



Appeal Decision

Site visit made on 5 August 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/J1915/W/19/3222040

Media House, 40 Ware Road, Hertford SG13 7AB

- 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 Lee Williamson (LW Developments) against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2145/FUL, dated 14 September 2017, was refused by notice dated 21 August 2018.
 - The development proposed is construction of an additional storey to provide 4 x 2 bedroom flats, creation of 4 new car parking spaces and an enlarged bicycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since determination of the application the Council has adopted the East Hertfordshire District Plan (2018) (the District Plan). Consequently, Policy BH6 of the East Herts Local Plan Second Review (2007) referred to in the Council's reason for refusal no longer forms part of the development plan. Policies HA1, HA2, HA4 and HA7, also referred to in the Council's decision notice, now form part of the adopted District Plan and I have assessed the proposal against these policies.
3. During the planning application process, the appellant submitted an amended scheme, reducing the size of the proposal. However, the appellant has confirmed that it is the originally submitted larger scheme which they are seeking to progress. A Statement of Common Ground has been submitted by the appellant, and whilst this has not been signed by the parties, it also confirms the appellant's position that they wish to pursue the larger scheme. This is the scheme on which the Council based their decision and I have assessed the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hertford Conservation Area and preserve the setting of the Grade II Listed western office range of the Former Addis Brush Factory.

Reasons

5. Media House is a two-storey converted office building currently in use as 14 apartments. The building is situated on Ware Road and within Area 6 of the Hertford Conservation Area (CA). The significance of this part of the CA derives from its 19th and 20th century residential and industrial buildings, generally two or three storeys in height with a mix of architectural styles. Media House and the neighbouring Grade II Listed western range of the former Addis Brush Factory are of an Art-Deco style contrasting with the traditional architecture on the opposite side of the road. There is a further Grade II Listed building on the opposite side of Ware Road at the Saracen's Head Public House.
6. I acknowledge Media House and western range of the former Addis Brush Factory (the Listed Building) were constructed some years apart. I also saw on site that Media House is of considerably greater width and includes some differing individual detailing such as the white rendered front projections. However, regardless of its origins, this does not detract from the fact that Media House has a strong visual relationship with the Listed Building. The design, scale and form of Media House very much takes its lead from the Listed Building including the two-storey height, the curved projections and bay to the corresponding corners, its facing brickwork and the Art-Deco style windows. The brick parapet roof with the existing plant room on Media House also mirrors the roof form of the listed building. The comparable height and architecture can also be appreciated to the rear of the buildings from both private and public areas. As a result of their shared characteristics and position within the street, these buildings complement each other and together make a positive contribution to the character of the CA.
7. Whilst the design of the proposal takes its architectural style from the current building, the increased bulk and height of Media House and its close proximity to the Listed Building would detrimentally alter the balance of the two buildings. In particular, the parts of the respective buildings that sit either side of the intervening access road and provide a sense of symmetry to the street scene would no longer emulate each other. The current height of Media House ensures that it respects the scale of the Listed Building and does not dominate its setting. As a result of the scale and additional massing of the development, Media House would become more visually dominant. The increased stature and prominence of Media House would be further accentuated by the additional bulk and height over the existing white rendered front projections. Consequently, the status of the Listed Building within the street scene and the positive contribution the buildings make together to the character and appearance of the CA would be diminished.
8. I note the third-party comment submitted in support of the proposal which makes a comparison of the proposal with neighbouring buildings including a gymnasium and apartment building and suggests if these buildings were not considered to affect the Listed Building or the CA, then nor should the proposal. However, I must consider the proposal before me and I do not agree that these neighbouring developments are comparable in terms of their position within the street or their specific relationship with the CA and the Listed Building.
9. Taking all matters into account, the proposal would result in less than substantial harm accounting for the architectural approach and the relative scale of the proposal to the Listed Building and their context within the CA. In

accordance with Paragraph 196 of the Framework less than substantial harm should be weighed against the public benefits of the proposal. The site is in a sustainable location and would utilise an existing building, thereby making an efficient use of land. There would be a modest contribution towards the Council's housing requirements. There would also be a modest contribution to the local economy through the development of the site and subsequent expenditure of future residents. Limited social benefits would also arise through the use of local services and facilities by occupants of the dwellings. However, I must attach great weight to the need to conserve the CA and the setting of the Grade II Listed Building and find therefore that the modest and limited public benefits do not outweigh the less than substantial harm identified.

10. For the foregoing reasons, the development would not preserve or enhance the character or appearance of the Hertford Conservation Area and would not preserve the setting of the Grade II Listed western range of the former Addis Brush Factory. Consequently, in that regard, it would be contrary to Policies HA1 (Designated Heritage Assets), HA2 (Non-Designated Heritage Assets), HA4 (Conservation Areas) and HA7 (Listed Buildings) of the East Herts District Plan (2018) and to the requirements of the National Planning Policy Framework (the Framework).

Conclusion

11. For the above reasons the appeal is dismissed.

M Russell

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: 16 September 2019

Appeal Ref: APP/J1915/W/18/3206766

46 West Street, Hertford SG13 8EZ

- 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 Tucker and Mrs Emma Tucker against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/0863/HH, dated 16 April 2018, was refused by notice dated 11 June 2018.
 - The development proposed is demolition of existing single storey rear building and erection of a single storey extension with hipped roof in its place.
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Appeal Ref: APP/J1915/Y/18/3206773

46 West Street, Hertford SG13 8EZ

- 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 Steve Tucker and Mrs Emma Tucker against the decision of East Hertfordshire District Council
 - The application Ref: 3/18/0864/LBC, 16 April 2018, was refused by notice dated 11 June 2018.
 - The works proposed are demolition of existing single storey rear building and erection of a single storey extension with hipped roof in its place.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates 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). When considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.
3. Since the Council's original decisions to refuse planning permission and listed building consent the East Herts District Plan October 2018 (the District Plan) has been adopted. Therefore, in determining the current appeals I have given full weight to the policies within the up to date development plan document.
4. I understand that during the application process a revised drawing was submitted to the Council, but this is not referred to in the Council's decision notices. For the avoidance of doubt I have determined these appeals on the basis of the plans on which the Council refused the applications.

Main Issues

5. The main issues are whether the proposal would preserve 46 West Street which is part of a Grade II listed terrace, 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 Hertford Conservation Area.

Reasons

6. The appeal building is part of 40-46 West Street and was first listed in 1996. It is one of a terrace of four houses which dates back to the mid-eighteenth century. It is constructed of yellow-brown stock brick with Flemish bond, a Welsh slate roof, three brick chimney stacks and cream terracotta pots with cowl tops.
7. The building is three storeys with a six bay front. The first floor has four recessed sash windows, with six pane divided glazing beneath segmentally cambered rubbed brick flat arches, with two smaller intermediate sashes above the ground floor doors of Nos 42 and 44. There are four windows on the front elevation at second floor level. At ground floor level there are four large six pane sash windows and the door at Nos 40 and 46 are situated at the extreme right and left of the terrace respectively. The entrance door has a stucco surround and a single stone stepped threshold. There is a less measured rear elevation which is typical of dwellings of this period. It has a rather ordinary outshut which together with the adjacent yard provides a functional area with additions. The simplicity of these, in design and materials, is significant in demonstrating that role of it being a subservient part of the terrace.
8. The special interest of this building lies in it being a part of a fine mid-eighteenth terrace of residential properties. Although it has been extended and altered over time over time, it has been altered in a generally sympathetic way and retains its special historic and architectural interest, the alterations forming an integral part of the history of the building.
9. The site is situated in the Hertford Conservation Area. This part of the Conservation Area is dominated by listed buildings including those of a domestic scale at the eastern end of West Street, including the appeal property. The buildings in this locality are characterised by impressive historic frontages with subservient rear elevations with associated outshuts, additions and alterations. The building is also situated within an Area of Archaeological Significance.
10. The proposal is to demolish the existing single storey rear outshut and to replace it with a single storey rear extension. It would be relatively modest in scale and would extend across the width of the existing dwelling to fill a relatively small area of land between the existing kitchen and WC and the boundary wall with No 44. The extension would incorporate a shallow hipped roof with four roof lights and would have materials to match the existing external materials.
11. The proposed roof is relatively shallow in relation to the existing roof slope. I have taken account of the appellants' comments with respect to the design process, the difficulties in designing a suitable roof on the historic building and the presence of other hipped roofs in the vicinity of the site. However, the

- shallow hipped roof form would be rather convoluted and unsympathetic to the design of the host property. Although the appellant contends that the angle of the proposed roof slope would be difficult to discern against the angle of the existing property, the angle and the hipped roof design would create an uncomfortable form at odds with the characteristic roof slope on this historic residential property. In addition, the four roof lights, the size and location of which would add undesirable visual clutter to the roofscape, would detract from the relative simplicity of the building, including its later alterations and extensions. The convoluted roof form and roof lights are at odds with the simple rear additions that form the rear of this part of the listed building.
12. Consequently, I find that the proposal would fail to preserve the special interest of the listed terrace. 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. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
 13. 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 relatively confined rear garden setting it is unlikely that the extension would be prominent from public or private views other than those experienced within the immediate surroundings of the property's garden. Indeed, the appellants have stated that the extension would only be seen from a few adjoining rear gardens and not from public views. However, given the harm to the historic and architectural interest of the building and the poor relationship of the proposal to the listed building, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area and the historic character of the rear elevation of the listed terrace. As such, I conclude that the proposal would fail to preserve the character and appearance of the Hertford Conservation Area.
 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 for the occupants. I have also taken account the benefit the improvement to the accommodation would have for the housing stock of the area. However, it is clear to me that the proposal would have only very limited public benefit.
 15. I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. Moreover, the benefits of the proposal do not outweigh the harm identified. The proposal fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with Policy HA7 of the District Plan, which among other objectives seeks to sustain and enhance the significance of listed buildings and that extensions to listed buildings will only be permitted where there would be no adverse effect on the architectural and historic character or appearance of the exterior.

Other matters

16. My attention has been drawn to a previous scheme that could not be implemented because planning permission was refused due to the effect on the living conditions of the occupants of an adjoining residential property, No. 44

West Street. I have also noted the conditional agreement with the neighbours to the construction of the proposed rear extension. However, I find that the ability to overcome the planning concerns referred to above is not sufficient to outweigh the harm I have identified.

Conclusion

17. For the above reasons and having regard to all other matters raised and the development plan as a whole I conclude that the appeals should be dismissed.

A A Phillips

INSPECTOR



Appeal Decision

Site visit made on 20 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/J1915/W/19/3230519

Prestwick, Ermine Street, Buntingford, Hertfordshire SG9 9RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bethell against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2277/OUT, dated 12 October 2018, was refused by notice dated 12 December 2018.
 - The development proposed is the construction of a new house and garage and ancillary development.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of new house and garage and ancillary development at Prestwick, Ermine Street, Buntingford, Hertfordshire SG9 9RT in accordance with the terms of the application, Ref 3/18/2277/OUT, dated 12 October 2018 subject to the conditions set out in the attached schedule.

Procedural Matter

2. Outline planning permission is sought with all matters reserved. I have had regard to the plans submitted as part of the application and note the illustrative layout shown on plan no. 182/004. However, I have treated all plans as illustrative.

Main Issue

3. The main issue is whether or not the appeal site is a suitable location for the proposed development having regard to its accessibility to local facilities and the provisions of the development plan.

Reasons

4. The appeal site is part of a cluster of houses to the north of the village of Buntingford with an access onto Ermine Street at the junction of this road with Parkside which runs to the north. The site contains a bungalow which is set back a significant distance from the road with an associated detached garage, a timber outbuilding used as an office and, at the rear of the site, a builder's yard comprising an area of hardstanding together with further outbuildings.
5. The appeal scheme proposes the removal of the existing builder's yard and construction of a new dwelling and garage. The existing bungalow would

- remain and the submitted illustrative material shows a new dwelling located on land in front of this dwelling accessed via a shared driveway.
6. The main parties have both referred to a previous appeal decision for a new house on the site in 2016¹. In dismissing that appeal, the Inspector concluded that the site was isolated from services and would not provide suitable opportunities for sustainable transport so as to offer an acceptable location for the development.
 7. Since that appeal decision, the Buntingford Community Area Neighbourhood Plan 2017 (BCANP) and the East Herts District Plan 2018 (EHDP) have been adopted. Policy DPS2 of the EHDP identifies the Council's strategy to deliver sustainable development and prioritises the development of sustainable brownfield sites and then sites within the existing urban areas including Buntingford.
 8. There is no dispute between the main parties that the site is outside of the settlement boundary of Buntingford and that it is therefore part of the 'Rural Area Beyond the Green Belt'. EHDP Policy GBR2 seeks to maintain the Rural Area Beyond the Green Belt as a valued countryside resource by concentrating development within existing settlements. However, it does not preclude new development within these areas where it would be compatible with the character and appearance of the rural area. Types of development that the policy advises will be permitted include limited infilling or the partial or complete redevelopment of previously developed sites in sustainable locations, where development is appropriate to the character, appearance and setting of the site and/or surrounding area.
 9. BCANP Policy HD1 advises that residential development outside of the settlement boundaries of Buntingford consistent with other policies of the plan will be permitted in circumstances including small scale infill development within or immediately adjoining significant existing clusters of development.
 10. While not part of a defined settlement boundary, the site is part of a cluster of development in a ribbon to the west side of Ermine Street. The BCANP does not elucidate what is meant by 'significant' in the context of existing clusters of development. However, given the number of dwellings here, their scale and their relatively close arrangement which is apparent from Ermine Street, I find that this is a significant cluster in the context of the surroundings. I also note that the proposed dwelling would replace the existing builder's yard and would be located forward of the existing dwelling, filling the gap between this dwelling and the adjacent ribbon of development and Ermine Street. In my view, it would thus constitute a small scale infill development within the existing cluster of development in accordance with BCANP Policy HD1.
 11. The development of sustainable brownfield sites is supported by EHDP Policies DPS2 and GBR2 in sustainable locations where appropriate to the character, appearance and setting of the site and/or surrounding area and do not stipulate that this support is restricted to sites within settlement boundaries.
 12. As an outline application, matters including the detail of the layout of development on the site, scale and appearance are reserved for future consideration. However, the proposed development would replace the existing

¹ Ref APP/J1915/W/16/3147451

builder's yard on the site and would be positioned forward of the existing dwelling to be closer to the road and the adjacent ribbon of residential development here. In common with the Inspector's conclusion on the previous appeal on the site, I consider that the site would be capable of accommodating a dwelling appropriate to the character, appearance and setting of the site and area.

13. Turning to whether this would be a sustainable location, I have had regard to the conclusion of the Inspector considering the previous appeal that the site was isolated and that it would not provide suitable opportunities for sustainable transport so as to offer an acceptable location for the development. However, in light of clarification of the meaning of 'isolated' by the High Court as confirmed by the Court of Appeal² since this decision and, with regard to other dwellings forming part of this cluster which are in close proximity to the appeal site, the development would not result in an isolated new dwelling in the countryside in the meaning set out in paragraph 79 of the National Planning Policy Framework (the Framework).
14. At the time of the previous appeal, the footway from the site into Buntingford was described as unlit for much of its length with vehicles travelling along this section of road at quite high speeds, which was considered to discourage walking and cycling. Together with the lack of any nearby bus stop, the Inspector found that the site would not therefore provide suitable opportunities for sustainable transport so as to offer an acceptable location for the development.
15. The context of the site has however changed since this decision with the development of 180 new dwellings to the south on land in close proximity to the site. I saw on my site visit that this development is now nearing completion and that it serves to extend the edge of the settlement to within a single field of the appeal site. As such, the appeal site no longer appears remote from the settlement.
16. Furthermore, a new footway with lighting has been implemented to the west side of Ermine Street running south from this development to connect to Buntingford, and a new bus service is also being provided through this site. The appellant has also provided details of a new community bus service which has been introduced. The timetable indicates that this runs on Mondays, Tuesdays, Thursdays and Fridays only and provides just 4 services a day. However, it serves a stop at Parkside very close to the appeal site, which would offer a potentially useful service to future occupiers of the site.
17. Buntingford is identified through EHDP Policy DPS2 as one of the District's main urban areas, and I saw that a range of services are available here to meet some everyday needs. While the site is not close to the main centre of Buntingford where many of these are located, the distance would be reasonably walkable. Given the provision of the new footway to the west of Ermine Street, the improvements to the route as a consequence of the separation of this footway from vehicles by a verge, the lighting provided and the activity and natural surveillance contributed by the new residential development, it would not be an unduly difficult or unpleasant route that would discourage walking or cycling. The provision of bus services in close proximity

² Braintree DC v SSCLG & Ors [2017] EWHC 2743 (Admin), Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

to the site also offers future occupiers a further realistic travel alternative to use of a private motor vehicle. Moreover, given the removal of the existing builder's yard from the site, any change in vehicular use would be slight.

18. I am mindful of the advice at paragraph 103 of the Framework that opportunities to maximise sustainable transport solutions will not be the same in rural areas as urban locations and that this should be taken into account in decision-making. Additionally, paragraph 78 promotes housing development in rural areas where it will enhance or maintain the vitality of rural communities. The provision of a new dwelling and the associated economic benefits generated by the proposal, such as expenditure within the local economy would make a small but nevertheless positive contribution to this objective.
19. In this context and with regard to the material change in circumstances since the previous appeal decision on the site, while the site is located outside of the settlement boundary, I conclude that there would be opportunities for travel by sustainable means other than the private motor vehicle and that the site would be a suitable location for the proposed development having regard to its accessibility to local facilities. It would also comply with the provisions of EHDP Policies DPS2 and GBR2 and BCANP Policy HD1.

Other Matters

20. The Council's report on the application refers to other appeal decisions where new residential development was found to conflict with Policies GBR2, DPS1 and DPS2 of the EHDP. However, I have not been provided with full details of these and so cannot make any direct comparison. In any case, I have considered the appeal before me on its own merits.
21. Third parties have raised concern that the proposed development would cause additional drainage problems, and about obstruction to Parkside during construction. However, there is no firm evidence that the development would have any material adverse impact on drainage, and disruption during construction would be short-term and could be mitigated by careful construction management.

Conditions

22. I have considered the Council's suggested conditions. Where necessary, I have altered the conditions for clarity and to ensure compliance with the relevant tests, and to avoid the use of pre-commencement clauses where this is not essential for the condition to achieve its purpose.
23. I have attached conditions relating to the submission of reserved matters including layout and the removal of the existing builder's yard use and the time limits associated with this. I have also included a condition specifying the relevant plans for the avoidance of doubt and in the interest of certainty. Conditions to address potential contamination on the site and in respect of hours of construction are necessary to ensure the protection of the land and water environment and to protect the living conditions of occupiers of neighbouring properties. The appellant has questioned the need for a condition to require measures to mitigate road noise impacts. However, I note that this was raised by Environmental Health during the consideration of the application. Noise from the A10 to the rear of the site was noticeable on the site at my

visit, and I agree that a condition is required to ensure acceptable living conditions for future occupiers.

24. While I note that Hertfordshire County Council have suggested a condition to require provision of fire hydrants, given the existing dwelling present on the site and that this is covered by other legislation, I do not consider that this would be reasonable or necessary.

Conclusion

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

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout including removal of the existing builder's yard use, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Except where matters are reserved for final approval, the development hereby permitted shall be carried out in accordance with the following approved plans: 181/001, 182/002, 182/003.
- 5) No above ground development shall commence until a scheme for protecting the proposed dwelling from noise from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.
- 6) Any evidence of contamination that is found during the course of construction of the approved development 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.



Appeal Decision

Site visit made on 22 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/J1915/W/19/3226396

Land adjacent Bradbury, Hare Street, Buntingford SG9 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wyld against the decision of East Herts District Council.
 - The application Ref 3/18/2532/OUT, dated 16 November 2018, was refused by notice dated 11 January 2019.
 - The proposal is 1 no. detached dwelling and double garage.
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Decision

1. The appeal is allowed and outline planning permission is granted for 1 no. detached dwelling and double garage at Land adjacent Bradbury, Hare Street, Buntingford SG9 0DY in accordance with the terms of the application, Ref 3/18/2532/OUT, subject to the following conditions:
 - 1) Details of the appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: W/4103/18/PL-01.
 - 5) The detailed layout plans to be submitted for approval of the reserved matters shall illustrate car parking and a vehicular turning area on the site for the new property.
 - 6) Demolition or construction works shall take place only between 0730 and 1830 on Monday to Friday, 0730 to 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter

3. The appeal was submitted in outline form with all matters except access reserved for later consideration. I have therefore considered the appeal on the same basis and give little weight to the layout of the proposed buildings on the site shown on the submitted plan.

Main Issue

4. The main issue is whether this location is suitable for this development having regard to access to services and facilities.

Reasons for the Recommendation

5. The appeal site is located beyond the boundary of Hare Street, a Group 2 village, and is within the Rural Area beyond the Green Belt (RAGB). Policy GBR2 of the East Herts District Plan, 2018 (District Plan), allows for development within the RAGB, subject to a number of criteria. Criteria (e) allows for limited infilling in sustainable locations. The Council and appellant consider the proposal to be limited infilling and I have no reason to disagree. The issue therefore is whether the site is sustainably located.
6. The appeal site is situated a close distance to the village boundary of Hare Street and during my site visit, I walked approximately ten minutes south of the appeal site, via a well-maintained footpath on the eastern side of the road to the centre of the main settlement. Here there was a higher concentration of residential dwellings than around the appeal site, a public house and bus stops. There was also a tea room/café approximately two minutes from the appeal site and a primary school within walking distance to the east.
7. Given the close distance of the appeal site to the village boundary, I deem the access to services and facilities from the appeal site to be broadly comparable to those dwellings within the village boundary. Future occupants of the appeal site, like residents within the village, will most likely rely on a car to access higher order services or employment. However, the facilities and services in Hare Street, albeit limited, are not uncommon in a rural setting, would serve some day to day needs and are extremely accessible by foot or other sustainable modes of transport like cycling from the site.
8. I therefore do not find the proposal would conflict with Policy GBR2 (e) of the District Plan, as described above, or paragraph 78 of the National Planning Policy Framework which seeks to promote sustainable development in rural areas.

Other Matters

9. I do not have any details regarding the previously refused application (ref 3/18/81309/OUT) which the Council referred to, although I note the Officer report indicated the reasons for refusal for this application are similar. In any case, I have determined this appeal based on its own merits.
10. The full impact of the development on the Grade II listed building at White House next to the appeal site cannot be determined at this outline stage. However from the evidence before me at this stage I could not conclude that the proposal would harm the setting of this heritage asset.

Conditions

11. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity and consistency and to avoid duplication.
12. Conditions relating to details of the appearance, landscaping, layout (including parking/vehicular movement) and scale are attached. I have imposed a condition specifying the approved plan and timeframes for the reserved matters submission and commencement of development for the purpose of certainty.
13. In the interest of safeguarding the living conditions of nearby residents, a condition for timings regarding construction and demolition works has been imposed.
14. The Officer report states a condition with regards to contaminated land should be imposed, given the previous use of the site. However, a condition of this nature was not included within the Council's formal suggested list of conditions in relation to this appeal and, moreover, I do not have any evidence before me suggesting that contaminants from the previous use of land would warrant a condition of this nature. Therefore, such a condition would be unnecessary.

Conclusion

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

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 12 August 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/J1915/D/19/3225586

90 High Oak Road, Ware SG12 7NZ

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Dunlop against the decision of East Herts Council.
 - The application Ref 3/18/2533/HH, dated 9 November 2018, was refused by notice dated 30 January 2019.
 - The development was originally described as construction of two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension, single storey front extension and alterations to rear fenestration at 90 High Oak Road, Ware SG12 7NZ, in accordance with the terms of the application Ref: 3/18/2533/HH, dated 9 November 2018, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: KJM10108 001 Rev I, KJM10108 002 Rev I and KJM10108 003 Rev I.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of the development I have used in the decision above reflects that used in the Council's Decision Notice and the appeal form as that is a more accurate description compared to that originally used on the application form.

Main Issue

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

Reasons

5. The appeal site is an end of terrace property which sits on the corner of High Oak Road and Homefield Road. The dwellings in the surrounding area vary in type, design and scale. The dwelling at the appeal site is currently set in from the southern boundary which provides a spacious view from behind and in front of the appeal site. Further, it follows the building line of the properties to the east on Homefield Road.
6. The proposed two storey element of the proposal would be set back from the front elevation of the original dwelling; like 94 High Oak Road is set back from No.96. The proposal will therefore complement the existing pattern of the terrace and the wider street scene. It would also be set down from the original roof level so it would be apparent that this development is an addition to the host dwelling. The proposal would not extend all the way to the south boundary which would maintain an element of the original wrap around garden. Although the proposal would add a significant amount of built form in proportion to the original dwelling, it would still be subservient by virtue of the design elements described above.
7. The two-storey extension will protrude further out towards the road than the terrace of three houses on Homefield Road to the east. However, the building line provided by this short row of houses is not a strong feature in the context of the street scene. Furthermore as the proposed extension would be set in from the boundary, it would maintain an element of the open character and so would not impact harmfully on this building line if viewed from Homefield Road to the east or High Oak Road to the west. As such, this element of the proposal would not conflict with the established pattern of development within the street scenes.
8. The Council do not raise any concerns with regards to the proposed front porch and rear fenestration arrangements and I have no reason to disagree.
9. Based on the reasoning above, the proposed development would not have an adverse effect on the character and appearance of the area. It would therefore not conflict with Policies DES4 and HOU11 of the East Herts District Plan, 2018, (District Plan) which generally seek to ensure developments are well designed and respect the local character.

Other Matters

10. The Council refers to a previously dismissed appeal at the same site (Ref. APP/J1915/D/18/3214558). I have not been provided with a copy of this. However, from the details given in the Council's officers report, I note that proposal differed in that there was no set back from the front elevation, no set down from the ridge and it would have been closer to the southern boundary. It is therefore not directly comparable to the scheme before me.

Conditions

11. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of the character and appearance of the area, a condition is necessary to ensure matching materials are used.

Recommendation and Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 22 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/J1915/D/19/3228208
Shanti, Poles Lane, Thundridge SG12 0SQ

- 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 Newton against the decision of East Herts District Council.
 - The application Ref 3/19/0029/HH, dated 7 January 2019, was refused by notice dated 26 February 2019.
 - The proposal is two side extensions.
-

Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. 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 development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One 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 dwelling.

Policy GBR1 of the East Herts District Plan (District Plan), October 2018, simply states that proposals will be considered in line with the NPPF.

5. The appellant states the proposal would increase the floor area by 11.25m² and would result in a percentage uplift of 18%. Both parties agree the proposal, when added to previous extensions, would result in the original dwelling being extended by around 94.5%. Although any extension to the property would represent a significant percentage increase, due to the small size of the original dwelling compared to modern dwellings, this method does provide an appropriate indication of proportionality of the proposed and existing developments against the original dwelling, and it is proportionality which is the test in the NPPF. The visual impact is assessed separately below.
6. As such, the development, combined with the previous extensions, would result in the original dwelling being extended by around 94.5% which, I consider, represents a disproportionate addition and is therefore inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

7. The NPPF states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Openness can be determined by visual and spatial aspects.
8. The proposed development would introduce built form into a part of the site which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Furthermore, the extensions would be partially visible above the hedge from outside the site and so, whilst views are currently possible between the garden area and the shared driveway, this would be interrupted by the extensions.
9. Overall, the extensions would have a harmful effect, albeit to a limited degree, on openness. These harmful impacts on openness, combined with the inappropriateness of the proposal in principle, carry substantial weight.

Other Considerations

10. The NPPF states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
11. The appellant raised concerns regarding the Council's inconsistencies in assessing Green Belt applications by granting approval to Sprangewell Cottage (ref 3/14/1141/FP). I do not have full details of the application and policies against which it was assessed against, so cannot attest to the degree of consistency in the Council's approach. For the same reasons, I cannot give any significant weight to what extensions may have been carried out at Hazel Cottage. Notwithstanding this, proposals are always considered on their own merits.
12. The Council and the appellant both agree the proposal would not be out of keeping with the character and appearance of the existing building and the area, nor impact on the neighbouring occupier's amenity. I have no reason to disagree. Also, I do not consider it would unbalance the building when seen

with the neighbouring property as they are quite different with regards to design and footprint. As such, the development accords with Policy HOU11 of the District Plan which seeks to ensure development is appropriate to the character and appearance of the area. However, the lack of harm in these respects carries neutral weight.

Planning Balance and Conclusion

13. The NPPF advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
14. Therefore, although the proposed development would accord with Policy HOU11 as described above, it would conflict with Policy GBR1 of the District Plan and the NPPF which seek to maintain the essential characteristics, including the openness, of Green Belts.
15. Therefore for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

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: 11 September 2019

Appeal Ref: APP/J1915/D/19/3229559

2 Winters Lane, Walkern, Hertfordshire SG2 7NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Steve & Gabi Tankel against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0152/HH, dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is first floor side extension above existing garage.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a detached residential dwelling located within the Walkern Conservation Area (CA) As identified in the Walkern CA Character Appraisal and management proposal there are a number of farms and fields which are interspersed within the built-up areas of the village. This is a particularly special characteristic of the CA which, along with other aspects such as historic building, narrow lanes and mature landscaping, show the evolution of the settlement.
4. The building at the appeal site is a more modern property, its low-level horizontal nature, along with landscaping to the site frontage and boundaries, ensure its built form is largely screened from the surrounding area. This screening and the verdant character of the site result in the site overall having a neutral impact on the CA.
5. Although the extension would not increase the footprint of the existing building it would result in an extensive flank wall to the side boundary in addition to a substantial roof addition. The extension would not be subservient to the existing dwelling or respect its existing size and design, with eaves and ridge height both higher than the existing.
6. The height, design and overall bulk of the extension would also result in it being a prominent feature, in particular on the approach to the site from High Street. Due to the proximity of the existing garage to the site boundary the

landscape screening here is limited and the extension would be a clearly visible and dominant feature.

7. The development would introduce a prominent and urbanising extension which would be at odds with the character and appearance of the host dwelling. I consider this would result in harm to the CA neither preserving or enhancing its verdant character and appearance.
8. The proposal would therefore have a negative effect on the significance of the CA the result would be "less than substantial" harm when considered in the context of the National Planning Policy Framework.
9. Whilst I note the appellant's requirements for the extension to be of a certain size and design, I am mindful that these benefits would be personal to the appellant. There would be no public benefit arising from the proposal that would outweigh the harm I have identified above and to which I have attached considerable importance and weight.
10. Therefore, for the reasons stated the development would be contrary to Policies HOU11, DES4, HA1 and HA4 of the East Herts District Plan 2018 and Policies 3 & 12 of the Walkern Parish Neighbourhood Plan, which seek to ensure that extensions are in keeping with the existing property and that development reflects and preserves the special interest and appearance of the CA.

Other Matters

11. It is acknowledged that there were no neighbour objections submitted to the original planning application, however this does not lead me to a different conclusion.
12. On my visit I viewed the residential development on the opposite side of Winters Lane referred to by the appellant. I have not been provided with the details on this development though I did note it is set back from the highway and well screened by substantial landscaping, particularly on the approach from High Street. This development does therefore not affect my consideration of the impacts of the development before me which, as detailed above, I have found to be out of keeping with the existing dwelling and subsequently result in harm to the CA.
13. **Conclusion**
14. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR



Appeal Decision

Site visit made on 18 September 2019

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

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/J1915/D/19/3228954 14, Rib Vale, Bengoe, Hertford SG14 3LF

- 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 Jeff Andrews against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0254/HH, dated 7 February 2019, was refused by notice dated 29 March 2019.
 - The development proposed is two storey side/rear, single storey rear extension and alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made by Mr Jeff Andrews; however, the appeal was submitted by Mr and Mrs L Treadwell, who have, in an email dated 15 July 2019, confirmed that they are both the occupiers and owners of the property. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

Character and appearance

4. Rib Vale is a residential street fronted by two storey detached and semi-detached dwellings. The buildings form groups of dwellings of the same style and design and, from the street, the dwellings appear to be largely unaltered within their groupings. Whilst both detached and semi-detached dwellings have garages at ground floor level, usually set back behind the building line, there are substantial gaps at first floor level creating a strong rhythm of development and giving a feeling of spaciousness to the area. These are positive features that contribute to the character and appearance of the street scene.
5. 14 Rib Vale has an existing modest extension to the rear, on the boundary with 12 Rib Vale and reflected in a similar extension on No 12. The proposal demolishes this extension and an existing garage, one of a pair of semi-detached garages. These structures would be replaced with an extension with a much greater footprint that would wrap around the side and rear of the

dwelling structure, extending some distance to the rear and almost filling the width of the plot. The extension would include a significant two storey element to the side and rear of the existing dwelling. The proposed extension would be much greater in mass and volume than the combined structures that it replaces.

6. The two storey element would significantly reduce the gap between 14 and 16 Rib Vale. This would interrupt the rhythm of development and reduce the sense of spaciousness. Given the importance that I have placed on the rhythm of gaps and buildings to the character and appearance of the area, and the sense of spaciousness created by the gaps, the reduction in the gap would be out of character and incongruous with the form of existing development when viewed from the street
7. The rear element has a complex roof form, with a pair of hipped roofs, which does not correlate in style to any of the existing rear roof forms and so would be out of keeping when viewed from the adjacent rear gardens.
8. Whilst the ridge and eaves height of the proposed side element of the extension would be substantially lower than that of the existing roof to which the development is attached, providing a degree of visual subservience to the main dwelling, the overall bulk and size of the proposed extension would undermine this intent. The front and gabled flank of the development would be clearly visible from the street and the difference in heights between the proposed ridge and that on the existing structure would introduce a step in the block which would be at odds with the existing form of buildings in the area, which have a uniform ridge height for each structure. The difference in eaves heights would noticeably alter the overall character of the rooflines in the area. In this particular context that lack of conformity would be so significant as to amount to harm.
9. The overall scale of the proposed extension would add very significantly to the side and rear of the existing dwelling, unbalancing the pair of semi detached dwellings and creating a dwelling of a scale that is out of keeping with that of other dwellings in the vicinity. This would be clearly visible from the street and the gardens to the rear of the neighbouring properties and introduce a discordance within the grouping that would amount to harm.
10. Whilst No 16 has been extended to the rear to a similar distance behind the dwelling, this extension is a single storey and does not encroach into the sideway, and so does not result in a reduction of the gap between the dwellings at first floor level. It has been brought to my attention that the permission for this extension also has a first floor element, but, at the time of my site visit, only a ground floor extension was present, and I cannot be sure that the second storey will be built. I have limited information before me regarding the development at No 16 upon which to form a comparison to the proposal before me. However, from the information on the plan provided by the appellants, even were the second storey element of that extension to be added in that form at a later date, the structure would not encroach into the driveway area.
11. I conclude that the proposal would result in harm to the character and appearance of the site and the surrounding area contrary to policies HOU11 and DES4 of the East Herts District Plan 2018 (the District Plan) which, amongst other things, require that development should reflect and promote local distinctiveness and reflect the character of the surrounding area in terms

of scale, massing and design features; and that extensions should generally appear as a subservient addition to the dwelling. The proposal is also contrary to the aims set out in Paragraph 130 of the National Planning Policy Framework 2019 in that the proposed development fails to take the opportunities available for improving the character and quality of an area.

Other Matters

12. In support of the appeal, my attention was drawn to other properties in the wider area that have already been extended or received planning permission for two storey extensions. The existence of these does not justify the harm I have identified nor does the lack of objection from neighbours or other consultees. In any case, I have determined the appeal on its own merits.

Conclusion

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

I Dyer

INSPECTOR



Appeal Decision

Site visit made on 3 September 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/J1915/W/19/3231522

34 Queens Road, Ware SG12 7DN

- 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 K Hopson against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2579/FUL, dated 16 November 2018, was refused by notice dated 16 January 2019.
 - The development proposed is demolition of existing single storey w.c./store and erection of attached two storey building consisting of 2no. one bedroom apartments with new off-street parking, vehicle entrances and crossovers.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the second and third reasons for refusal relates to highway safety issues resulting from the proposed off-street parking spaces. Therefore, I have considered these together under the heading highway safety.
3. The appellant states that the provision of off-street parking could be provided without the need for planning permission. However, it is not for me, under a section 78 of the Town and Country Planning Act 1990 (the Act), to determine whether or not the proposed development would constitute permitted development. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - the effect of the proposed off-street parking spaces on highway safety.

Reasons

Character and appearance

5. Queens Road is largely characterised by semi-detached properties with a small number of terraced properties. Whilst there is variation in the use of building

materials and a mix of hipped and gabled end roofs in the locality, this part of Queens Road is largely characterised by semi-detached properties with fairly regular rhythm and spacing. In addition, many corner plots within the estate have large side gardens which together contribute to the overall open and spacious character and appearance of the street of the area.

6. No 34 Queens Road is a semi-detached house in a prominent location on the curve on Queens Road, close to the junction with Cromwell Road. It has a side garden which contributes positively to the spaciousness at this corner. The adjoining semi-detached property at No 36 Queens Road has a similar side garden. As a result, this pair of semi-detached properties provide a clear sense of visual symmetry and balance in the streetscene, particularly when viewed on the approach from Cromwell Road. Similar layouts of semi-detached properties, with large open side garden plots can be seen elsewhere within the estate including on the other side of Queens Road, when approaching from both Fanhams Road and King George Road.
7. The proposed dwelling in this location would substantially erode the open space to the side of No 34 and would unbalance the appearance and symmetrical form of these semi-detached properties (Nos 34 and 36) in this prominent location close to the entrance of Queens Road. Consequently, the proposal would result in an incongruous dwelling that would have a harmful effect on the open character and appearance of the area.
8. Furthermore, the width of the proposed dwelling would be greater than that of the adjoining semi-detached properties and the number of windows proposed in the front elevation at first floor level fails to match those on the existing pair of semi-detached properties (Nos 34 and 36). As such, the proposal would not be in keeping with the existing development and would detract from the symmetry and uniformity on this part of Queens Road.
9. The appellant contends that the proposal would make the most efficient use of the land and that the materials would match the existing properties at Nos 34 and 36, with a gabled end and a slightly lower ridge line. However, these positive aspects of the proposal would not outweigh the harm I have identified to street scene as the position of the new building would be particularly discordant, and the development would have an unsympathetic design in relation to the existing pair of semi-detached properties.
10. The appellant also states that the proposal would project no further sideways than the existing garage block. However, the existing garage block is single storey only and well set back behind the pair of existing semi-detached properties at Nos 34 and 36 such that it remains subservient to these properties. The proposed development in contrast would introduce an overly dominant and incongruous feature in the street scene.
11. I therefore conclude that this development would be harmful to the character and appearance of the area. It would therefore be contrary Policy DES4 of the East Herts District Plan, 2018 (DP), which amongst other things, requires all development proposals, including extensions to existing buildings, to be of a high standard of design and layout, and to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

Highway safety

12. The Council states that the visibility for drivers at the proposed vehicular access points are substandard, owing to the location of the site on the bend of the road on the junction of Queens Road. It is also stated that the traffic arising from access points in front of the existing dwelling would interfere with the free and safe flow of traffic on highway network and detrimental to highway safety, since the existing property lies close to the junction of Queens Road, which is a 30mph speed limit zone and on a bus route.
13. With regards to the proposed parking spaces in front of the existing dwelling at No 34 I observed that driver visibility would be limited when exiting the site in a reverse gear. This is particularly an issue, as this new access would be positioned centrally on the bend in the road, on the junction of Queens Road, which is also a bus route for the No 395¹. As such, I also share the Council's concerns with regards to the new off-street parking spaces in front of the existing dwelling. Furthermore, I do not consider that the relatively narrowness of the road nor the number of existing properties with off-street parking in front of them overcomes the harm identified above.
14. Two new off-street parking spaces are also proposed in the front garden of the new two storey building. During my site visit I observed that this part of the site is positioned further away from the junction with Queens Road, and therefore would not interfere with the bus route which runs along the southern side of Queens Road². In this respect the proposed access points in front of the new building, would be less likely to have a harmful effect on the free flow of traffic on the Queens Road. In addition, the off-street parking spaces for the new building would have greater visibility than the existing property at No 34 since it would be positioned next to the low boundary wall and forecourt of the adjacent garage block. A condition requiring the provision and maintenance of visibility splays at the access could be attached if planning permission were granted. Therefore, in respect of the new parking spaces in front of the new building, I find no harm in relation to the highway safety.
15. However, I conclude that the proposed off-street parking spaces to the front of No 34 would have an unacceptably harmful effect on highway safety. This would be contrary to DP Policy TRA2 which states that development proposals should ensure that safe and suitable access can be achieved for all users and that development should be acceptable in highway safety terms.

Other matters

16. In support of their appeal, the appellant also states that the site is not within a conservation area and that there is no article 4 direction and therefore properties within it could benefit from permitted development rights. Whilst this may be so, I have dealt with the proposals before me on its merits and in accordance with its site-specific circumstances, and relevant national and local policy.
17. The proposed development would provide two additional dwellings which would make a small contribution to the supply of housing in the Council. I also recognise that this dwelling would be in an established residential area and that it would be located with good accessibility to open space, shop and services.

¹ Taken from the appellant's statement of case.

² Compass point taken from the appellant's statement of case.

However, the adverse impacts of the proposed development in terms of the harm to character and appearance to the area and highways safety would outweigh the small benefit of two additional dwellings.

Conclusion

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

Rajeevan Satheesan

INSPECTOR



Appeal Decision

Site visit made on 19 August 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/J1915/D/19/3231388

8 and 10 Fouceley Avenue, Dane End, SG12 0NE

- 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 Duncan Berry against the decision of East Herts Council.
 - The application Ref 3/18/2594/FUL, dated 14 October 2018, was refused by notice dated 28 March 2019.
 - The development proposed is a first floor extension over existing structure.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing structure at 8 and 10 Fouceley Avenue, Dane End, SG12 0NE, in accordance with the terms of the application, Ref 3/18/2594/FUL, dated 14 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: site location plan, proposed floor plans (labelled Plan 2 and Plan 3), proposed front elevation (plan 5), proposed rear elevation (plan 6) and proposed side elevations (plans 8 and 10).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those stated on the application form unless otherwise agreed in writing by the local planning authority.

Preliminary Matter

2. The address of the site on the application and appeal forms is 8 Fouceley Avenue. It is evident from the plans and from my site visit that the proposed development relates to both 8 and 10 Fouceley Avenue. I have therefore amended the address to accurately reflect this.

Main Issue

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

Reasons

4. The appeal properties are both end terraced houses that are linked by an existing ground floor structure. They are set back from the pavement behind small front gardens and steps, which lead up to the front doors.

5. Founceley Avenue comprises a mixture of dwelling types and materials, which follow a well-defined building line. The street is located on a hillside that slopes upwards to the north and east. Semi-detached bungalows are situated opposite the front of the site and to the rear there is a large parking area comprising garages and rear access to surrounding properties. To the west of the site there are several two storey blocks of flats. There are no other blocks of four terraced houses within the Founceley Avenue street scene other than those within which the appeal properties sit.
6. The proposed first floor extension would be set well back from the front elevations and well down from the main ridgelines of the host dwellings, remaining subservient to these. As such the development would not appear visually prominent in views along the street scene. The proposed painted render finish would also break up the massing of the buildings.
7. Whilst the extension would project beyond the original rear elevations of the houses at the first floor level, this projection would not be significant and would only be visible from the private parking area and from dwellings to the rear of the site, which are in excess of 40 metres away. Given the separation distance and downhill position, the development would not appear dominant in any views from the north.
8. Although the development would result in modest changes to the appearance of the buildings this change would not in my view be harmful to the wider street scene or detrimental to the character and appearance of the area.
9. I therefore find no conflict with the general aims of policies HOU11 or DES4 of the East Herts District Plan (October 2018), which seek to ensure high quality design and layout that reflects the character of the site and its surrounding area. I acknowledge that policy HOU11(b) advises, as a general rule, that a minimum space of 1 metre is retained between first floor side extensions and the curtilage boundary in order to safeguard the street scene and to prevent a visually damaging terracing effect. However, in this case the boundary between the properties is staggered and anything other than a joint development between 8 and 10 would be unlikely to result in a satisfactory standard of design. Moreover, these properties are already terraced and I have found that the development would not result in any harm to the character and appearance of the street scene.

Conditions and Conclusion

10. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed. I have imposed the statutory time limit condition and a condition listing the approved plans in the interests of certainty. As the council raised no objection to the proposed materials I have imposed a condition to ensure that the stated external materials are utilised in the interests of good design and protecting the character and appearance of the area.

Rachael Bartlett

INSPECTOR



Appeal Decision

Site visit made on 12 August 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/J1915/W/19/3226035

Windmill Way, Much Hadham SG10 6BH

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Snowgold Ltd against the decision of East Herts Council.
 - The application Ref 3/18/2691/FUL, is dated 7 December 2018 was refused by notice dated 20 February 2019.
 - The proposed development is the erection of detached residential dwelling and two new vehicular accesses.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of 26 Windmill Way, and future occupiers of the proposed development, with particular regard to privacy; and
 - the effect of the proposed development on highway safety.

Reasons

Character and Appearance

4. The appeal site is located within the Category 1 Village of Much Hadham, on the south side of Windmill Way. The proposed development would be set within the rear garden of 24 Windmill Way and would have a direct road frontage as No 24 sits perpendicular to the road. The host property lies to the east of the appeal site and is the end property in a terrace of three. The surrounding area largely consists of similar terraces to the north and west and varied architectural forms to the east and south. The plots within the surrounding area

are spacious with large gardens sited to the rear, including that of the host property. This is a characteristic feature of the area and provides a sense of uniformity and local distinctiveness.

5. The proposed development would impinge on this character by virtue of its siting in an area of undeveloped garden and the subdivision of the existing plot into two, hence contrasting with the common size of the plots, built form and pattern along the rear of the terrace it is a part of. The proposal would drastically reduce the spacious garden of the host property and although the ground floor conservatories will be removed, the shape of the new garden created for the host property (L shaped garden) and the position of the garden for the proposed development (side garden) would not reflect the local character. Overall, the small plot size, garden size and new built form would lead to an overdeveloped and cramped appearance compared to the surrounding area. As such, the proposed development would be out of keeping with the established pattern and character of development in the surrounding area.
6. The appellant states the proposal will be in keeping with the character of the area as the recent addition of No.22a on the adjacent plot has changed the grain and pattern of development. However, I am of the view that due to the proposal's narrower width compared to No.22a, and its side garden which, although larger than that at No 22a, does not follow the pattern of No.22a, it contrasts with this property and so fails to accord with the character of the immediate vicinity as well as the wider area.
7. The appellant provided a drawing from the previous planning application (ref 3/18/0513/FUL) to demonstrate the changes made to the current scheme in order to overcome the reasons for refusal, including narrowing the dwelling to overcome the cramped site and increasing the gap to No. 24. It is further suggested that the Council did not at first state overdevelopment to be a factor when determining that application. Be that as it may, I have determined this appeal based on the current scheme alone and, as I have described above, even with a narrower form, the proposal would appear cramped on the site, especially when walking uphill from east to west on Windmill Way.
8. As such, the proposal would detract harmfully from the character and appearance of the area. For these reasons, the development conflicts with Policies DES4 and VILL1 of the East Herts District Plan, 2018, (District Plan), which generally seeks to ensure developments are well designed and respect the local character.

Living Conditions

9. The rear windows of the proposed development would directly look into the rear garden of 26 Windmill Way by virtue of the proximity to the boundary. This would impede on the privacy of the occupants utilising the garden. I note there is a tree present within this garden which could minimise the impact of overlooking, however, due to the non-permanent nature of this, and the seasonal changes that effect the level of screening, this is not regarded as a solution to mitigate this impact. The lack of neighbour objections in this regard do not outweigh the harm identified above.
10. Overlooking would also be possible from the rear elevation of the host property at first floor level to the proposed dwelling's garden due to the short distance

from the new boundary fence to the rear elevation of the host property. This would impact the future occupier's privacy when utilising the garden and the intervening boundary fence would not prevent this.

11. Overall, the proposal would likely result in an unacceptable degree of overlooking, impacting the privacy of adjoining occupiers of No.26, and would fail to provide acceptably private amenity space for the future occupiers of the proposed development. It would therefore result in unsatisfactory living conditions for these occupiers. For these reasons also, the development conflicts with Policies DES4 and VILL1 of the District Plan which seeks to protect the amenity of neighbouring occupiers.

Highway Safety

12. As the host property lies on a corner plot, new crossovers can be provided for the host and proposed dwelling. The proposal creates two side by side parking for the host property and the proposed development.
13. My site visit established Windmill Way to be a quiet road with very little vehicular movement. Policy TRA3 of the District Plan states parking will be assessed on a site-specific basis and should take into account the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). An update to the SPD provides a table with required amount of parking spaces for specific developments. It requires 2.5 spaces for a 3-bed dwelling so, as the parties agree No. 24 is a three bed house, a total of five spaces would be needed to serve both properties within the site. Though the four spaces shown would be a shortfall of one parking space, this would not, in my view, result in congestion or effect the free and safe flow of traffic along Windmill Way. The Highways Authority also opined that there would be no threat to highway safety.
14. The proposed parking provision is therefore deemed acceptable and the development would not result in an adverse effect on highway safety. Although it does not accord with the standards stated within the updated SPD, it does accord with Policy TRA3 in that the proposal is assessed on a site-specific basis, which I deem suitable.

Other Matters

15. Though I recognise the support from the District Councillor of Much Hadham the proposal would, I consider, conflict with development plan policies.
16. Also the support provided by the occupiers of 24 Windmill Way outlining their objectives to provide affordable housing in Much Hadham, although admirable, would not outweigh the harm from the proposed development, particularly as there is no mechanism to ensure the dwelling would be affordable.

Planning Balance and Conclusion

17. Whilst I acknowledge the development would provide suitable parking provision, this would not outweigh the harm identified in relation to the scheme's impact on the character and appearance of the area and the living conditions of future occupiers of the proposed development and neighbouring occupiers of 26 Windmill Way. Therefore for the reasons outlined above, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 6 August 2019

by **A Denby BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/J1915/W/19/3230431

7 Pearman Drive, Dane End SG12 0LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Hannah Smale against the decision of East Hertfordshire Council.
 - The application Ref 3/18/2722/FUL, dated 12 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the relationship with protected trees on the site

Reasons

3. The site is located adjacent to No.7 Pearman Drive and is currently utilised as the garden area for that property. The area has a spacious and verdant character with mature trees along the street frontage and within the plots themselves.
4. The appeal site is reflective of this with mature planting to site boundaries. From the public realm there are glimpsed views through the site to the open countryside beyond which, along with the landscaped setting, results in the surrounding area and site having a semi-rural character and appearance.
5. Pearman Drive is a cul-de-sac and is characterised by large dwellings set within large plots, with substantial setbacks from the frontage and generous separation to their rear boundaries. Although some of the properties have been subject to extensions and alterations there remains a regularity in their size and design.
6. The proposed dwelling would have a similar appearance and materials to the existing properties on Pearman Drive. However, its overall size, particularly its depth, is noticeably smaller than the adjacent properties. In attempting to achieve a set-back and maintain the existing character of the streetscene the appellant has positioned the dwelling in very close proximity to the rear site boundary.

7. Considering this and the limited depth of the property the dwelling would result in harm to the existing spacious character of the site. It would also be at odds with the established pattern of development on Pearman Drive through the removal of a significant part of a presently undeveloped site, which currently makes a positive contribution to the character of the area.
8. Whilst Policy VILL2 of the East Herts District Plan 2018 allows for infill development, as detailed above, the proposals would erode the spacious character of the site and not reflect the established character of the area, contrary to the advice within the policy.
9. The proposals would have a harmful impact on the spacious character of the site, and this would be to the detriment of the character and appearance of the surrounding area.
10. There are a number of mature trees within the site, primarily located along the front and rear site boundaries and the site is covered by an area Tree Preservation Order (TPO). The protected trees make a positive contribution to the verdant, semi-rural character of the surrounding area.
11. The appellant has raised a concern that the Council did not take specialist landscape advice during the application process and therefore did not fully consider the findings of their submitted arboricultural report 'OMC Associates BSi 5837 Report for Development'.
12. Nonetheless, I have considered the report, and noted its findings that, although the proposed dwelling would encroach into Root Protection Areas (RPAs) and pruning would be required to facilitate the development, the majority of trees could be retained and it would be possible to mitigate any impacts during construction through the adoption of appropriate working practices and foundation techniques.
13. However, whilst conditions could be imposed to ensure appropriate methodology is employed to minimise any impact, it is clear from the details submitted that the canopies would be close and probably overhang the proposed dwelling.
14. The majority of the habitable room windows, particularly at ground floor level, are to the rear of the proposed dwelling. In addition, although there is outdoor space proposed to the east, due to the internal layout and level changes across the site it does not have any direct relationship to the main living accommodation. Given the configuration of the site it would also offer a more private area than other parts of the site. It is therefore likely that the area to the rear of the property will be used as an outdoor amenity area and future occupants will seek to maximise this and their outlook to the open countryside beyond.
15. The existing trees would be significant features and dominate the outlook from the property and rear amenity space. Furthermore, considering the orientation of the site they would result in a significant level of shading. On that basis I consider there would be pressure in the future to prune or remove these trees, due to their effect on light, maintenance and safety or structural integrity concerns which may be difficult for the Council to resist in the future.
16. Any extensive pruning or felling of these trees would have a harmful impact on the verdant character of the site and surrounding area. This risk to the trees

would also undermine any potential mitigation they would provide in screening the development from the adjacent countryside. Therefore, the development would conflict with Policy DES2 of the East Herts District Plan which seeks to ensure that developments retain, protect and enhance existing landscaping features which have amenity value.

17. Therefore, for the reasons stated the development would be contrary to Policies VILL 2, DES 2 and DES 4 of the East Herts District Plan 2018 which seek to ensure development is of a high standard of design and layout which reflects local character and distinctiveness, and retains existing landscape features. For the same reasons the development would not accord with the Framework's design policies.
18. I note that policy HOU2 of the East Herts District Plan and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Whilst I have taken this into account, I do not consider these benefits would be sufficient to outweigh the harm I have identified. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.

Other Matters

19. The appellant has referred to a previous Inspector's decision (reference APP/J1915/W/17/3168659) relating to the erection of a detached dwelling on the appeal site. Although this is the same nature of development as the appeal scheme, I note that the siting and layout of the dwelling subject to this appeal has been amended by the appellant in an attempt to overcome the previous Inspector's concerns.
20. Whilst it is acknowledged that the current appeal scheme sites the dwelling within the wider part of the site, due to the setback from the frontage it will still be very close to the rear boundary.
21. As I have detailed above, due to the proximity to the rear boundary the development would appear cramped, lacking the spaciousness that is an integral part of the established pattern of development on Pearman Drive. I note the previous Inspector was similarly concerned with the proximity to the rear boundary and this is not resolved by the current scheme.
22. Although the previous Inspector found no concerns with the impact on trees, the siting of the dwelling proposed as part of the current appeal is different to that which he considered, and I have considered the present appeal on its own merits.

Conclusion

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

A Denby

INSPECTOR