan October 2018 (the District Plan) which relate to design and environmental quality, extensions to dwellings and seek to sustain and enhance the significance of listed buildings, among other objectives.

Conclusion

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

A A Phillips

INSPECTOR



Appeal Decisions

Hearing Held on 16 July 2019

Site visit made on 16 July 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal A: APP/J1915/C/19/3221373

Land North of New Barns Lane, Much Hadham SG10 6HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Gilston Crop Management Ltd/Chaldean Estate Ltd against an enforcement notice issued by East Hertfordshire District Council.
 - The enforcement notice was issued on 8 January 2019.
 - The breach of planning control as alleged in the notice is without planning permission the siting of a mobile home.
 - The requirements of the notice are to remove the mobile home from the land.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/J1915/W/19/3219662

Land North of New Barns Lane, Much Hadham SG10 6HH

- 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 Chaldean Estate Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1457/FUL, dated 25 June 2018, was refused by notice dated 7 November 2018.
 - The development proposed is siting of a timber cabin for use as a rural workers dwelling (retrospective).
-

Procedural Matters

1. The deemed planning application relates to the development that has occurred and the section 78 application to the development proposal with the alpacas. However, for the purposes of this decision I have considered the ground (a), deemed planning application and the section 78 appeal to relate to the same development.
2. Although a costs application was submitted in writing by the appellant prior to the hearing, the application was withdrawn at the hearing.
3. The aim of the application is to obtain a temporary planning permission for the mobile home, so that the proposed use for alpacas can be developed. Once it has been shown that the use is viable, the intention is to apply for permanent permission for a dwelling at the end of the temporary period.

Decision

Appeal A

4. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of 1 month and the substitution of 4 months as the period for compliance. Subject to this variation the enforcement notice is upheld.

Appeal B

5. The appeal is dismissed.

Reasons

Ground (a)

6. The development plan includes the East Herts District Plan [DP]. DP Policy DES2 notes that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping. DP Policy DES3 notes that development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity value to ensure there is no net loss of such features. DP Policy DES4 notes development must be of a high standard of design and layout to reflect and promote local distinctiveness.
7. DP Policy ED2 notes that in order to support sustainable economic growth in rural areas and to prevent the loss of vital sources of rural employment, proposals that create new employment generating uses or support the sustainable growth and expansion of existing business in the rural area will be supported in principle where they are appropriately and sustainably located and do not conflict with other policies in the plan.
8. DP Policy GBR2 aims to maintain the countryside as a valuable resource and notes that in rural areas beyond the Green Belt certain types of development are permitted provided they are compatible with the character and appearance of the rural area. This includes buildings for agriculture and forestry.
9. The Council has also identified DP Policy HOU5. However, I attach limited weight to this as Policy HOU5 relates to permanent dwellings, not temporary as is the case here. However, it is agreed by both parties that it is appropriate to give considerable weight to the now superseded Planning Policy Statement 7 approach to the consideration of temporary dwellings for agricultural workers.
10. Policy HOU12 relates to the change of use of land to residential gardens. It seems that the main aim of this relates to extensions of gardens into agricultural land, but I acknowledge that the development that has occurred has some residential garden, so the policy is of some relevance. The policy permits the change of use of land to residential garden if it is not likely to result in an adverse effect on the character and appearance of the surrounding area and landscape.
11. The main issues are:-

- Whether there is an intention to provide alpacas on the land and if there is other accommodation/land that could be used.
- The effect on the character and appearance of the surrounding area.

Intention and Alternatives

12. An appraisal of the use of the land for alpacas has been provided and it is accepted by the Council that a use at the scale identified would justify nearby residential accommodation and that the appellant had the ability to complete the use identified. At the hearing it was also agreed that with less than about 20 alpacas, residential accommodation would not be commercially justifiable.
13. The Council questions the intention of the appellant to provide the alpacas identified in the appraisal. It identifies that the mobile home was placed on the site and, when a planning application was submitted to justify its need that related to crop management. When that was refused, the appellant then resorted to the alpaca use to justify the provision of the mobile home. The mobile home was identified to be needed for a farm manager, who has moved into the unit and remains there to date.
14. The appellant did seek advice from the Council in relation to the siting of a mobile home for a farm worker and was, on an informal basis, advised incorrectly that permission was not required. This is why the mobile home was placed in position and then subsequently, following discussions about the lawfulness of the mobile home, the provision of the alpacas was put on hold. Clearly it is unfortunate that this advice was given, but advice from officers is not binding, and if a form of development is required to be confirmed as being lawful, then a lawful development certificate application needs to be made. However, it is understandable how the mobile home came to be in place.
15. Nevertheless, even accepting that situation, it seems to me, on the balance of probability, that the alpaca use is being proposed to justify the presence of the mobile home and not that the proposed alpacas justify the need for the provision of a mobile home. The previous planning application tried to justify the mobile home on the basis of the arable use of the land and that did not succeed. I accept that the application did mention that while the farm was arable only, it was likely to change as it searched for diversification revenues, but at that time only sheep, cattle, chickens and pigs were mentioned and not alpacas. However, the planning application is for a proposed development and that includes the use of alpacas described, so I have considered the applications on the basis of the identified viable alpaca use.
16. The appellant indicates that most of the land is very good for arable use, and it would not make economic sense to change its use to grazing for stock, including alpacas; therefore it would not be sensible to change the use of some of the arable land to grazing so that it could be near to the existing dwellings on the estate for supervision purposes of the stock. The land that has been identified for use by the alpacas is not in use for crops. It is set between two hedgerows, follows roughly down a valley and has a footpath running down the middle of it. It is not currently in active use, although in the past some grazing has occurred. Visually it can be seen that the layout and use is different from other large open fields on the farm, and I accept that grazing is the best use as suggested by the appellant and that alpaca use may help to maximise the use of the land.

17. There are other dwellings on the farm, some in use for farm workers and others rented out. The appellant notes that some would not be suitable for farm workers, being far too large, but in any case they are not near enough to the land to provide appropriate supervision.
18. Overall, I conclude on this issue that, while it is probable that the motivation for the application is the need for farm manager's accommodation, the farm operation is of a large enough scale to ensure the alpaca use occurs. The land is appropriate for grazing and would make good use of it and there is no obvious alternative land for the alpaca use.

Character and Appearance

19. The mobile home is located at the end of New Barns Lane which leads on to a bridleway and where there is a footpath off, that runs by the appeal site. While New Barns Lane has a number of residences fronting it, most of these are towards the other end of the lane and those a little nearer the site are located on the opposite side of the lane. The area around the lane overall has a distinct rural character and appearance with hedges to the side of the lane and farmland beyond. The lane rises up towards the appeal site, so is in a relatively prominent position. Beyond the appeal site the land is relatively level along the bridleway but falls away along the line of the footpath. Opposite the appeal site there are some barns being converted to houses, apparently as permitted development. The appellant notes that there was a barn on the site, which it thought would also have been convertible. Whether or not that is the case, it has now gone, and I can give that little weight.
20. The mobile home and the residential use of the land is in plain sight from New Barns Lane, the bridleway and the footpath. While there is some vegetation it provides limited mitigation to the harm of the presence of the use. The mobile home is also very visible from a considerable distance along the bridleway. Some landscaping could be provided in line with the conditions proposed, but it would take a long time to get established and it would in any case be difficult to screen the use from the footpath that runs close by. The mobile home has been reasonably designed with timber cladding, but the use has a distinct residential character and appearance not in keeping with the rural surroundings. I consider that the mobile home and the residential use cause substantial harm to the rural character and appearance of the area.
21. The development does not conserve, enhance or strengthen the character of the landscape in line with DP Policy DES2, does not retain protect or enhance the landscape in line with DP Policy DES3 and does not promote local distinctiveness as set out in DP Policy DES4. It is incompatible with the landscape and does not accord with DP Policy GBR2.
22. I accept that a temporary building has a particular design and appearance and it will always have an impact on the land that could possibly be improved by provision of a permanent building in time. However, the location is very prominent and to my mind not suitable for a residential use, because of its harmful impact on the rural character of the area. I note the Council indicated at a late stage in the hearing at the site visit that it might be more suitable if located down the valley away from the road in an area not part of the appeal site. That may be the case, but it is a matter for consideration under another planning application. I also note that this location provides security at the end of the lane where there have been attacks on farm animals. While that is

unfortunate, such attacks are unlikely to justify having residential development around farm perimeters to provide security, because the harm to the countryside is likely to weigh more heavily in the balance.

23. I have also taken into consideration local policies and the National Planning Policy Framework [the Framework] which promotes sustainable development and helping to create the conditions in which business can invest, expand and adapt and in terms of the rural economy enable the sustainable growth and expansion of all types of business in rural areas and promote the diversification of agriculture. The alpaca business would make a significant contribution to this. However, that does not mean that development can occur without consideration of the impact on its surroundings. The Framework also notes that planning policies and decisions should contribute to and enhance the natural local environment, recognising the intrinsic character and beauty of the countryside. I consider in this instance the benefits of the development of the temporary use do not outweigh the harm caused to the countryside because of the harm of the residential use in this prominent location. The development does not accord with DP Policy ED2 as the development is not appropriately located.
24. In this respect I have considered the lack of alternatives. However, whether or not there is a better location for the use, the lack of an alternative does not justify the harm of this use in this location. I have also taken into account other inspectors' decision, but each must be considered on its own merits and in this case I consider the harm caused to the countryside makes it unacceptable.

Ground (g)

25. When the Council officer viewed the mobile home it had only just been placed on site and was unoccupied. Hence it was considered that 1 month was adequate for removal. When the notice was served about 3 months later it was occupied but the time for compliance had not been reviewed. I accept that it is now occupied and agree with the appellant that it is likely to take longer than 1 month to find alternative accommodation. I conclude that the request to extend the period to 4 months is reasonable, so the appeal on ground (g) succeeds.

Graham Dudley

Planning Inspector

APPEARANCES

FOR THE APPELLANT:

Marc Willis	Willis and Co
Peter Williams	Reading Agricultural Consultants
Anne Peacock	Chaldean Estate
Gordon Morrison	Chaldean Estate

FOR THE LOCAL PLANNING AUTHORITY:

Eilis Edmonds	Planning Officer, East Herts Council
David Smith	Enforcement Officer, East Herts Council

INTERESTED PARTIES:

Bob Cheshire	Resident
Councillor Ian Hunt	

DOCUMENTS

Document 1 Justification from planning application 3/17/2833/FUL



Appeal Decision

Site visit made on 16 July 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/J1915/D/19/3227691

The Paddocks, 6 Waterford Common, Waterford, SG14 2QD

- 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 Steve Parkhouse against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1506/HH, dated 28 June 2018, was refused by notice dated 21 March 2019.
 - The development proposed is erection of ground and first floor extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a ground and first floor extension at The Paddocks, 6 Waterford Common, Waterford, SG14 2QD in accordance with the terms of the application, Ref 3/18/1506/HH, dated 28 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: 001A, 002A and 003.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

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

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site comprises an extended chalet bungalow set on a large plot within a ribbon of dwellings in open countryside and within the Green Belt. The dwelling is set down from street level and the site continues to fall to the rear. The dwelling lies towards one side of the plot with a significant gap between it and the dwelling at No 8. It is of very limited architectural merit and the front elevation is particularly poor. It is also noticeably smaller than neighbouring dwellings which are also chalet bungalows but appear to have been substantially enlarged, particularly at first floor and roof level.
4. The appellant states that the original dwelling has a floor area of about 96m² and the extended dwelling would have a floor area of about 167m². These figures are not disputed by the Council. The extensions would therefore amount to a significant increase in floor space. In addition the roof height would be noticeably increased and the first floor would be substantially extended over an existing single storey wing as well as above an infill extension at ground floor.
5. Policy GBR1 of the East Herts District Plan (LP), 2018, states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although new buildings are inappropriate an exception 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.
6. Neither the Local Plan nor the NPPF define a disproportionate addition. The Council states in evidence that the assessment of proportionality cannot rest solely on a mathematical assessment and that the physical appearance of the proposed extensions in terms of their scale and bulk should also be taken into account. In this case, the Council suggests that the increase at first floor level, including the increase in height and width of the roof, would make the proposed extensions disproportionate. I agree with this assessment and also consider that the mathematical increase in floor space points to an extension that is disproportionately larger than the original building.
7. It is concluded on the first main issue that the proposed extensions would result in disproportionate additions, over and above the original building and would amount to inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt and its visual amenity

8. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed extensions, including the higher eaves and roof, would inevitably diminish the openness above the existing dwelling. However, the overall width and depth of the footprint would remain substantially unaltered with ground floor additions limited to the infilling of an area of hard standing to the rear and a narrow single storey link to the side, between the dwelling and the existing separate garage.

9. Moreover, the position of the dwelling, set down from the highway within a ribbon of development and between two noticeably larger, higher dwellings would limit the perceived loss of openness. In addition, the proposed extensions would have little effect on the visual amenity of the Green Belt, being seen against rising ground from the rear and between but well separated from other similar dwellings when viewed from the highway. Finally, there would be no material conflict with the purposes of Green Belts set out in the NPPF. This leads me to give the loss of openness limited weight.
10. It is concluded on the second main issue that the proposed extension would have a detrimental effect on the openness of the Green Belt which would conflict with the aim of Green Belt policy, as stated in the NPPF, to keep land permanently open but would have no material effect on its visual amenity.

Character and appearance

11. As stated above, the existing dwelling is not attractive. It is also of poor internal design with one bedroom on the ground floor and accessed via the kitchen. The proposed extension would balance the ground and first floor accommodation and improve the external appearance, especially the main façade. The scale and design would be similar to that at Nos 5 and 8. Although the half hips would be smaller than at No 8 and the width of the building greater, the substantially greater plot width at the appeal site would readily accommodate this and the significant gaps would ensure that the building did not appear cramped. The depth of the building would be unchanged, such that the rear building line would remain comparable with neighbouring dwellings.
12. It is concluded on the third main issue that the proposed extension would enhance the character and appearance of the host dwelling and the street scene, notwithstanding the significant increase in size. In consequence, it would comply with Policies DES4 and HOU11 of the LP which, taken together, expect extensions to dwellings to be of a high standard of design and layout to promote local distinctiveness and be of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Although Policy HOU11 states that extensions should generally appear as a subservient addition, this would not be appropriate in the case of the appeal proposal which amounts to a substantial remodelling of a dwelling that is currently architecturally wanting, unbalanced and of poor internal design.

Other considerations

13. The appellant has drawn my attention to two other considerations which he considers might amount to the very special circumstances necessary to justify the proposal. Firstly, he points out that a significantly larger extension was permitted on appeal in 2015 (APP/J1915/D/15/3006763) and that subsequently, in October 2017, the Council granted permission for the same design to be constructed as a replacement dwelling on a different footprint (3/17/1942/FUL). The permission for the replacement dwelling remains extant.
14. The Council does not dispute that the proposed extension would be smaller than the permitted extension/replacement dwelling which would have a floor area of some 222m². However, it considers that the design now proposed would appear larger with a notably greater width at roof level and increased vertical emphasis. Nevertheless, from the limited evidence before me of the approved

scheme, it appears that although the ridge would be noticeably wider, the overall height would be marginally reduced and the eaves would be about the same width and height as the approved scheme. The difference in ridge length appears to occur due to a design change from full hips to half hips. The Council finds this different design undesirable and suggests that it would have an unacceptable effect on the openness and visual amenity of the Green Belt.

15. However, that assessment takes no account of the increase in the depth of built development, including at roof level, if the approved scheme was implemented. I find the proposed design to be acceptable on its own merits and the significant reduction in floor space of some 55m² to have a materially reduced effect on the openness of the Green Belt. I therefore find that this other consideration carries substantial weight in favour of the appeal proposal.
16. Secondly, it is argued that the permitted development (PD) rights for detached houses introduced in March 2013 would allow the addition of more floorspace and volume to the dwelling than is proposed in the appeal scheme. I agree with my colleague who determined the earlier appeal that some caution must be exercised on this point because I cannot be certain what PD rights apply to this dwelling and they would, in any case, be subject to prior approval procedures. Nevertheless, owing to the large plot and substantial separation from No 8 I agree with my colleague that there appears to be potential for significant extensions under PD and the Council does not suggest otherwise.
17. Such extensions, owing to the restrictions on permitted development, might very well fail to achieve the design benefits of the appeal scheme and could result in a greater loss of openness and/or a more harmful effect on visual amenity. In view of the unsatisfactory layout and design of the existing dwelling there is a reasonable prospect of this fall back being implemented, if the permitted replacement dwelling was not built. I therefore give this consideration significant weight in favour of the appeal proposal.
18. On balance I therefore find that the proposed improvements to the design and appearance of the host dwelling, together with the considerable weight given to the other considerations, would clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which itself carries substantial weight, and the limited harm to its openness. The very special circumstances necessary to justify the development have thus been demonstrated. In consequence, the proposed extension would comply with national policy set out in the NPPF and with LP Policy GBR1 and the appeal should succeed.

Conditions and conclusion

19. In addition to the statutory commencement condition, the Council suggests conditions requiring the proposed extension to be completed in accordance with the approved plans and in materials that match those used in the existing dwelling. I agree that these are necessary in order to provide certainty and to protect the character and appearance of the street scene of Waterford Common.
20. 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 9 July 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/J1915/W/19/3227127

4 The Mill, Hertingfordbury, Hertford SG14 2SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Sarahs against the decision of East Herts Council.
 - The application Ref: 3/18/1744/FUL dated 21 August 2018, was refused by notice dated 30 October 2018.
 - The development proposed is two-bay car port.
-

Decision

1. The appeal is allowed and planning permission is granted for two bay car port at 4 The Mill, Hertingfordbury, Hertford SG14 2SB in accordance with the terms of the application, Ref: 3/18/1744/FUL dated 21 August 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan TQRQM18211115930306 and PC18655 A.
 - 3) The materials to be used in the construction of the car port hereby permitted shall accord with the approved plans and the details set out on the application forms.

Preliminary Matters

2. The application form did not include a description of development; I have therefore taken it from the decision notice.

Main Issues

3. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) Its effect on the character and appearance of the designated heritage asset of the Hertingfordbury Conservation Area and on the setting of the Grade II listed buildings.

Reasons

Issue a) Whether inappropriate development

4. No 4 The Mill is one of four residential dwellings resulting from the conversion of the former mill in Hertingfordbury, on the east side of Hertingfordbury Road at the northern end of the village. Access to Nos 3 and 4 is via a private drive way to the immediate south of the Mill, which provides private parking for the dwellings and then via a pedestrian footbridge over the river running under the mill building. The Mill is listed Grade II and the terrace of properties to the south are also listed Grade II. Hertingfordbury is classified as a Group 2 village under Policy VILL2 of the adopted East Herts District Plan 2018 (District Plan) and the site lies with the Metropolitan Green Belt.
5. The proposal is to build an open fronted, covered car port to serve Nos 3 and 4 on the site of the existing parking spaces with the rear against an existing tall masonry wall.
6. The Framework 2018 sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraphs 145 and 146 set out the limited number of developments which are not considered inappropriate.
7. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions, including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'. Policy GBR1 of the District Plan indicates that national green belt policies will be applied to development proposals in the Green Belt.
8. The Council has contended that the proposal would not fall within any of the of the specified exceptions set out within the Framework. However, and although the terms are not specifically defined in the Framework, the proposal would be within the existing private parking area which provides access to and serves the residential dwellings and would provide covered parking accommodation incidental to the enjoyment of the dwellings and in very close proximity to the existing mill building. Given the above considerations and in the particular circumstances of this case I consider that the proposal would fall to be considered under criterion c of Paragraph 145 of the Framework, namely, the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.
9. The planning history to the conversion of the mill to 4 residential dwellings has been set out in the documentation and it would not appear that there have been sizeable additions to the original structure. Indeed, the Appellant has referred to the removal of substantial outbuildings within the parking area at the time of the conversion. The proposed car port would be open on all sides under a pitched roof, utilising the existing masonry wall at the back of the parking spaces. It would therefore in my view not be a disproportionate but a

very modest addition to the substantial scale of the existing residential building, comprising the former mill building. Although it would add a pitched roof, its open sides and front would reduce the apparent scale of built development. Given its small scale and open sided form as well as its siting within an existing area enclosed by development, I do not consider that it would materially affect the openness of the Green Belt.

10. Taking all of these factors together, and in the particular circumstances of this case, including the scale, proximity and siting of the proposal in relation to the dwellings it would relate to, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by very special circumstances.

Issue b) Character and appearance and setting of the listed buildings

11. The former mill and the surrounding properties fall within the designated heritage asset of the Hertingfordbury Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. The Conservation Area is focussed on the tight historic pattern of development along the main road, primarily on the east side of Hertingfordbury Road and extending out to include open land and landscaped areas on both sides of the road which provide the rural setting to the village. These open areas also contrast with the tightly developed historic core to the village comprising a wide mix of buildings from the larger scale of the former mill to smaller, former artisans' cottages.
12. The proposal would be of modest scale and set back from the street frontage in an existing area used for parking to serve the dwellings. It would have little impact on street scene views. Where views can be gained, a pitched roof outbuilding relating to the residential dwelling to the immediate south can already be seen. There is a pattern of smaller scale garages and outbuildings related to residential dwellings in the immediate vicinity, many under pitched roofs. The proposal would relate to and continue this pattern of development. I am satisfied that given its small scale and siting, the proposed car port would respect and preserve the character and appearance of the Conservation Area. The Council raised no concern in this regard.
13. The former mill and the terrace of cottages to the south of the appeal site are listed Grade II. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given its modest scale and appropriate design and proposed selection of materials I am satisfied that it would preserve the setting of the listed buildings comprising the former mill as well as the smaller terrace of cottages to the south. The Council raised no concern in this regard.

Other Considerations

14. The Appellant has drawn my attention to the several previous decisions granted by the Council in the vicinity. I have taken them into account but my decision is based on the planning merits of the proposal before me.

Conditions and Conclusion

15. In terms of conditions, the materials as specified on the application forms should be adhered to in the interests of protecting the character and appearance of the local area as well as the setting of the listed buildings although I see no need to require further details to be submitted, given the level of information already provided. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
16. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 17 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/J1915/D/19/3228082

Tollgate House, Amwell Hill, Great Amwell SG12 9QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ross Newham against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1761/HH, dated 27 July 2018, was refused by notice dated 11 February 2019.
 - The development proposed is a ground floor and basement extension to side and rear of existing dwelling following demolition of outbuildings and replacement of existing retaining Wall.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy,
 - its effect on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is a Grade II listed detached dwelling with outbuildings, situated on a large plot with varying ground levels, located within the Green Belt. The proposal involves the removal of existing single storey outbuildings and the construction of a ground floor and basement side and rear extension.
4. Section 13 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. This includes extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GBR1 of the East Herts District Plan 2018 (the District Plan) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

5. The Framework defines "original building" as a building as it existed in July 1948 or, if constructed after that date, as it was originally built. There is no definition within the Framework as to what would constitute a disproportionate addition and I have not been made aware of any within the District Plan. The dwelling does not appear to have been the subject of any extensions since 1948.
6. The Council has calculated that the proposal for the ground floor and basement side and rear extension would, when taking into account the demolition of the existing lean-to structure, lead to an approximate 141% increase in the size of the dwelling. The appellants floorspace figures vary from the Council's, and calculate that the proposal would result in a 120% increase. As both indicate a substantial increase in the floorspace of the existing building and I have nothing before me that would enable me to decide which is the more accurate, I have determined this appeal on the basis of the plans submitted and the apparent scale of the proposal in relation to the existing dwelling.
7. The Framework sets out that the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. The Framework concerns itself primarily with the size of original building rather than qualitative considerations, this is an important distinction in the context of what could be regarded as inappropriate development in the Green Belt. I have, therefore, given substantial weight to substantial increase in floorspace indicated by both parties when considering whether the proposal is a disproportionate addition over and above the size of the original building.
8. I have not been provided with any volumetric measurements. However, without any specific national or local guidance on the matter, the mathematical calculations of both parties on floor area point me to a situation where the scheme would clearly result in disproportionate additions over and above the size of the original building.
9. In support of their views in this regard the appellant has directed me to a planning permission issued in an appeal decision¹ in 2018 , for, amongst other matters, the basement extension of a detached dwelling, where the inspector found that the proposal would not be inappropriate development in the Green Belt. Based on the figures given in the appeal decision, this development involves a small basement that forms a significantly smaller element of the 103% increase in the floorspace of the original building than that in the appeal proposal. However, the inspector's decision also referred to another appeal decision², likewise provided to me by the appellant where a proposed large basement that would form a significant element of the proposed 210% increase in the floorspace of the original. Whilst there are similarities with the appeal proposal, in that it involves basement extensions, in my determination of this appeal I have, given this little weight in my considerations and have determined the proposal on its own individual merits.

¹ Appeal Ref: APP/J1915/D/18/3209661

² Appeal Ref: APP/J1915/D/17/3166395

10. The outbuildings that would be removed as part of the proposal are secondary buildings separate to the house on the plot, they do not, therefore form part of the original house for the purposes of considering whether the proposal would amount to disproportionate additions.
11. When considered on its own, the proposed ground floor part of the proposed extension would not be a disproportionate addition over and above the size of the original building and it would not be, as defined by the Framework, inappropriate development in the Green Belt. The Council in granting planning permission Ref 3/18/1763 for the Ground Floor extension has also acknowledged this. It is therefore the effect of the basement element of the proposal in addition to the side and rear extension that needs to be considered.
12. Notwithstanding the Appeal Court Decision³ brought to my attention by the appellant concerning interpretation of meaning of previously developed land in the Framework, the Appeal Court has also issued a decision⁴ that determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. This is, therefore, a matter for my planning judgement based on consideration of matters affecting the proposed development.
13. Although the appeal site is outside of the Council's defined settlement area boundary of Great Amwell, it is surrounded by other detached houses on large plots and does in my view form part of the built-up area of the village and is, for this reason, previously developed land. It would not, therefore, benefit from the listed exemption in paragraph 145 of the Framework for limited infilling or the partial or complete redevelopment of previously developed land, the definition of which excludes private residential gardens.
14. As the proposed development of basement extension would not infill a space between buildings or structures within the village, it would also not benefit from another listed exemption in paragraph 145 of the framework for limited infilling in villages.
15. Taking all of the above in to account I find that the proposal would result in a disproportionate addition over and above the size of the original building.
16. For the reasons given above, I conclude that the proposal would not benefit from any of the listed exceptions and can therefore be regarded as inappropriate in the terms of Paragraph 145 of the Framework. It would, therefore, conflict with Policy GBR1 of the District Plan or with Chapter 13 of the Framework.

The effect of the proposal on the openness of the Green Belt

17. Paragraph 133 of the NPPF makes it clear that an essential characteristic of Green Belts is their openness, and the primary purpose of Green Belt policy is to prevent urban sprawl by protecting these characteristics.
18. The Council has indicated that the excavation for the basement extension and the demolition of the existing outbuildings would result in a slight net increase in openness on the appeal site. Accordingly, the proposal would not result in a loss of openness and, therefore no harm to the openness of the Green Belt.

³ Dartford Borough Council v SSLG [2017] EWCA Civ 141

⁴ Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

Other Considerations

19. The scale of the proposed side and rear extension would be subordinate to the scale of the existing building and its design would complement that of the host dwelling. Whilst the basement extension would be fundamentally hidden from view and have a minimal effect on appearance of the host dwelling, it would, however, significantly alter its character, but not cause harm. The proposal would, therefore, be in keeping with the character and appearance of the host dwelling and that of the local area.
20. Notwithstanding the views expressed by the local Estate Agent in their letter submitted by the appellant, it is clear that, although the proposal would appear to add potential sale value of the property, the property is already of substantial value. I do not conclude, therefore, that an estimated potential increase in market attractiveness and value would add to the viability of the heritage asset in this instance, as the appeal property is clearly an attractive house on a large plot in what appears to be a successful and sought after residential location.
21. Although the appellant has indicated that there is potential for the development to facilitate maintenance of the listed building and for the creation of level access to the property, this does not form part of the proposed development. I have not been made aware of any evidence as to the personal circumstances of the appellant in this regard, which could weigh in favour of the proposal in my considerations and I have, therefore, given this little weight.
22. Whilst the appellant has expressed their view that the existing dwelling does not currently provide for the needs of a large family this has been expressed in general terms with reference to the potential of the house in the local housing market. This is, however, true of smaller dwellings generally and I find that the existing dwelling would appear to provide usable and attractive accommodation for smaller households. I therefore attach little weight to this in my considerations.

Other Matters

23. The Council has given Listed Building Consent (ref: 3/18/1762/LBC) for the proposed development that is the subject of this appeal. In my consideration of this appeal I have had regard to my statutory duties under sections 66(1) and 77(1) Planning (Listed Building and Conservation Areas) Act 1990 and find that the proposal does not harm the listed building or its setting.

Overall Balance and Conclusion

24. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
25. Policy GBR1 of the District Plan and Paragraph 143 of the Framework, set out the general presumption against inappropriate development within the Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

26. It is acknowledged that the appellant has sought, by reducing the scale of their proposal for the basement part of the proposed extension, to overcome the concerns expressed by the Inspector that determined the appeal⁵ for the previous application to extend the building in this manner. I find, however, that the proposal has not overcome the previous objections.
27. The demolition of the existing outbuildings would result in a slight increase in openness of the Green Belt, which adds a little weight in favour of the proposal. When taken with the other considerations above these would collectively clearly not outweigh the totality of harm that I have identified and, therefore, the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policy GBR1 of the District Plan and the Framework. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR

⁵ Appeal Ref: APP/J1915/D/18/3212432



Appeal Decision

Site visit made on 22 July 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/J1915/W/19/3220249

Silkmead Farm House, Hare Street SG9 0DX

- 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 ELVSO Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1885/FUL, dated 20 August 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the demolition of existing outbuildings including 2 residential units and the erection of 1 No 4 bed dwelling.
-

Decision

1. The appeal is dismissed.

Main issue

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

Reasons

3. Silkmead Farm House is located in the countryside to the north of the village of Hare Street, beside the B1368 and next to a small industrial estate that partially wraps around behind the appeal site on rising land. The appeal site is an area of land to the north of the house, occupied by a brick outbuilding and a range of run down stables and sheds, some of which have been demolished. The brick building benefits from a Lawful Development Certificate confirming that it has a lawful use as 2 dwellings. The proposal is to demolish this building and the other remaining buildings, replacing them with a new 2 storey 5 bedroom house with an integral double garage - reducing the number of dwellings on the site from 2 to 1.
4. The site is within an area designated in the East Herts District Plan (DP) as a 'Rural Area beyond the Green Belt' (RA). The DP records that this area is highly valued by residents and visitors, particularly for its open and undeveloped nature. DP Policy GBR2 deals with development in the RA, seeking to maintain the rural character of the area. It allows for replacement buildings provided the size, scale, mass, form, siting, design and materials of

- construction are appropriate to the character, appearance and setting of the site and/or the surrounding area.
5. The appellant argues that the proposed building would be much smaller than the existing buildings, reducing the number and scale of buildings on the site. In assessing this matter, I firstly discount all buildings that have already been demolished. They have no significant physical presence on the site and planning permission would be required for their reinstatement. The remaining buildings are mainly low and are set to the back of the site where they can barely be seen from the road. Only the brick outbuilding is readily visible due to its greater height. All of these buildings are rural and unassuming in character. Although some are of poor quality, they cause no significant harm to the character and appearance of the local area.
 6. The proposed new house, though it would have a much smaller footprint and would be a much taller and bulkier structure with a high roof. It would be prominent in views from the street. Because of the upward slope of the site it would be perched above street level, accentuating its visual impact. The industrial buildings to the rear are hardly seen from the street, so that the proposed new house would mainly intrude on views of trees and sky, urbanising the outlook from the road.
 7. In design terms the proposed house would include elements such as half-timbering and jettied and small paned windows typical of neo-Tudor suburban architecture. The only local reference for this style put forward by the appellant is Silkmead Farm House, but that building is of much plainer design. Although quality facing materials would be used, I find that the proposal would not complement the surrounding area in this respect either.
 8. DP Policy GBR2 also allows for the redevelopment of previously developed (brownfield) land in sustainable locations, again where appropriate to the character, appearance and setting of the site and/or the surrounding area. As a former equestrian site, with residential use outside of a settlement, the site conforms with the definition of previously developed land in the National Planning Policy Framework (the Framework). As above, however, I find that the proposal would harm the character and appearance of the area, so would not comply with this aspect of Policy GBR2 either. Furthermore, I cannot agree that this is a sustainable location. Although employment opportunities would be close at hand, the site is well outside of the village on a road with no footways or lighting. Future occupiers would therefore need to rely on the private car for transport to most services and facilities.
 9. I conclude that the proposal would unacceptably harm the character and appearance of the local area. It would therefore conflict with DP Policies GBR2 and DES4, which aim to ensure that development is of a high quality of design that promotes local distinctiveness and is compatible with the character and appearance of rural areas including the RA. These policies align with the Framework's emphasis on securing high quality design which is sympathetic to local character. The Council also refers to DP Policies DPS1 and DPS3 here, but I find no conflict with these more strategic policies.
 10. The appellant argues that the proposal would make best use of land, in line with DP Policy DES4. Although the proposal would increase the amount of residential floorspace substantially, it would also reduce the number of

dwellings. It is not clear to me that this proposal necessarily represents best use of the site.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 16 July 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/J1915/W/19/3227676

Mill House, unadopted track east from Ware Park Road to Mill House, Ware Park, Ware SG12 0EA

- 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 Design Twenty Five Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1987/FUL, dated 5 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is erection of store/ plant room.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The layout of the site is different to that shown on the site plan with the area immediately to the rear of The Barn being fenced off. The garden area where the development is located is accessible via the neighbouring property, Windrush.
3. At the time of my site visit it was evident that the development has been constructed in part. I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and local policy.
 - The effect of the proposal on the openness of the Green Belt.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development and Openness

5. The appeal site is located within the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition harmful to the Green Belt

and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'.

6. The appeal site incorporates a building known as The Barn and land to its rear which currently houses the remnants of building materials. The development which is part constructed, is set into an earth bank and is located at the rear of the site against the backdrop of a wooded area. Despite this, once complete the width and height of the structure would nevertheless create a massing that would reduce the openness of the appeal site when taken as a whole, compared to the existing situation. This is even though the overall impact of the development would be relatively small and views outside of the site would be limited. The proposed sedum green roof would do little to overcome the impact.
7. The amount of operational development would be relatively small but it would nonetheless generate harm that would weigh against the scheme. To that extent the development would constitute inappropriate development due to the harm to openness. The development would therefore conflict with national policy in this regard. It would also conflict with Policy GBR1 of the East Herts District Plan 2018 which states that applications within the Green Belt will be considered in line with the provisions of the NPPF.

Other Considerations

8. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
9. The appellant has referenced planning permission granted for the retention of 2 similar structures built at neighbouring properties either side of The Barn in support of the development. However, I do not know the circumstances in which the planning permissions were granted, nor do I have sufficient detail to enable meaningful comparisons to be drawn with the case before me. In any event, each case is determined on its own merits and my assessment has been based on the information before me.
10. Similarly, the appellant says the site previously housed a farm shed, the footprint of which is where the store/ plant room is being constructed. Be that as it may, the shed is no longer there and my assessment is based on the current situation.
11. The appellant says the development utilises an existing retaining wall. However, this on its own does not represent very special circumstances to justify the development.
12. Whilst the appellant says there is a functional need for the development to serve The Barn, there is very little before me to substantiate this and therefore

that need has not been clearly demonstrated. As such I give this consideration little weight.

13. The appellant has identified a fallback position of a new detached store/ plant room within the curtilages of the 2 neighbouring properties. There is little evidence to indicate that this is anything other than a theoretical possibility. Whilst the appellant says it would have a greater impact on the openness of the Green Belt this has not been substantiated. In the absence of clear evidence of a tangible alternative scheme, I give this consideration little weight.

Other Matters

14. Mill House is a Grade II Listed Building of ware white brick and slate roof dating from around 1800. The Council has identified that the development by virtue of its design, scale and siting would not harm the setting of the Listed structure. On the evidence before me I have no reason to disagree.

Planning Balance and Conclusion

15. The development would lead to a loss of openness therefore would constitute inappropriate development which by definition is harmful. Paragraph 144 of the NPPF requires that substantial weight be attributed to harm to the Green Belt. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm that would be caused and so very special circumstances to justify the development do not exist. For the reasons identified, I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR



Appeal Decision

Site visit made on 23 July 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/J1915/W/19/3223464

Collier House, Mead Lane, Hertford SG13 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Richard Mordain of Turner and Co (Glasgow) Ltd. against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2007/ODPN, dated 6 September 2018, was refused by notice dated 6 November 2018.
 - The development proposed is conversion of the existing property from office use to 18 residential dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is nothing before me to suggest that Collier House was not in office use on or before 30 May 2019, or that the building fails to meet any of the other criteria set out in Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) with regards to its current use. As such, the issues before me are those set out below.
3. The transport and appellant's statements name the unadopted service road as Mead Lane. However, it appears to me that the service road is unnamed and connects to the adopted Mead Lane.

Main Issues

4. The main issue is whether the proposal satisfies the requirements of the Order with respect to being permitted development for a change of use from office (Class B1(a)) to residential use (Class 3), with regard to the transport and highways impacts, contamination and impacts of noise from commercial premises.

Reasons

Transport and highways impacts

5. Collier House is an office building situated at the end of a service road which runs some 250 metres from Mead Lane. The service road provides access to a number of industrial premises, including a haulage company, steel fabricators and car repair unit. Although some premises along the road have lighting

within their curtilage, the road itself is unlit and does not have a footway. At my visit there was significant on-street parking as well as the occasional passage of heavy vehicles. The average road width suggests that where vehicles are parked, there would not be space for two other vehicles to pass each other. Large vehicles would have to pull into the kerb to allow others to pass.

6. The transport statement notes that pedestrian access will be from the service road, or along the nearby riverside path. In terms of distance, the development would be within acceptable walking distances of Hertford East station and amenities, for pedestrians without mobility impairment.
7. It seems to me that the change from office to residential use would result in a material change in the character of traffic in the vicinity of the site, as set out in Paragraph W of the Order. This requires councils to take account of representations made by the highways authority and also to have regard to the provisions of the National Planning Policy Framework (the Framework). Paragraph 108 of the Framework requires safe and suitable access for all users.
8. Although there would be a reduction in the number of people accessing Collier House, it is likely that the spread and volume of trips within the week would significantly change. Patterns of pedestrian activity along the service road would be far less predictable than is currently the case, and also involve fewer individuals travelling at any one time. Moreover, the age and health of pedestrians could be significantly different from that of office workers, with attendant issues of mobility or visual impairments, or reduced traffic awareness and response times.
9. The Manual for Streets notes that the propensity to walk is influenced not only by distance but by the quality of the walking experience. The lack of footways or refuges, adequate lighting and the carriageway obstructions caused by parked vehicles, in addition to the passage of haulage lorries and other traffic, does not, to my mind, represent safe and suitable access. Walking along the service road in darkness, and when vehicles associated with the commercial uses are using the road, would be likely to be a particularly unattractive prospect for many pedestrians.
10. As such, although it is not in dispute that Collier House is favourably located to access town centre amenities, the poor pedestrian environment could deter future occupiers from walking to the town centre, despite the short distances involved. I conclude that the use of this service road by pedestrians would be highly unsatisfactory and likely to have an adverse effect on their future safety.
11. The riverside path is suggested as an alternative pedestrian route into the town centre. However, I noticed that in the vicinity of the site it appears to be narrower than what, in my experience, are the recommended widths for multi-user routes. A photograph in the transport statement reinforces my reasoning with regard to potential congestion and the path's suitability for regular usage, particularly for future occupiers who might have pushchairs or mobility issues. The unlit riverside path could be an attractive route for some pedestrians, but it would have its own limitations on usability. It could not be considered to be anything more than a secondary route into Hertford.
12. In addition, the access to the riverside path from within the site is rather narrow and convoluted, and is stepped. It would also pass directly in front of

primary windows serving bedrooms and living rooms in Flats 1, 2 and 3 which would not be very satisfactory for occupiers of those flats. However, this could be addressed if the appeal was allowed. This does not however alter my reasoning with regard to the suitability of the riverside path as a regular route.

13. The appellant has drawn my attention to an appeal¹, which it is argued, is pertinent to this proposal. However, that site was an office within a residential area, and the road width in itself restricted speed. This office is located in an industrial estate, and would have more than double the number of units. The two appeals are not comparable. Selected extracts from other appeals have been cited. However, I have limited information before me with regard those appeals. In any case, each appeal is determined on its merits.
14. The appellant argues that there have never been any accidents related to the current use of the service road despite its poor pedestrian environment. However, given the change in the character of traffic generated by the development it cannot be presumed that there would not be accidents in the future.
15. I conclude that the development would not provide safe and suitable access for pedestrians and this would be contrary to Paragraph 108 of the Framework in this regard. I appreciate that Paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. However, in this case I consider there would be an unacceptable risk to pedestrian safety arising from the development.

Noise and contamination

16. The evidence before me suggests that the Council's concern regarding noise is related to the nearby industrial units, particularly one that involves steel fabrication. When I visited the site, around mid-day, I was unaware of any localised noise sources apart from nearby vehicles. However, there may be many reasons for this, and my experience is a snapshot in time.
17. The appellant has revised the original noise assessment following comments from the Council's consultee, and has undertaken further sampling, including a baseline survey over several weekdays. This concludes that with appropriate mitigation, noise levels within Collier House would not be detrimental to the living conditions of future occupiers. Having reviewed the evidence I have concluded that there is nothing before me to lead me to disagree with this conclusion.
18. I am satisfied that the development would not expose future occupiers to risk arising from ground contamination as the evidence before me suggests that concerns could be overcome by a suitably worded condition. As such, I conclude that the development would not have an unacceptable impact in terms of noise or contamination.

Other matters

19. It is argued that another application on a nearby site is promoting the use of the riverside path. However, this does not alter my reasoning with regard to the merits of this appeal.

¹ Ref: 3197637

20. The parish council has raised an objection in relation to lost employment land but as I have found harm in relation to the main issues, there is no need for me to consider this further.
21. Improvements to the crossing at the junction of Mead Lane and the service road would not overcome my concerns regarding pedestrian safety.
22. I appreciate that there is extensive flatted development between the service road and Hertford East station. However, these blocks directly front Mead Lane and consequently they are not comparable to the appeal before me.

Conclusion

23. I conclude that the proposals would result in significant adverse transport and highways impacts. Consequently, the development would not satisfy the requirements of the Order with regard to being permitted development for a change of use from office (Class B1(a)) to residential use (Class 3). The appeal should be dismissed.

A Blicq

INSPECTOR



Appeal Decision

Site visit made on 15 July 2019

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/J1915/W/19/3225025

Lodge Farm, Epping Green, Hertfordshire SG13 8NQ

- 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 Leslie Lord against the decision of East Herts Council.
 - The application Ref 3/18/2313/FUL, dated 18 October 2018, was refused by notice dated 21 February 2019.
 - The development proposed is change of use and conversion of two barns to create three, three bedroomed dwellings 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.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the new dwellings would be in a suitable location with particular regard to their access to employment, services and facilities.

Reasons

3. The proposal would result in the conversion of two large barns which are located in the Green Belt. Policy GBR1 of the East Herts District Plan 2018 (DP) advises that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework). Paragraph 146(b) is clear that the re-use of buildings of permanent and substantial construction does not represent inappropriate development in the Green Belt. I agree with the parties that the proposal would not represent inappropriate development in the Green Belt.

Suitability of the location

4. Policy DPS2 of the newly adopted DP sets out its strategy for achieving the approved required supply of houses. This prioritises the use of brownfield sites and directs new housing to the larger settlements. It also accepts limited development in villages which it classifies into three groups, reflecting their relative sustainability.
 5. The appeal site is located off White Stubbs Lane which is a narrow country road. The access to the site lies a short distance from the junction of White
-

Stubbs Lane with the road that links the villages of Little Berkhamsted to the north, with Newgate Street to the south. There is a road sign announcing the arrival into Epping Green to the north of this junction. Epping Green appears to consist of a small number of rural properties dotted along the road to the north of the sign and along Henderson Place. It represents a very loose knit area of development. There is a public house to the north, although this sits in relative isolation from other properties. The limited evidence suggests that the appeal site lies outside this hamlet.

6. Epping Green is not identified as a group 1 or 2 village by the DP proposal map. Policy VILL3 advises that group 3 villages are those villages/settlements not identified as either group 1 or 2. However, I have no information with regard to whether it was considered as a 'village' when the policies of the DP were being formulated. In any event, the site lies outside the hamlet and the policy relating to such undefined settlements only accepts limited infill development if it is identified in a Neighbourhood Plan (NP).
7. The site lies about a mile south of Little Birkhamsted which has a range of lower order facilities including a shop, public house, village hall and church. The site is also just over a mile from Bayford to the northeast which also has lower order facilities including a school and public house. There is a railway station beyond that settlement to the east. These are group 2 villages as defined by the DP hierarchy. In these villages, policy VILL2 accepts limited infill development in addition to other small scale development identified in a NP, provided that it is well related to the village in terms of location, layout and connectivity. The village of Newgate Street lies about a mile to the south (outside the district) and this has a similar range of lower order facilities. It would appear that a bus service runs along the road between Newgate Street to Little Birkhamsted but no information has been provided in this regard.
8. Given the nature of this location and the character of the roads, whilst there may be some potential for journeys by bus and bicycle, I have no doubt that most journeys by future residents of these family sized houses would be by private vehicles. Whilst distances to the local settlements are relatively short, higher order services are more distant. This is not an accessible location for new housing and it gains no support from the locational requirements of the housing policies of the DP.
9. The appellant advises that the last use of these large barns was for private equestrian facilities. The evidence on the site indicates that an equestrian use has taken place but no application has been referred to which would demonstrate that such a use was lawful. An appeal decision in 2013 relating to the site considered one of these buildings and found that in the absence of marketing of the barn for a range of employment related uses, it had not been demonstrated that the building was redundant in relation to economic activity. In considering the then proposed permitted development rights, with regard to changes of agricultural barns to dwellings, it would seem that an existing agricultural use may have been considered. These rights have now come into forces but I cannot assume that the lawful use is agriculture, particularly as an alternative use has been suggested by the appellant.
10. It is not the purpose of this appeal to determine lawfulness and the evidence would be insufficient in any event. On the limited information available, I

cannot assume that the buildings and their surrounds do not have a lawful agricultural use or that they therefore represent previously developed land. In these circumstances, I find no support for the proposal from DP policy DPS2.

11. The appellant suggests that the development plan is silent with regard to the conversion of buildings to housing. The Council have not made reference to DP policies within their reason for refusal. Both parties have however had the opportunity to comment on the relevance of DP policy ED2. This supports the change of use of agricultural or employment generating uses in rural areas to other employment generating uses. Where a change of use to a non-employment generating use is proposed, it requires specific evidence to demonstrate, amongst other things, that the existing use is no longer needed or viable. The policy clearly prefers the re-use of buildings with a former agricultural or employment generating use to remain in an employment use rather than becoming residential. Although the policies have changed, the principle does not appear to have changed since the 2013 appeal and in the absence of alternative evidence of the lawful use, I find conflict with policy ED2. Whilst the Framework encourages the re-use of buildings, the detail of policy ED2 is not inconsistent with its objectives and can be afforded considerable weight.
12. Whilst the DP does not offer encouragement for the conversion of buildings to housing, except when specific evidence is provided, I do not consider that this suggests that the development plan is silent, particularly with regard to buildings that have a lawful agricultural or employment use. The development plan may however be silent with regard to the conversion of buildings that do not have a lawful agricultural or employment use. However, the information provided is not conclusive that the buildings have a domestic or non-commercial lawful use and the evidence within the previous appeal suggests otherwise. Furthermore, the DP is clear as to how it is intended to achieve the necessary supply of housing and this does not rely on conversions of rural buildings.
13. Despite my findings above, the lack of reference to the development plan in the reason for refusal does offer some support for the appellant's view that the development plan is silent with regard to this proposal. If I were to accept this view and as it has already been established that the Green Belt policies do not provide clear reason for refusing the development, it would be necessary to consider the development with regard to paragraph 11(b)(ii) of the Framework. This requires that development be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The Framework identifies three overarching objectives: social, economic and environmental.
14. With regard to environmental objectives, the conversions have been designed to ensure that they would have an acceptable appearance and would sit satisfactorily within their surroundings. The site is well screened by roadside vegetation so as to reduce any impact on the wider area. Renewable energy features could be included and landscaping and biodiversity enhanced. The presence of other properties nearby would allow for the more efficient use of services already provided to houses locally. Paragraph 118(d) of the Framework promotes and supports the development of under-utilised land and buildings, especially if this would help meet identified needs for housing where

land supply is constrained. Whilst a particular need has not been identified and the housing land supply figures are up to date, this nevertheless provides some weight in favour of the proposal.

15. The likely level of reliance on private vehicles and the limited alternative potential for residents to access services, employment and facilities would not support sustainable transport objectives and would result in environmental harm from carbon emissions. This would be at odds with both the social and environmental objectives of the Framework. Despite the environmental benefits that could result, because this is not an accessible location, particularly for the full range of potential residents, the proposal would overall be at odds with the environmental objectives of the Framework.
16. With regard to social objectives, there would be social benefits, supported by paragraph 59 of the Framework, in providing extra dwellings which would contribute to housing provision. The residents, particularly given the family size of the proposed dwellings, would be likely to contribute to and support the activities and services of the nearby local communities, including Epping Green, Little Birkhamsted, Bayford and Newgate Street. These social benefits must however be considered with regard to the housing supply position and the limited accessibility of the facilities and services for some future residents. The distances and the relative isolation from these services is a matter that weighs against the proposal.
17. There would be economic advantages from the construction works involved in converting these buildings to dwellings. These would however be no greater than those associated with the provision of additional houses in more accessible locations. Residents would contribute to the economy by their own economic activity and by their use of the local shops and services in the local villages. Although it has been suggested that a commercial use of these buildings would harm the amenities of local residents, I am not satisfied that this has been proven to be the case and the approved holiday let use would suggest otherwise.
18. Whilst there would be social, economic and some environmental benefits of these new dwellings, the weight I afford them is limited due to the small number of properties, the limited and restricted access to facilities and services and particularly, the housing supply position set out in the newly adopted DP. I afford considerable weight to the environmental harm resulting from the limited potential for the use of sustainable transport options by all future residents and the social harm resulting from occupants having such limited access to services, employment and other facilities. On balance, this harm would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The proposal would not therefore represent sustainable development.

Other matters

19. Whilst these buildings are in the countryside, there has been disagreement as to whether they would represent isolated homes given the development in close proximity and within the hamlet of Epping Green. Reference has been made to the Court of Appeal ruling, *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville*

Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610 which considered the meaning of paragraph 55 of the 2012 Framework. This has now been replaced by paragraphs 78 and 79 of the updated Framework. These paragraphs include modifications to the wording and additional advice.

20. If the homes were not considered to be isolated as suggested by the appellant, paragraph 79 would not apply. The ruling established that settlements are the preferred location for new housing development in rural areas and paragraph 78 is clear that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities; and planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. This is entirely consistent with the newly adopted DP which sets out the policies for development in and around villages and its strategy to ensure that the approach is sustainable with regard to the size and facilities within villages.
21. If the homes were considered to be isolated, paragraph 79 sets out that as they are within existing buildings, their alternative use need not be avoided. However, this does not suggest that the requirements of paragraph 78 should be set aside. The site is not within a settlement and paragraph 78 reinforces the role of the development plan. I do not therefore consider that the appellant's view that the site is not isolated, which is at odds with the views of previous Inspectors considering appeals at this site, would significantly alter the overall assessment.
22. The recent permission to convert these barns to residential use, albeit restricted to short term holiday lets is clearly of relevance to the proposal. However, the holiday let condition was found, when considered during an appeal seeking to have it removed, to be necessary. I have found there to have been no material changes in policy since that decision which was also issued nearly a year after the Court of Appeal ruling referred to above.
23. As the approved holiday let use has not commenced, the proposal has to be considered on its own merits. However, the permission to convert the barns is a consideration that must be taken into account. Whilst a holiday let use may not fall squarely within the commercial and employment objectives of DP policy ED2, such a use would be more consistent with its objectives and those of paragraph 117 of the Framework as it is a commercial activity and it would generate some employment in its management and maintenance. The permitted use would therefore appear to gain more support from the policy than an unrestricted residential use, particularly if other commercial activities are unlikely to come forward.
24. DP policy ED5 also supports new tourism enterprises where they meet identified needs. The appellant suggests that no evidence has been provided to demonstrate a need for tourism facilities such as this but as this appeal is not considering such a proposal, I would not expect such information. The DP advises that tourism and visitors to the district play a vital role in the economy, creating jobs and contributing to the maintenance of facilities. I have no information to suggest that the use of the barns for tourism would gain anything but support from the DP. The Framework similarly encourages a strong and competitive economy and a prosperous rural economy. Although the approved and proposed uses of the buildings fall within the same use class,

I find the two developments to be distinctly different and subject to differing considerations with regard to the DP and the Framework.

25. Decisions relating to five appeals have been submitted which the appellant suggests indicate that the transport movements of self-catering units are little different to unrestricted residential occupation. A number of these appeals relate to properties and lodges of a smaller size; with different occupancy restrictions; and in locations that are not comparable with regard to their access to services. I am not satisfied that smaller properties can be directly compared to the large family sized houses proposed. Such large houses would, in my view, result in greater demand to travel more often, but in any event, the two uses need to be considered against the differing objectives with regard to employment and tourism provision and the supply of houses.
26. Whilst full time residents may offer more support to local services and facilities, this similarly has to be considered within the wider context. Part of this context relates to the housing supply position which was clearly different in a number of the appeals referred to as a five year supply of housing sites could not be identified. One of the appeals related to a tourist use which was found not to be viable. This has not been demonstrated in this case. I must consider this proposal on its own merits but in any event, there are clearly significant differences between the examples put forward and the development proposed.

Conclusions

27. The proposal would result in new dwellings in this countryside location. Residents would undoubtedly rely heavily on the use of private vehicles to access services and facilities which would result in harm with regard to carbon emissions and would work against the objectives of moving towards more sustainable transport options. This is not an accessible location and housing development would be at odds with the spatial strategy of the DP which seeks to direct new housing to the settlements.
28. The residents of the three houses would be likely to contribute to the social life of the hamlet of Epping Green and the surrounding villages. They would help to support the facilities and services of this rural area. The development would also provide social benefits with regard to the provision of three houses which would contribute a small amount to the overall supply. I find additional support from the Framework with regard to the efficient use of land and the conversion of existing buildings.
29. Given the housing supply position; the small number of units; and the poor levels of access to services and facilities, I afford the social benefits of the proposal only limited weight. The economic benefits of three additional families to the local economy would also be limited and the contribution from the building works would be no greater than new houses in more accessible locations.
30. Overall, the proposal would be at odds with the DP spatial strategy and it would gain no support from its housing policies. The information provided does not suggest that it is supported by DP policy ED2 which considers the conversion of buildings. In any event, the environmental and social harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore conflict with the Framework as a whole and would not represent sustainable

development. I am satisfied that this conclusions would be reached regardless of whether the dwellings are considered to be isolated or not. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 18 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/J1915/W/19/3228322

Land adjacent to Widford Rise, Hunsdon Road, Widford SG12 8RZ

- 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 S Dickinson against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2518/FUL, dated 14 November 2018, was refused by notice dated 31 December 2018.
 - The development proposed is erection of 2no. four bed dwellings with double garages, new vehicular access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would be suitably located as regards access to services other than by private car;
 - whether sufficient information has been submitted to determine the effects of the proposed development on the living conditions of future occupiers of the dwellings as regards noise from the Cadent Gas site, air quality and any contamination of the appeal site.

Reasons

Location, access to services

3. The appeal proposal involves the erection of 2 detached houses on a parcel of land between the villages of Hunsdon and Widford. The new houses would occupy a gap in the highway frontage between a large detached property at Widford Rise and a row of 16 semi-detached dwellings.
4. There is a maintained footpath opposite the site which allows access within reasonable walking distance to goods and services within the villages, which are each around 400m away.
5. Accordingly, the proposed development would be suitably located as regards access to services other than by private car. The new occupiers would also enhance or maintain the vitality of rural communities by patronising local village services in accordance with paragraph 78 of the National Planning Policy Framework (the Framework).

6. The new dwellings would be different in size and form to the row of properties to the south, but not wholly dissimilar in those respects to Widford Rise to the north. Their traditional design with hipped and gabled projections, timber-boarding and clay tile and slate roofs would not be out-of-keeping with the rural setting, and in any respect visibility of the new dwellings would be significantly limited due to tree and hedgerow screening on the boundary of the site combined with a significant amount of proposed new planting.
7. For these reasons taken together, the proposal would not be in conflict with Policies DPS1, DPS2, DPS3 and GBR2 of the East Herts District Plan (2018) (LP) since the development would represent limited infilling in a sustainable location in the Rural Area Beyond the Green Belt appropriate to the character and appearance of the site and surrounding area.

Information as to noise, air quality, contamination

8. The site is situated opposite a gas installation. I have seen documentary evidence submitted by the appellant from Cadent Gas which explains that the kiosks used for accommodating equipment are designed with acoustic mitigation measures such as baffles and insulation to restrict the amount of noise that comes from them. While this is evidence of noise mitigation, it does not provide evidence of noise produced by the installation. Neither that document or any other evidence before me assesses the likely noise impact on the occupiers of the close dwellings proposed, taking into account all relevant factors such as the level of noise, frequency, time, duration, any special acoustic characteristics and the background noise levels in this rural location.
9. The document from Cadent Gas also explains that a minimal amount of gas is vented every 6 months or so, using 3m high vent stacks to ensure safety of personnel on the ground. Although relatively infrequent, in my judgement this could have an adverse impact on the living conditions of the occupiers of the new dwellings proposed to be built directly opposite the location. No air quality impact assessment has been submitted.
10. I have seen no substantive evidence from the appellant that deals with the Council's concerns as to the potential land contamination of the site. While the consultation with Cadent Gas highlighted the presence of high or intermediate pressure gas pipelines running through the site and made safety and asset protection requirements in respect to proposed development, no contaminated land assessment has been carried out to quantify and assess any contamination risks that may be present on site and which might pose a risk to the health of future occupiers.
11. For all of the above reasons, sufficient information has not been submitted to determine the effects of the proposed development on the living conditions of future occupiers of the dwellings as regards noise from the Cadent Gas site, air quality and any contamination of the appeal site. As such it is in conflict with Policies EQ1, EQ2 and EQ4 of the LP which require appropriate environmental assessments to be made.

Conclusion

12. The proposed development 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.

Andrew Walker

INSPECTOR



Appeal Decision

Site visit made on 27 March 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/J1915/D/19/3222342

38 Hayley Bell Gardens, Bishops Stortford CM23 3HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Beaufond against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2519/HH dated 23 October 2018, was refused by notice dated 10 January 2019.
 - The development proposed is demolition of garage. Erection of single storey front extension, two storey side extension and part single storey/ part two storey rear extension [Amendment to application 3/18/1980/HH].
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of garage. Erection of single storey front extension, two storey side extension and part single storey/ part two storey rear extension [Amendment to application 3/18/1980/HH] at 38 Hayley Bell Gardens, Bishops Stortford CM23 3HB in accordance with the terms of the application, Ref 3/18/2519/HH, dated 23 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AZ/HBG/PR/011 Rev A Proposed Plans and Elevations, AZ/HBG/PR/012 Rev A Proposed Plans and Elevations, AZ/HBG/PR/010 Rev A Proposed Site Plan and AZ/HBG/PR/013 Rev B Proposed Plans and Elevations.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the street scene and surrounding area.

Reasons

3. The appeal site is a semi-detached house constructed in brick with a plain tile roof. The site is located in Hayley Bell Gardens, a residential road comprising of

houses of a similar type, creating a uniform character. The road has a tight grain of development with small gaps between semi-detached dwellings; several dwellings have large side extensions further reducing gaps between dwellings and resulting in the creation of several small terraces. This tight grain and mix of terraces and closely spaced semi-detached dwellings forms a distinct pattern and character for Hayley Bell Gardens.

4. The proposal is to demolish the existing garage to the side, which currently extends to the shared boundary with the neighbouring property, and to erect a two-storey side extension. A single-storey rear extension is proposed to span the width of the rear elevation, with a two-storey element spanning almost half the width with a small inset from the side. A single storey front extension is also proposed. Cumulatively, these extensions represent a significant increase in the size of the host dwelling, however, their design and scale is in keeping with its proportions and that of surrounding development.
5. Policy HOU11 of the East Herts District Plan 2018 (DP) sets out various criteria for good design and suggests a 1 metre minimum gap between any side extension and the common boundary to avoid visually harmful terracing effects. Given the established character of the area including significantly extended dwellings, a tight grain of development, and several examples of side extensions creating terraces, the size and siting of the proposal would be in keeping with this character and its creation of a terracing effect would not be visually harmful to this character.

Other Matters

6. A neighbouring resident has raised concerns regarding drainage arrangements for the proposal encroaching the common boundary. Whilst the side extension would extend to the common boundary, as does the existing garage, any planning permission would not imply any changes to ownership boundaries and it would be the Appellant's responsibility to ensure the planning permission is built within the appeal site as per the approved plans.
7. A neighbouring resident has raised concerns about the impact of the proposal on the living conditions at the rear of their property. Only a relatively shallow part of the rear extension would project forward of the plane of the rear elevation of the neighbouring property at first floor level, and this element would be inset from the boundary; it is therefore unlikely to overbear or overshadow the neighbouring house. The ground floor of the neighbouring property is extended and the proposed extension at the appeal site would not project forward of that at any point. As a result, the proposal would not have an unacceptable adverse impact on the living conditions of the neighbouring property.

Conditions

8. I have imposed the usual time limit and approved plans conditions to ensure the development is carried out in a timely manner in accordance with the approved plans. Whilst the appeal site is in a residential area, I have not considered it justified to impose a working hours condition given the scale and type of development.

Conclusion

9. The appeal proposal would not adversely detract from the established character of the area and scale, siting and decision would respect the proportions and design of the host dwelling. The proposal would therefore be in accordance with policies HOU11 and DES4 of the East Herts District Plan 2018, which amongst other things, seek a high standard of design.

Kim Langford Tejrar

INSPECTOR



Appeal Decision

Site visit made on 18 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2019

Appeal Ref: APP/J1915/W/19/3228604

19A&B Paddock Road, Buntingford SG9 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Lee against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2670/FUL, dated 4 December 2018, was refused by notice dated 12th February 2019.
 - The development proposed is 1 Bedroom Eco Dwelling & Replacement Garage.
-

Decision

1. The appeal is allowed and planning permission is granted for 1 Bedroom Eco Dwelling & Replacement Garage at 19A&B Paddock Road, Buntingford SG9 9EX in accordance with the terms of the application, Ref 3/18/2670/FUL, dated 4 December 2018 and subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. Properties on the eastern side of Paddock Road front onto the highway and possess long and narrow rear gardens. The appeal proposal would end this consistency by introducing a backland development that would result in the subdivision of the existing rear garden area of the host property. However, in several other ways the appeal site is already inconsistent with the row of housing in which it is located.
4. Notably, the host dwelling is a detached gable-fronted property subdivided into flats and significantly distinct in type and roof-form from the predominantly terraced and semi-detached homes to either side. It is also set apart from adjacent properties by an existing vehicular access to its side, allowing access to a garage at the rear. Under the appeal proposal, these contrasting features would continue.
5. In the context of the existing contrast the appeal proposal would not cause an unacceptable impact, particularly as there would be very limited visibility of it. The garage would be rebuilt in broadly the same position as existing and would largely appear the same, including as when seen down the side access from the street. Vehicles would be parked in the same area as existing. There would be very limited views of the new home from the street, if at all. There would be some visibility from nearby properties but due to its compact size and sunken

position at the rear of the garden, and being covered with a planted green roof which would only slightly project above the fence level of adjoining properties, the dwelling would not appear prominent or incongruous with its surroundings.

6. Further, the one-bedroom development would not appear cramped within the plot as the rear garden of the existing host property is wider than others immediately surrounding it and the proposed dwelling would be well separated from neighbouring properties. The wider garden both permits adequate space for a new dwelling and, together with the existing side access which other properties in the row do not possess, predicates against setting a local precedent in respect to backland development in the immediate area. Reasonable areas of amenity space would be provided for both existing and new dwellings.
7. For all these reasons, the development would not harm the character and appearance of the area. As such the proposal would not be contrary to Policy DES4 of the East Herts District Plan (2018) which seeks to protect character and appearance. That policy also seeks to encourage development which incorporates high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient design and sustainable construction methods. The appeal scheme contains a significant amount of sustainable features and would accord with these objectives.

Other Matters

8. The development would use the existing side access onto Paddock Road, which the Highways Authority has confirmed has acceptable visibility splays for highway safety. Further, vehicles would be able to leave the site in forward gear due to turning space being provided within the site. As the proposal would provide adequate on-site parking spaces in line with the Council's standard there would be no unacceptable levels of on-street parking which might harm highway safety. The Highways Authority has submitted that traffic generation would not be significant in the residential road, and I agree based on the modest nature of the proposal. For these reasons, the proposed development would not harm highway safety.
9. Due to the proposed positioning of the new dwelling at the rear of the long garden, and its excavated ground level, there would not in my judgment be any material adverse impacts on the living conditions of neighbours including as regards noise and light pollution.
10. While the proposal would result in the development of a large portion of the existing garden of the host property, there would be biodiversity enhancements such as the provision of a wildlife-friendly rooftop garden and boxes supporting habitats for bees, bats and birds.

Conclusion

11. In addition to the commencement condition, I am attaching a condition specifying the approved plans as this provides certainty. I am also attaching conditions suggested by the Council which meet the 6 tests of the Planning Practice Guidance and are necessary to protect character and appearance, highway safety and the living conditions of neighbours including during construction.

12. The proposed development would accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed with conditions.

Andrew Walker

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates shall be begun within 3 years.
- 2) The development hereby approved shall be carried out in accordance with the approved plans, which are: BUN/CB/18/03 (Proposed Site Plan); BUN/CB/18/02 (Proposed Plans, Elevations and Location); BUN/CB/18/01 (Existing Plans, Elevations and Location).
- 3) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 4) Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 5) If percussion piling is considered to be the most appropriate method of foundation construction, then prior to commencement of development a justification statement detailing why percussion piling has been deemed the most appropriate method of foundation construction, and proposed control measures having considered the proximity of the site to noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.
- 6) Noise resulting from the operation of the air source heat pump or other external plant installed in connection with the consent hereby granted shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.
- 7) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 8) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing by the Local Planning Authority and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as

originally approved, unless the Local Planning Authority gives its written consent to any variation.

- 10) The dwellings hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed.
- 11) Prior to commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Traffic Management Plan shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.



Appeal Decisions

Site visit made on 20 August 2019

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal A: APP/J1915/W/19/3225977

Knoll Farm, Standon Green End, High Cross SG11 1BP

- 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 Carter against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2694/HH, dated 7 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is new front porch.
-

Appeal B: APP/J1915/Y/19/3225896

Knoll Farm, Standon Green End, High Cross SG11 1BP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr D Carter against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2695/LBC, dated 7 December 2018, was refused by notice dated 12 February 2019.
 - The works proposed are new front porch.
-

Decisions

1. I dismiss both appeals.

Main Issues

2. The property is listed Grade II and the main issue in both appeals is the effect of the proposals on the architectural or historic significance of the listed building and its setting.

Reasons

3. The District Plan was adopted in October 2018 and Policy HA1 seeks the preservation, and where appropriate, the enhancement of the historic environment, while Policy HA7 is specific to listed buildings; extension will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and would respect the scale, design, materials and finishes of the existing building, and preserve its historic fabric.
4. These policies are in-line with the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. Paragraph 193 of the National Planning Policy Framework states that 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.

5. The porch would be placed to the front elevation to provide room and shelter outside the front door, and the listing description refers to the timber framing that was evident from an inspection of the lobby and two adjoining rooms, and to the front elevation as having had the ground floor rebuilt in plastered brick with 'drip-board' over. The appellant's Heritage Statement expresses the view that the whole of the front elevation was totally demolished and rebuilt in the 1950s at which time the pargetting was replaced by cement render with a distinct bell moulding at first floor level; the front door and windows are said to all date from the rebuilding.
6. Notwithstanding this difference in the information provided, the front elevation above the window and door heads displays a high level of architectural significance, the pargetting with smooth margins being a local vernacular feature. The use of a cement render replacement erodes much of the historic significance, and whether or not the whole front elevation was replaced does not alter those findings on significance. The ground floor front elevation, windows and doors are of limited significance although they appear to retain the historic pattern of solid-to-void. The front door in particular is modern and the frame appears poorly provided-for with a small rebate depth to the stops, no weather-stripping and no overhanging external drip to the threshold, although the door and frame are respectively fitted with a weather-board and weather-bar. There is sign of decay at the foot of the frame where water may have penetrated the end grain.
7. The proposed porch would disrupt the 'drip-board' moulding, which is not the case with the existing flat canopy, and would add what would essentially be another room to the house, the width being proportionate to that of the dwelling and not adversely affecting the previously mentioned solid-to-void arrangement, but the depth would be a disproportionate addition, with the solid construction and limited glazing further emphasising that excessive depth.
8. The addition would detract from the architectural significance on the listed building by the massing of the roof over the depth proposed, although the historic significance would not be so badly affected through the use of materials and taking account of the provenance of the front wall. Nevertheless, the overall massing of the house retains interest as part of the one-time farm complex and the deep addition would appear out of place and less like a porch than a habitable extension. Whilst not causing real harm to the setting of other listed buildings, the harm to the appeal building is real.
9. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
10. Having mind to the size of the dwelling and its location, there does not appear to be any risk of the building falling out of its optimum viable use as a dwelling, the function for which it was built, for want of the porch. The up-keep of listed buildings by private owners is a public benefit and the front door and its frame are clearly vulnerable to driving rain, although that could be rectified by

appropriate replacement. Some smaller form of porch would also solve those shortcomings and the effect on the 'drip-board' moulding could be justified by such benefits, as the harm would be lower down the long 'less than substantial' scale than is the case now. The balance for the appeal proposal lies in the deep porch causing harm that is not outweighed by the benefits.

11. To conclude on both appeals, the proposal would cause harm to the designated heritage asset, and there are no benefits of sufficient weight to overcome that harm or otherwise justify the works, so that the proposal fails to accord with the Development Plan and national policies on the treatment of a designated heritage asset, and would not accord with the statutory tests in the 1990 Act. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR

Appeal Decision

Site visit made on 16 July 2019

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/J1915/D/19/3227769

12 Waterford Common, Waterford, SG14 2DQ

- 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 Stay against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2763/HH, dated 18 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is erection of outbuilding to provide double garage and annexe with office on first floor.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are five main issues. Firstly, whether the proposed outbuilding would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed outbuilding on the openness of the Green Belt and its visual amenity; thirdly, the effect of the outbuilding on the character and appearance of the area, including the setting of the listed Willow Cottage; fourthly, whether the proposed outbuilding would result in an unacceptable increase in flood risk; and fifthly, if the proposed outbuilding would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. Waterford Common is a narrow lane which lies in the Green Belt. It has a ribbon of dwellings on its western side. The appeal property is accessed via a driveway at the end of the lane and is physically and visually separate from the other dwellings. It is set on lower ground and is surrounded by open countryside. To the west are open views towards a riverside footpath and recreational route and a church.
 4. The proposed outbuilding would be a large structure with a footprint of some 12m by 8m. It would have a hipped roof with four dormer windows and a ridge height of about 6m.
-

5. Policy GBR1 of the East Herts District Plan (LP), 2018, states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate except in a limited number of circumstances such as the limited extension of a building or the replacement of a building provided the replacement is of similar size and in the same use.
6. It is understood that a smaller outbuilding was demolished some years ago but there is no evidence of its location or appearance and limited details of its scale. The proposed outbuilding could not, therefore, be deemed to be a replacement and is in any case significantly larger. The Council has considered the proposed outbuilding as an extension to the host dwelling, Willow Cottage. However, that has already been substantially enlarged and in any case the distance between the dwelling and the proposed outbuilding is such that in my view it could not reasonably be considered as an extension. The exceptions set out in paragraph 145 do not therefore apply in this case.
7. It is concluded on the first main issue that the proposed outbuilding would result in a new building in the Green Belt and would amount to inappropriate development. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt and its visual amenity

8. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed outbuilding would be a large structure on a currently undeveloped site and although single storey the pitched roof and dormers would add volume and bulk. The proposal would therefore materially erode the openness of the Green Belt in this location.
9. The site is prominent in views from the surrounding area which is open and undeveloped. The building would in part be screened by trees and hedgerows. However, to the west there are open views towards the river and church and to the north the building would be visible from the long gardens and paddocks behind other dwellings in Waterford Common. The introduction of the proposed building would therefore be readily apparent from a number of vantage points and would intrude into the substantially undeveloped landscape. This would harm the visual amenity of the Green Belt and conflict with one of the purposes of Green Belts which is to safeguard the countryside from encroachment.
10. It is concluded on the second main issue that the proposed outbuilding would materially harm the openness of the Green Belt, resulting in encroachment of the countryside, and would detract from its visual amenity. This harm attracts moderate weight.

Character and appearance including the setting of Willow Cottage

11. The proposed outbuilding would lie within the grounds of Willow Cottage, an attractive, Grade II listed dwelling with a steeply pitched thatched roof, ground floor accommodation and rooms within the roof space at first floor. The cottage is modest in size and this is emphasised by its scale and design and by its location on low lying land within the plot. The proposed outbuilding would be clearly visible on entering the site and would be seen together with Willow

Cottage. Its design and in particular the openings and roof dormers would give it the appearance of a modern chalet bungalow whilst its scale and location would draw attention away from Willow Cottage. Overall, it would appear as an incongruous addition to the site, competing with Willow Cottage, detracting from its importance as the primary building and intruding into its rural and undeveloped setting.

12. The appellant argues that in 2015 the Council suggested that a similar building would be respectful of the setting of the listed building but in my view and in the context of up to date policy and law relating to heritage assets I consider that the proposed outbuilding would cause harm, albeit less than substantial harm, to the setting of Willow Cottage. The NPPF advises that 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. In the case of less than substantial harm, this should be weighed against the public benefits of the proposed development. In this case there do not appear to be any public benefits.
13. The Council also refers to LP Policy HOU13 which relates to residential annexes and suggests that the scale of the proposed building would dominate the existing dwelling and provide more than the minimum level of accommodation required. However, only about half of the ground floor would provide a residential annexe and this would comprise a bedroom, bathroom and combined kitchen and living area. Although room sizes would be fairly generous I do not consider that the accommodation would be excessive, especially taking account of the needs of a range of potential occupiers which may include the need for accessible accommodation. Therefore, although the building overall would be incompatible with the location and detrimental to the setting of the listed building, I do not find that the annexe element would be excessive. Conflict with Policy HOU13 would therefore be limited.
14. It is concluded on the third main issue that the proposed outbuilding would have a materially harmful effect on the character and appearance of the area and in particular on the setting of Willow Cottage. In consequence, it would conflict with LP Policy HA7 and the NPPF which, taken together resist development that would have an adverse effect on a listed building or its setting unless the harm is outweighed by the public benefits of the development.

Effect on flood risk

15. The proposed outbuilding lies within Flood Zone 3b. This is the functional flood plain defined in the Council's Strategic Flood Risk Assessment. Although the appellant has submitted a Flood Risk Assessment demonstrating that the location of the proposed outbuilding would be outside the 1 in 20 (functional flood plain) flood risk extent, as well as outside the 1 in 100 year +35% and 70% climate change allowance extent the Environment Agency has stated that it is not in a position to remove its objection. Notwithstanding the FRA, I cannot therefore be satisfied that the development would not have an adverse effect on the risk of flooding and a precautionary approach is necessary.
16. It is concluded on the fourth main issue that the proposed development would introduce a more vulnerable form of development into the defined flood zone 3b (functional flood plain) and in consequence would be contrary to LP Policy WAT1 which seeks to protect the functional flood plain from inappropriate development and in particular ensure that new development does not increase

the likelihood or intensity of any form of flooding nor increase the risk to people and property, both on site and further downstream.

Other considerations

17. The appellant draws my attention to one other consideration which he considers might amount to the very special circumstances necessary to justify the proposal. In 2011 planning permission was granted for an outbuilding comprising a triple garage and storage area that was located in the same location and had the same footprint as the building now proposed. That building was to be a replacement for a smaller building which was demolished in 2013. At the time of a previous appeal (APP/J1915/D/3134245) determined in January 2016 there was no evidence that the 2011 permission was extant and it was assumed that it had lapsed. Subsequently, in 2017, the Council issued a Lawful Development Certificate (LDC) confirming that the 2011 permission had been implemented and was extant. Therefore permission exists for a similar sized outbuilding at the appeal site.
18. Nevertheless, openings in the permitted building would be limited to three garage doors and there would be no roof dormers, limiting its bulk and giving it the appearance of a large but simple ancillary building that would not look out of place in its rural location. The proposed building would have a significantly different character and appearance. In particular the multiple openings, including patio doors and four roof dormers, would give it a modern, domestic appearance that was at odds with its setting and the setting of the listed Willow Cottage. Moreover, its use as an annexe and for offices would result in a noticeable increase in activity in and around the building. This would further emphasise its presence and habitable character, compounding its incongruous appearance nature. Overall I consider that, notwithstanding the similar size, it would not be readily comparable with the permitted outbuilding. I therefore give this matter moderate weight.
19. It is concluded on the fifth main issue that the other consideration drawn to my attention would be insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, the additional harm to the openness and visual amenity of the Green Belt, detriment to the character and appearance of the area and the setting of Willow Cottage and the potentially adverse effect on flood risk. The very special circumstances necessary to justify the development do not therefore exist and the proposed outbuilding would conflict with national policy set out in the NPPF and with LP Policy GBR1.
20. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 9 July 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/J1915/D/19/3228089

15 The Bourne, Ware SG12 0PU

- 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 B Thorpe against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2774/HH, dated 19 December 2018, was refused by notice dated 12 March 2019.
 - The development proposed is a part single, part double storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. On the site visit I noted that works have been undertaken at the appeal site though these works appear to differ from those shown on the submitted plans. In determining this appeal my decision has been considered on the basis of the plans submitted and on which the Council made its decision.

Main issue

3. The main issue is the effect on character and appearance of the Conservation Area, with particular regard to trees.

Reasons

4. The site is an end of terrace property located on a corner plot within the Ware Conservation Area (CA) which whilst being within an urban setting has a verdant character and appearance. There are 2 silver birch trees located adjacent to the appeal site boundary within a roadside verge. The more mature of these trees is visible from the surrounding area and adds significantly to the character and appearance of the CA.
5. The proposed development would be in very close proximity to the more mature silver birch. The appellant's submission states that roots of this tree are unlikely to be compromised. This is based on an assumption that the existing boundary wall has particularly deep footings and therefore the roots will be unlikely to extend into the appeal site.
6. However, no detailed evidence has been provided to substantiate this, the appellant's revised Tree Survey is clear that the positioning of the roots has not been definitively ascertained. The Council consider the wall has been

- constructed more recently and is unlikely to have foundations as deep as the appellant has suggested.
7. Furthermore, the position of the trees is identified as being approximate and based upon the appellant's proposed plans. Whilst from my site visit it is evident that the location of the trees, as indicated, are unlikely to be wholly inaccurate I am not convinced that it has been fully demonstrated that the trees would be preserved.
 8. Even if it were to be demonstrated that the root system of the more mature silver birch would not be adversely affected it is evident from the details submitted that the canopy would be close and probably overhang the proposed extension. The appellant's submitted Tree Survey grades the tree as a Cat B (trees of moderate quality with an estimated life expectancy of at least 20years) and indicates that it is in good structural condition and free of significant defects.
 9. The tree has not reached full maturity and it is likely that branches will spread further over the extension and make contact with the building. Taking into account the orientation of the site, proximity of the tree and its potential growth there would be pressure in the future to prune or remove it due to, its effect on light, maintenance, and safety or structural integrity concerns.
 10. I note that the '*Ware CA Appraisal and Management Plan: Plan 2 adopted management plan*' did not specifically identify the tree. However, from my visit it is clear the tree has significant amenity value, aiding in breaking up the built form and contributing to the overall verdant character of the CA.
 11. Based on the evidence before me and my observations on site I am not convinced that the tree would not be adversely affected and consider the loss of the tree would result in harm to the CA neither preserving or enhancing its verdant character and appearance. Although the Council have not raised concerns with the effect on the CA, for the above reasons any effect on the trees would affect the character and appearance of the CA.
 12. It is also noted that a '*Construction Exclusion Zone*' has been suggested to minimise impact on the existing trees. Whilst this would provide some protection, I do not consider this would be sufficient to ensure the tree was protected in the long-term as it does not include all of the crown spread.
 13. The proposed development would cause harm to the CA as it is not possible to determine with any degree of certainty that the proposed development has made adequate provision for the preservation of the existing trees which contribute positively to the character and appearance of the CA. That is a matter which must attract considerable importance and weight against the proposal.
 14. Whilst the harm to the CA would be less than substantial and the extension would provide additional living accommodation for the appellant there are no public benefits that would outweigh the harm I have identified.
 15. Therefore, for the reasons stated above the development would conflict with policy DES3 of the East Hertfordshire District plan 2018 which states that developments must demonstrate how existing landscape features will be retained and protected.

Conclusion

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

A Denby

INSPECTOR



Appeal Decision

Site visit made on 10 June 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/J1915/W/19/3224944

138 Hertingfordbury Road, Hertford SG14 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Johnson against the decision of East Herts District Council.
 - The application Ref 3/18/2787/FUL, dated 20 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is a new detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling at 138 Hertingfordbury Road, Hertford SG14 2AL in accordance with the terms of the application, Ref 3/18/2787/FUL, dated 20 December 2018, subject to the conditions in the Schedule attached to this decision.

Procedural Matter

1. In an attempt to overcome the council's reasons for refusal, the appellant has submitted plans with their appeal documents for a substantially different proposal. These plans have not been subject to public consultation and I have therefore determined the appeal on the basis of the plans on which the Council based their decision.

Main Issues

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

Reasons

The effect of the proposal on the character and appearance of the local area

3. The local area is residential in character, with semi-detached and terraced houses and their gardens, with some detached garages associated with properties on Valeside, providing the immediate setting for the appeal site.
4. The proposed detached dwelling is a 2 storey, four bedroom house in an 'L' plan that would be located on a site comprising the rear half of the steeply

- terraced garden of 138 Hertingfordbury Road (No 138). This reduces the size of the garden to this dwelling, but not to an unacceptable degree.
5. The proposed dwelling would be located at the site's highest point, with the lower floor located on a lower terrace. A second lower terrace would provide garden and car parking, accessed from a shared driveway shared with 134a to c Hertingfordbury Road (Nos 134a-c).
 6. Although at a higher level than Nos 138 and 140, in width, depth and height the proposed dwelling would appear as being similar in scale to other neighbouring dwellings. The intended external materials, roof profile and architectural expression of the proposal reflect that of other dwellings in the local area and would be complimentary to the existing streetscape. The stepped design of the proposed dwelling and its integration into the topography of the site by terracing would mean that the development would not appear as over-intensive and being visually out-of-keeping with the character and appearance of the area.
 7. Although the proposal would involve some loss of greenery of limited significance to the verdant character of the area, the provision of new planting as part of the landscaping of the proposed terracing can be made the subject of a suitable condition.
 8. I conclude that the proposal would respect the form and grain of existing dwellings in the area and would not be harmful to the character and appearance of the area and would be in accordance with Policies DES2, DES3 and DES4 of the East Herts District Local Plan 2018 (DLP), which seek to ensure that development respects the character of the site and surrounding area, conserves the districts landscape character and ensures that development proposals include appropriate compensatory planting.

Living conditions

9. The proposal would be visible in oblique views from the rear of No 134c and from its rear garden. Whilst the views of the proposal from this property would not be overbearing or visually intrusive, due to the proposal being set into the land by terracing, there would be potential for some partial overlooking and perception of or loss of privacy to occupiers when using the garden. This could, however, be reasonably mitigated by a planting screen or hedge etc as part of a landscaping scheme made the subject of a suitable condition.
10. As No 140 has a large garden and No 138 would still retain an adequate garden, there would be enough distance from the proposal for there to be no overbearing effect or significant overlooking or loss of privacy to the occupiers of these dwellings.
11. When viewed from properties at 44 to 50 Valeswood, the overall scale and massing of the dwelling would appear to be that of a single storey building due to the proposal's setting. This is due to the proposal's stepping into the surrounding topography as part of the proposed terracing and its unassertive hipped roof profile. Although taller than the detached garages and fencing at this upper level, due to the distances involved between these properties and the proposed dwelling, its effect would not be overbearing, visually intrusive nor would give rise to degrees of overlooking beyond which would be reasonably expected in such a residential area.

12. The proposal would not result in significant harm to the living conditions of neighbouring residential occupiers through overbearing, and overlooking, to the extent that potential harm to the occupiers of No 134c through overlooking and loss of privacy, could not be mitigated by the application of a condition requiring the submission of a suitable landscaping scheme.
13. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with Policies DES2, DES3 and DES4 of the DLP, which seek to ensure that development proposals avoid detrimental impacts on the amenity, including privacy, of neighbouring properties and include appropriate mitigating landscaping measures, which take into account the effect of development on the amenity value of landscaping and local conditions.

Other Matters

14. Concerns have been raised by other parties in relation to land ownership, restrictive covenants, rights of way, disputes over property boundaries, commercial parking and sewerage and utilities connections. These are legal issues, not material to my remit of assessing the proposal on its planning merits and impacts.
15. As the site would be safely accessed from the public highway by way of a shared driveway, the proposal would not result in pressures in relation to local on street parking provision or road safety.
16. Concerns raised in relation to the support of excavations are not material planning considerations and fall within the remit of Building Control legislation.
17. Noise and disruption during construction can be mitigated by imposing a condition limiting hours of construction and are not necessarily material reasons that justify refusal of planning permission.
18. The information submitted in relation to a previous appeal and the use of other properties owned by the appellant are not material to my determination of this appeal, that I have considered on its own merits.
19. The Council has drawn my attention to a dismissed appeal for a larger dwelling and an allowed appeal for smaller dwelling on the site. Whilst there may be differences and similarities of both to the proposal, in determining this appeal I have considered it on its own merits.

Conditions

20. I have considered the conditions suggested by the Council, I find, however that there are no material considerations with regard to the protection of privacy, which would justify the imposition of a condition limiting rights set out in the General Permitted Development Order 2019. In addition to the standard condition that provides a timescale for the commencement of the development and to provide certainty I have added a condition to ensure that the development is carried out in accordance with the approved plans.
21. To protect the living conditions of neighbouring residential occupiers I have imposed conditions that controls the hours of construction. To protect the living conditions of the occupiers of No 134c I have imposed a condition requiring the obscured glazing of the first floor bathroom and a condition requiring the

submission of a scheme of hard and soft landscaping, that is also intended to protect the character and appearance of the local area. To this end, I have also imposed a condition requiring the submission of details /samples of external materials.

22. In the interests of wider environmental standards and safety I have imposed a condition that deals with the environmental risks associated with contamination of the site, which includes safeguarding, monitoring and reporting measures to be agreed prior to the commencement of development. In the interest of road safety, I have imposed a condition in relation to parking provision prior to occupation.

Conclusion

23. With the presumption in favour of sustainable development contained in the National Planning Policy Framework in mind, I confirm that the benefits of granting planning permission would significantly and demonstrably outweigh any adverse impacts.

24. For the above reasons and with regard to all other issues raised, the appeal is allowed.

Victor Callister

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans 12262-P020-E and 9186481
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. 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 building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 6) The building hereby permitted shall not be occupied until the window at the upper floor bathroom has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) The building hereby permitted shall not be occupied until the vehicle parking and turning spaces have been constructed in accordance with drawing no. 1226-PO20-E. These spaces shall thereafter be retained for their designated use.
- 8) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.



Appeal Decision

Site visit made on 8 August 2019

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/J1915/D/19/3231397

119 Station Road, Puckeridge, Ware, SG11 1TF

- 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 Dr Collette Cochrane against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0133/HH, dated 24 January 2019, was refused by notice dated 8 April 2019.
 - The development proposed is the conversion of a front garden, approximately 50 m², to provide vehicular access and hardstanding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed vehicular access and hardstanding on the character and appearance of Station Road.

Reasons

3. No 119 is a modern semi-detached house situated on the northern side of Station Road, close to the junction with Perowne Way. The Puckeridge Tributary, which is a small brook, runs along the eastern boundary of the site and then turns to the east to follow the road. The property, along with the adjoining No 117, was recently constructed on what was once the side garden of No 115 Station Road. There is a service road running between Nos 115 and 117 that leads to a parking area for 4 cars at the rear. This parking area apparently serves Nos 115, 117 and 119 Station Road, and there is access to the appeal property via a gate from the parking area.
4. The proposed development would involve the construction of a hardstanding for a vehicle on what is now the front and side gardens of No 119. The development would include the creation of a 4m wide vehicular access through the current front hedge and verge, with a new crossover onto Station Road.
5. The appeal property was erected subsequent to a planning permission in 2015 for a pair of semi-detached houses. The permission was subject to a landscaping scheme which required the maintenance of the hedge on the front boundary of the plot and the strengthening of the landscaping behind the hedge, to include retention of an existing tree close to the eastern boundary, alongside the tributary.

6. The current front and side gardens at the appeal property are given over entirely to lawn, with the original tree still in place. There is a small area of grass immediately to the front of the house, with a slight drop in levels between this and the larger grassed area to the side. The side garden is largely triangular in shape and this area would become a hardstanding for car parking, whilst the small front garden would also be paved. It is not clear how the difference in levels would be dealt with.
7. Policy DES3 of the Council's District Plan (DP) indicates that development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features. Moreover, where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.
8. Policy NE3 of the DP indicates that development should always seek to enhance biodiversity and to create opportunities for wildlife, and that proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Moreover, proposals should detail how physical features will be maintained in the long term, and development which would result in the loss or significant damage to trees or hedgerows will not be permitted.
9. The Council contends that the proposed development would result in the loss of existing hedging both to the front of the property and adjacent to the Puckeridge Tributary. The Council acknowledges that the loss would be relatively minor, but there is already adequate parking available at the rear of the property and no justification exists for the reduction in the quality of the street scene and the loss of riverside habitat.
10. The appellant contends that there would be very little loss of front hedge, and that the hedging along the bank of the tributary would not be affected. From the information before me, it would appear that the boundary fence to the side of the appeal plot, whilst somewhat higher than that previously existing, would occupy roughly the same line, and the proposal would be contained within the boundary. It would therefore have little or no additional impact on the habitat alongside the tributary at the side of the appeal site.
11. However, this part of Station Road is typified by a degree of openness created by the tributary as it turns to run along the side of the road, and by the school campus further to the east. The hedge at the front boundary of the appeal property, together with the garden and other boundary treatments, appear as a visual continuation of this openness. The hedge has already been punctuated by the front entrances to the new houses and the strengthening of the landscaping along the front of the property has not yet taken place. I consider that the proposal, which would create a hardstanding across the whole of the front and side gardens of the property, would be harmful to the character and appearance of this part of Station Road, and would fail to protect and enhance existing landscape features which are of amenity and biodiversity value.
12. The existing tree in the side garden is a significant feature in the visual appearance of the property. Whilst it may well be possible to protect the root system of the tree as part of the development, I have concerns that the hardstanding and the resultant activity under and around the tree associated

with car parking and related activities, could damage the health of the tree in the long term, or could lead to proposals to remove, or significantly cut back the tree at some time in the future. This would add to the harm to the character and appearance of the area as outlined above.

Other Matters

13. The appellant contends that the position of the allocated parking at the rear of the property is unsatisfactory and feels unsafe. I have some sympathy with the appellant if that is the case. However, it is likely that there would be other ways of improving surveillance and access with regard to the existing shared car parking area, and also potential for provision of electricity charging points at the rear of the property. I do not consider, therefore, that this issue compensates for, or outweighs, the harm to the character and appearance of the area that would be caused by the proposal.
14. The appellant has also offered an alternative landscaping plan to that submitted, which would result in a small amount of grassed area around the tree and along the side boundary being retained. However, it is not the function of the planning appeal system to enable the ongoing development of a scheme. In any case, it would appear unlikely that retention of a small area of grass/garden could compensate for the significant loss of landscape and biodiversity features that would result from the proposal.

Conclusion

15. I find that the proposal would be harmful to the character and appearance of the area around Station Road, and that it would conflict with Policies DES3 and NE3 of the DP. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR



The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Customer Services:
0303 444 5000

Email:
cat@planninginspectorate.gov.uk

www.gov.uk/planning-inspectorate

Your Ref:

Our Ref: APP/J1915/D/19/3234572

Mr Phil Thornton
Cabotlane
12 Benfield Way
BRAINTREE
CM7 3YS

06 August 2019

Dear Mr Phil Thornton,

Town and Country Planning Act 1990

Appeal by mr Imdad Hussein

Site Address: Penrhyn, London Road, Spellbrook, BISHOP'S STORTFORD, CM23
4BA

Thank you for your Householder (HAS) Appeal received on 04 August 2019.

Appeals and all of the essential supporting documentation must reach us within 12 weeks of the date of the local planning authority's notice of the decision.

As we received this appeal(s) after the time limit, we are unable to take any action on it.

I am sending a copy of this letter to the local planning authority.

Yours sincerely,

Validation Officer A10

Validation Officer A10



Appeal Decision

Site visit made on 22 July 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/J1915/W/19/3225648

Home Farm, Brickendon Bury, Brickendon, Hertfordshire SG13 8NP

- 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 Owl Flooring against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2289/FUL, dated 9 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the redevelopment of an existing commercial office and storage unit (Class B1/B2) and replacement with a single dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of an existing commercial office and storage unit (Class B1/B2) and replacement with a single dwelling in accordance with the terms of the application Ref 3/18/2289/FUL, dated 9 October 2018, subject to the 12 conditions in the attached Schedule.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was amended after the Council refused the appeal application. I have taken the amended Framework into account as a material planning consideration as part of the determination of this appeal.
3. The appellant has submitted amended plans as part of this appeal. These plans do not propose any alterations to the proposed dwelling, but they do include a reduced car parking area and reduced garden space. The amendments are minor and I am satisfied that there would not be any significant prejudice to any of the interested parties from a public consultation point of view by determining the appeal on the basis of such amended plans. I have therefore proceeded on this basis.
4. There is a lack of clarity between the parties in terms of the lawful use of the existing building, though they do agree that there it was originally built with the intention of being used as a stable. I note the references to the various uses of the building over the years, including the appellant's declaration, but a Section 78 planning appeal like this is not an appropriate mechanism for determining the lawful use of a building. This is a matter that should be considered by means of the submission of an application for a certificate of

lawful development and, if that were to be refused, the subject of an associated appeal.

5. In any event, the lawful use of the building is not a determinative matter here. There is no dispute between the main parties that from an operational development point of view the building is lawful, that the site comprises previously developed land (PDL) and that the proposal would not amount to the replacement of a building in the same use. I have therefore determined the appeal on this basis and it has not been necessary for me to consider the lawful use of the building any further.

Main issue

6. The appeal site is in the Green Belt and so the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Reasons

7. The appeal site includes a small, single storey brick building located within land designated as Green Belt and in close proximity to a mixed business and residential development based on the historic estate of Brickendon Bury, a grade II listed country house. The proposal is to demolish the appeal building and to replace it with a studio dwelling including a single bed mezzanine sleeping area.

Whether inappropriate development

8. The adopted East Herts District Plan 2018 (DP) Policy GBR1 states that planning applications within the Green Belt will be considered in line with the Framework. Paragraph 143 of the Framework advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, unless one of the listed exceptions applies. These include: (g) the limited infilling or the partial or complete redevelopment of PDL where this would not have a greater impact on the openness of the Green Belt than the existing development. As above, there is no dispute between the parties that the proposed dwelling would be erected on PDL.
9. The key consideration is whether the proposal would have a greater impact on the openness of the Green Belt than the existing situation. The proposed building would be very similar in size, though slightly larger in that part of it would be extended downward into the slope to create enough height for the sleeping deck. In relative terms, this would be a small percentage increase in built volume - not to the extent that I could reasonably conclude that the replacement building would have a greater impact on the openness of the Green Belt.

10. I acknowledge that the amended proposal also includes a car parking space and a small garden. The intermittent parking of one vehicle in a position closely associated to the dwelling would not, however, have a significant impact on the openness of the Green Belt. In this context, I do not consider that this part of the proposal would have a greater impact on the openness of the Green Belt or indeed conflict with any of the 5 purposes of the Green Belt as outlined in paragraph 134 of the Framework. In respect of the garden area, the removal of permitted development rights for the erection of outbuildings and most extensions would ensure that there would be no greater impact on the openness of the Green Belt in this area.
11. For the collective reasons outlined above, I conclude that the proposal would not be inappropriate development in the Green Belt: the development would amount to the redevelopment of PDL and would not have a greater impact on the openness of the Green Belt than the existing development. It would therefore accord with DP Policy GBR1 and would meet exception (g) in paragraph 145 of the Framework. As the proposed development would not be inappropriate in the Green Belt, there is no need to consider the second main issue.

Other matters

12. I have also considered other points raised, including those made by the occupiers of neighbouring properties and the Parish Council. Interested parties assert that the site is not located in an accessible location. The appeal site is located in the countryside, over 1 km from Hertford and there is no safe and easy walking route to the town. Public rights of way to the town can only be reached by walking along parts of the local road which have no footways or lighting. Although I consider that the occupiers of the dwelling may on occasion be able to use a bicycle to access day to day facilities and services in nearby Hertford, the evidence before me suggests that it is very likely that the occupiers of the proposed dwelling would mainly have to rely on a private motor vehicle to reach day to day amenities and services. It is of note, however, that the Council does not raise this matter as a reason for refusal in its decision notice.
13. In the context that the appeal site falls within the countryside, that only one very small dwelling is proposed and that some bicycle use to nearby Hertford may be possible, I do not consider that a refusal of planning permission would be justified in terms of locational accessibility. Indeed, paragraph 102 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making.
14. The proposed dwelling would not be an isolated home in the countryside because it would be closely aligned to existing buildings and people¹, so the restrictions set out in paragraph 79 of the Framework do not apply. The proposed replacement building has been sympathetically designed to complement the nearby development, which is of a mixed character. Limiting the size of the garden would also help to minimise the impact on local character. The proposed dwelling would be set well away from the nearest

¹ With reference to the judgement in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 "...

listed buildings and would not have an adverse impact on their settings. Furthermore, there is no evidence that the proposal would have an adverse impact on the designated area of archaeological significance.

15. I am not aware of any reason why utilities and drainage could not be provided. Safe and acceptable access would be available to the highway and there is no objective evidence before me to indicate that the proposal would have any significant effect on the operation of any nearby commercial enterprise. Finally, although I note that in the past some trees have been removed from the site, the Council has confirmed that such trees were not the subject of a Tree Preservation Order. It has been necessary for me to determine this appeal on the basis of the site conditions that exist now.
16. None of the other matters raised alter or outweigh my conclusion on the main issue or my overall conclusion that planning permission should be granted for the proposed development.

Conditions

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
18. Planning permission is granted subject to the standard 3 year time limit condition. It is necessary to impose a condition specifying the relevant plans for the avoidance of doubt and in the interests of certainty. Two pre-commencement conditions are exceptionally justified to ensure that adequate attention is paid to the recovery, recycling and proper disposal of materials and to the siting of the construction compound and parking areas. In part this is required to ensure that thought is given to the potential harm to the remaining trees at the site from construction vehicles and storage.
19. Approval of external building materials and hard surfacing plus restrictions on additional vehicular accesses and external lighting are all necessary to protect the rural character and appearance of the area. It is necessary that foul and surface water drainage details are submitted for approval in the interests of public health and the living conditions of the occupiers of the appeal dwelling and surrounding buildings. Conditions regarding garden size and the removal of some permitted development rights are exceptionally needed and justified in order to protect the openness of the Green Belt and the character and appearance of the rural area. Lastly, a condition requiring the laying out of a parking space is needed to ensure adequate car parking, in the interest of highway safety.

Conclusion

20. For the reasons set out above, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

[Schedule of conditions follows]

SCHEDULE OF 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: 18-115-101, amended proposed site plan 18-115-102D, 18-115-103, 18-115-104A, 18-115-105, 18-115-106A and survey plan BBS-BB-EGL-SU-00.
- 3) Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to: re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. These measures shall be implemented in accordance with the approved details.
- 4) Prior to the commencement of the development hereby permitted, plans shall be submitted to and approved in writing by the Local Planning Authority indicating the provision of space within the site to provide for the parking of construction workers' vehicles and for the delivery and storage of materials. Such space shall be maintained for the duration of construction works in accordance with the approved plans.
- 5) Prior to any above ground construction works being commenced as part of the development hereby permitted, a schedule of the external materials of construction for the building and hardsurfacing hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) Prior to any above ground construction works being commenced as part of the development hereby permitted, a detailed scheme for foul water and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until this scheme has been implemented in full and the approved drainage facilities shall thereafter be maintained operational.
- 7) Prior to first occupation of the dwelling hereby permitted, facilities for the storage and removal of refuse and recycling from the site shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be maintained thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no works or development as described in Schedule 2, Part 1, Classes A or E of the Order shall be undertaken without the grant of express planning permission.

- 9) The area marked in green as 'retained paddock land' on approved plan 18-115-102D shall be fenced or otherwise physically enclosed from the curtilage of the dwelling hereby permitted in accordance with details first submitted to and approved in writing by the Local Planning Authority and shall not be used as residential garden land or for any other domestic purpose in association with the dwelling hereby permitted.
- 10) No external lighting shall be installed in connection with the development hereby permitted other than in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no vehicular access shall be formed into the site other than as shown on the approved plan 18-115-102D, unless otherwise agreed in writing by the Local Planning Authority.
- 12) Prior to first occupation of the dwelling hereby permitted, one off-street car parking space with a minimum dimension of 2.4m by 4.8m shall be provided in accordance with the details shown on approved plan 18-115-102D. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved space shall thereafter be maintained available for the parking of vehicles.



Appeal Decisions

Site visit made on 20 August 2019

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal A: APP/J1915/W/19/3228803

Wayside Cottage, Baldock Road, Cottered SG9 9QW

- 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 Duncan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0401/HH, dated 19 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is single storey side and single storey rear extension with glazed links.
-

Appeal B: APP/J1915/Y/19/3228808

Wayside Cottage, Baldock Road, Cottered SG9 9QW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Duncan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0402/LBC, dated 19 February 2019, was refused by notice dated 25 April 2019.
 - The works proposed are single storey side and single storey rear extension with glazed links.
-

Decisions

1. I dismiss both appeals.

Main Issue

2. The property is listed Grade II and is within the Cottered Conservation Area. The main issue in both appeals is the effect of the proposals on designated heritage assets.

Reasons

3. The District Plan was adopted in October 2018 and Policy GBR2 states that the extension or alteration of a building will be permitted, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas, and Policy VILL2 sets out requirements for development within Group 2 villages such as Cottered. Extensions to existing buildings are to be of a high standard of design with further requirements detailed in Policy DES4, while Policy HOU11 is specific to extensions to dwellings with criteria on size, scale, mass, form, design and materials among other matters. Designated heritage assets

generally, and conservation areas and listed buildings in particular, are the subjects of Policies HA1, HA4 and HA7.

4. The latter policies are in-line with the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 124 of the 2019 National Planning Policy Framework states 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. Paragraph 193 states that 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.
6. Both of the proposed extensions would be joined to the dwelling by way of the full width rear 'outshot' which the Council refer to as an '*extension previously added to the property*' and which the appellant's Historic Building Recording and Analysis describes as '*a post 1975 extension across the rear of the building which has MC20th style windows*'. Whilst there is no firm proof of the date, with the planning history showing only the detached garage, this appraisal appears correct but is at odds with the appellant's view in paragraph 4.7 of the Appeal Statement that the rear lean-to extension was constructed prior to 1 July 1948 and should be considered as the 'original building'. Whatever the provenance of the existing rear addition, its form is similar to an historic out-shot and it sits well with the shallow, truly historic, building.
7. That Recording and Analysis also exposes various alterations to the house over time, such that the architectural significance of the building has been eroded, but it still forms a positive feature of the conservation area, and the garage is sufficiently divorced visually as to not disrupt that appreciation. The listing description draws attention to its prominence at the start of the village green and makes clear that the adjoining Flint Cottage is also listed. Consideration of the historic significance should be tempered by the numerous alterations that have taken place.
8. The proposal constitutes 2 separate extensions, and whilst there would be some different changes to the internal arrangement of the lean-to if one or the other were to be constructed alone, they may be considered separately as to their effect on the listed building and the conservation area. In addition, and as referred to by the Council, there would be a cumulative effect if both were to be constructed. The appellant's reference to a 50% threshold, derived from pre-application advice, is not a safe rule for listed building works, and notice should be taken of the actual effects.

Rear Kitchen and Dining Room Extension

9. This would project from the rear of the dwelling to a point almost at the rear red-line boundary, formed by a fence, and would have a hip-ended pitched roof further from the dwelling and a vertical gable end nearer, with a flat roofed linking corridor with glazed sides, that to the east being a door. The need to

arrange headroom across the width of the linking piece results in the flat roof reaching the lean-to part-way up the sloping roof.

10. The use of the vertical gable and the linking piece would place the bulk of the pitched roof some way distant from the historic building, but its height and extent would be a prominent feature of the works and would vie for attention, tending to overwhelm the rear of the dwelling and erode the architectural significance of the listed building. The building has been kept away from the projecting flank wall of Flint Cottage, but the resulting varied gap, accessed from a new rear door, would be an unresolved space, further detracting from the setting of the building.
11. Due to the position of the garage, the high boundary wall and the main house, there would be limited, if any, public views and the effect on the conservation area would be neutral. However, the preservation of listed buildings does not rely on a public view, and the shortcomings identified above are not excused or justified by that lack.
12. It is concluded that the rear extension would cause harm to the significance of the listed building if constructed alone. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. The photographs in the appellant's Recording and Analysis show aspects of the dwelling that are considered to be poorly laid-out, poorly equipped or possibly only dated, and certainly from the plans there is wasted space with a large bathroom but small kitchen, and no dedicated dining room or area. However, as a small cottage the premises do not appear to be at risk of falling out of the optimum use as a dwelling, and although there are public benefits in the willingness of a private owner to invest in improving a property for its continued use, in this case those benefits do not outweigh the harm identified.

East-side Bedroom Extension

14. This extension would have a pyramid roof and the glazed link would be arranged as a continuation of the rear lean-to slope, kept suitably low and providing 2m headroom only over the central part of the walkway. There is a question over the use of slate, as the lean-to is tiled, but slate would be the more acceptable, and conditions could address any need to re-roof the lean-to to suit. The pyramid roof form and the near-square plan would present a 'pavilion' feature to one side of the listed building, attached only to the less significant rear addition, and sufficient room would remain between it and the garage.
15. However, the short length of the linking piece in this case would place the building too close to the significant end wall of the original cottage and would extend across that wall, the combination of the extent of overlap but more particularly the proximity lead to a visual erosion of the architectural significance of the cottage as a whole and the short length of the linking piece would not be readily appreciated, leading to an ambiguity over the role of the 'pavilion' as to whether it is an addition or a garden building.

16. The result is harm to the significance of the listed building and in this case to the character and appearance of the conservation area due to its visibility from the road and the bus stop opposite where people would likely linger. Again, the harm would be 'less than substantial', and less harmful on that long scale than the rear addition.
17. The benefits are different also, as the apparent single bedroom available in the house is at odds with the floor area of other accommodation, notwithstanding the inefficient use of space. The low headroom on the first floor and the space used by the landing limit the amenity and the provision of another bedroom of useful size and standard headroom would fit the building more surely for the future. However, in this case whilst the benefits are tangible, there are options available to the appellant, it not being the purpose of a planning appeal to suggest them.

Conclusions

18. To conclude on both appeals, the proposed extensions would cause harm to designated heritage assets, and there are no benefits of sufficient weight to overcome that harm or otherwise justify the works, so that the proposals fail to accord with the Development Plan and national policies on good design and the treatment of heritage assets in particular, and would not accord with the statutory tests in the 1990 Act. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 19 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/J1915/D/19/3232061

Shems Barn, The Street, Aspenden, Buntingford, Hertfordshire SG9 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M. Cheatham against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0426/HH was refused by notice dated 25 April 2019.
 - The development proposed is part conversion of redundant stable block to granny annexe and remaining part to be used as storage serving the residential use of the site.
-

Decision

1. The appeal is dismissed.

Conservation Area

2. The appeal site lies within the Aspenden Conservation Area and lies adjacent to a Grade II listed building. The Conservation Area comprises much of the surrounding built up area and identified important open spaces.
 3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
 4. The National Planning Policy Framework advises that 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.
 5. The proposal is to convert an existing stable block to a residential annexe and part store. This would include new timber doors and timber framed windows. The Council has not raised concern regarding the location within the Conservation Area or the setting of the listed building. From my observations, due to the design of the proposal, I consider that it would preserve the character and appearance of the Conservation Area and not have an adverse effect on the setting of the listed building.
-

Main Issue

6. I consider the main issue to be whether the proposal would constitute the creation of an independent dwelling and if so, whether the proposal would constitute sustainable development in this rural location.

Reasons

7. District Plan Policy HOU13 (a) requires, amongst other matters, that residential annexes in separate outbuildings are close to and well related to and have a clear functional link to the main dwelling. In addition, the scale of the annexe should not dominate the existing dwelling and should be of a minimum level of accommodation required to support the needs of the occupant.
8. The proposal includes the conversion of an existing stable block to an annexe with a garden store. I note that the services to the existing dwelling would be utilised. The annexe is required for a family member who would continue to take most meals with the family in the existing dwelling.
9. Whether the proposal would be an annexe or an independent dwelling is a matter of fact and degree. The distinctive characteristic of a dwelling house is its ability to afford to those who use it the facilities required for day-to-day private domestic existence.
10. The building is some distance to the rear of the existing dwelling. The conversion would provide a bedroom, wet room, lounge and kitchen with a rear patio area. Whilst the rear patio area would not be separated from the rest of the garden, due to its position and particularly its sunken nature, it would appear to provide private external amenity space for the annexe.
11. From my observations, with the provision of a reasonably sized kitchen and a wet room, I see no difference between the proposal and a small independent dwelling. The facilities within the building would make the building capable of being used as a separate dwelling and given the separation distance between the building and the existing dwelling; I see no clear functional link to the main dwelling. In my opinion, this would be more than an annexe to the main house.
12. District Plan Policy HOU13 (b) requires the scale of an annexe to not dominate the existing dwelling and to be the minimum level of accommodation required to support the needs of the occupant.
13. I have not been provided with any information regarding any particular accommodation needs of the family member. The proposed annexe would be of a generous size. From my experience, this would be significantly larger than one would normally associate with the minimum needs of a single person in one bedroom accommodation. Therefore, I consider it reasonable to assume that the accommodation would be significantly greater than the minimum level of accommodation normally required for an annexe for one person.
14. Given the size of the accommodation proposed in the annexe, (without the garden store), in relation to the modest size of the existing dwelling, it would not be subservient to the existing dwelling. As such, it would dominate the dwelling. The character of the site would unacceptably significantly alter from a dwelling with an outbuilding to the rear to two dwellings sharing a vehicular access.

15. For the above reasons, the proposal would be contrary to District Plan Policy HOU13. I consider that the proposed annexe would be tantamount to being a new dwelling in the countryside. Therefore, I have determined the appeal before me in this respect.
16. The appeal site lies within the rural area beyond the Green Belt as defined in Policy GBR2 in the East Herts District Plan 2018. In order to maintain the rural area beyond the Green Belt as a valued countryside resource, this policy restricts development to a list of types of development, providing they are compatible with the character and appearance of the area. One of the acceptable types of development is the alteration of a building provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding area. District Plan Policy DES4 seeks a high standard of design, including the need for new development to respect or improve upon the character of the site.
17. I have found above that the proposed alteration to the building would not be appropriate to the character of the site. This would not contribute towards maintaining the rural area as a valued countryside resource. Thus, the proposal would be contrary to District Plan Policies GBR2 and DES4.
18. I have been referred to Policy HD1 in the Neighbourhood Plan (2017) that covers this area. The Policy allows small scale infill development within or immediately adjoining significant existing clusters of development in the rural areas subject to other policies in the Plan. This is a material consideration. I have not been made aware of the other policies in the Neighbourhood Plan that are referred to in Policy HD1. The development plan has to be read as a whole and where there is conflict, the most up to date policies prevail. In this instance, the determining policies are District Plan Policies HOU13, GBR2 and DES4.
19. It must be acknowledged that at the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. It sets out the three overarching objectives which are interdependent.
20. In terms of the social objective, the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. It seeks to avoid new isolated homes in the countryside other than in accordance with specified circumstances, including the re-use of a redundant or disused building that enhances the immediate setting. I have found that the proposal would not enhance the setting.
21. In terms of its location, the proposal would contribute little towards maintaining the vitality of this sporadic rural community and thus would make little contribution to the social objective of sustainability.
22. Turning to the economic role, some very small benefit would accrue in relation to the conversion of the building. I now turn to the environmental role. Although the proposal is for a conversion of an existing building, the Framework maintains that development should be sustainable and that the countryside should be protected for its intrinsic character and beauty. By converting the building to living accommodation capable of being used as a completely independent dwelling, but not appropriate to the character of the

site, this would not contribute towards maintaining the rural area as a valued countryside resource.

23. The harm is so significant in terms of both the social and environmental objectives that taking the three overarching objectives together, the proposal would not constitute sustainable development.
24. I have been referred to an extract from Appeal Decision Ref: APP/J1915/W/18/3216376 with regard to the re-use of an existing redundant barn for housing purposes in Aspenden. I have determined the proposal before me on its individual merits, based on the particular circumstances of the appeal site.
25. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would be tantamount to the creation of an independent dwelling and would not constitute sustainable development in this rural location. Thus, I dismiss the appeal.

J L Cheesley

INSPECTOR



Appeal Decision

Site visit made on 17 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/J1915/D/19/3230083

60 Station Road, Puckeridge SG11 1TF

- 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 Richard Millward against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0467/HH, dated 3 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is a dormer extension and associated changes to form an additional bedroom with an en-suite.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has questioned whether the side extension is required to be included in the planning permission refused by the Council. However, regardless of this issue, my decision is based on the proposal for a dormer extension as applied for and described in the planning application.

Main Issue

3. The main issue of this appeal is the effect of the proposal on the character and appearance of the host dwelling and that of the local area.

Reasons

4. 60 Station Road is an extended semi-detached house located in a part of the street made up of similar dwellings of the same age and design. Although the existing first floor side and rear extensions are substantial, they are well considered in their design and do not appear as overly bulky, sitting comfortably within the context of the existing house and local area.
5. Notwithstanding that the proposed first floor dormer extension would appear to be within permitted development rights parameters for such extensions under the General Permitted Development Order, the addition of this extension would, in combination with the proposed change from hip to gable roof form and other roof profile variations, appear confusing and visually jarring. This would have the effect of fundamentally altering the character and appearance of the building.
6. Due to its bulk and excessive scale in relation to the host building the proposed first floor dormer extension and gable roof form would, due to space between

semidetached pairs and the curve of the street, be prominent in both public and private views of the rear of the property. In these views the proposal would, due to its scale and resulting confusing roof form, fail to appear as a subservient addition to the existing property, thus detracting from its character and appearance and that of the surrounding area.

7. The proposed dormer extension and gable roof form and other associated variations to the roof form would appear disproportionate and overly dominant in the context of the host building. The gable roof form would also be out of keeping and incongruous with the roof forms of semi-detached pairs of houses that provide the local context and setting for the appeal property.
8. Consequently, the proposal would result in harm to the character and appearance of both the host dwelling and that of the surrounding area and be contrary to Policies HOU11 and DES4 of the East Herts District Plan 2018, which seek to ensure a high quality of design in development that reflects and promotes local distinctiveness, that extensions are subservient additions to the host dwelling and that dormers do not dominate the existing roof form.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR