



Appeal Decision

Site visit made on 29 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/J1915/W/19/3231172

Highfield Farm, Mangrove Lane, Hertford SG13 8QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Winer against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0343/FUL, dated 14 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is standalone solar panels 15kW.
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Decision

1. The appeal is dismissed.

Application for costs

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

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 ('the Framework') and any relevant development plan policies,
 - The effect of the development on the openness of the Green Belt, and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development within the Green Belt

4. The Framework is a material consideration in determining Green Belt proposals. Paragraph 133 identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. At paragraph 143 the Framework states that inappropriate

development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

5. Policy GBR1 of the East Herts District Local Plan (the 'Local Plan') 2018 states that proposals will be considered in line with the Framework. Hence the policy is consistent with the Framework.
6. The proposal is for the erection of 24 standalone solar panels, arranged on a wooden frame structure as two banks of 12 panels. The tilted frame that would support the panels would measure approximately 10m long and 2m deep, with the lower edge of the structure 1m above the ground and higher end 2.1m above the ground. For renewable energy projects located in the Green Belt, paragraph 147 of the Framework requires developers to demonstrate very special circumstances.
7. Paragraph 145 of the Framework states that buildings are inappropriate unless they are one of the seven listed exceptions a) to g). The Council argues that the proposal would constitute a structure and not a building, and therefore paragraph 145 is not applicable. The Framework does not define what is a building for the purposes of paragraph 145. Nevertheless, Section 336 of the 1990 Act¹ states that a 'building' includes any structure or erection. It seems to me therefore, in the absence of evidence to the contrary, that the proposed standalone solar panels and the structure on which they would be mounted would be a building for the purposes of paragraph 145. However, the development would not fall within any of the building exceptions contained within paragraph 145 of the Framework.
8. In addition, the proposal would not meet any of the other exceptions under paragraph 146. The proposal would therefore constitute inappropriate development. I find the proposed development would be inappropriate development, which is by definition, harmful to the Green Belt and to which substantial weight should be given. The development would therefore conflict with Policy GBR1 of the Local Plan as well as the Framework.

Openness

9. A fundamental aim of Green Belt policy in the Framework is to keep land permanently open. The openness of the Green Belt is clearly evident around the site, particularly with views of open fields. The solar panel structure would be located in the corner of a field partially screened by hedgerow. It would be sited to face south and some distance away from the other existing buildings and the nearby woodland so as not to be overshadowed. The solar panel structure would be of a modest size and scale in relation to the surrounding field, and would not be very visible from the wider area, until one approaches the site. Nonetheless the proposal would still have a spatial impact on openness arising from the physical presence of the solar panel structure in an open field surrounded by open countryside where development does not exist.
10. The proposal would therefore cause significant harm to the openness of the Green Belt and would undermine the fundamental aim of keeping land permanently open. As a consequence, it would conflict with Local Plan Policy GBR1 and the Framework.

¹ The Town and Country Planning Act 1990

Other considerations

11. The solar panels are required to provide power to a number of homes and holiday lets on the appellant's land as well as his farming business. On my visit I observed that some buildings had been partially converted into dwellings and some were occupied. Work was yet to start on a new agricultural building and conversion of other buildings into approved holiday units. Renewable energy is supported in Chapter 14 of the Framework as part of a low carbon future in a changing climate. Regardless of whether the buildings have all been converted or built out yet, the solar panels would only be serving a few residential units and a limited farm use, all within the appellant's control. There would be some environmental benefit in helping to address climate change together with some energy and cost savings and I give this moderate weight. However, these would be small, localised and principally be of private benefit to the appellant and would not, in my view, constitute a wider environmental benefit of the sort indicated by paragraph 147 of the Framework.
12. The application is similar to the appellant's previously refused proposal² in that both applications would be for 24 solar panels. The mention of additional policies in the appellant's supporting documentation for the second application, the subject of this appeal, does not change the nature of the proposed development, which is still for 24 standalone solar panels.
13. The appellant refers to a number of examples of solar energy proposals granted by the Council. I have not been presented with sufficient details, the particular circumstances of any of them or the site specifics and the nature of their surroundings to make any meaningful comparisons with the appeal proposal, which in any event I must consider on its own merits. I therefore afford them limited weight. If applications are in the Green Belt, the Council must apply the assessment set out in the Framework. If development is not in the Green Belt, the particular issues of 'inappropriate' development and 'openness' would not need to be assessed.
14. However, from the information before me the Mill Farm, Mentley Lane example for 19,584 solar panels in 48 rows is of a completely different scale to the appeal proposal, and was presumably intended to supply electricity to the national grid for wider community usage and environmental benefit, something the Framework allows. I am unable to comment on the Cherry Green or Bury Lodge examples, apart from the site specifics appear to be different to the appeal site.
15. I acknowledge the appellant's concerns with the Council's handling of the application with particular reference to not visiting the site a second time to see the progress of the various conversion projects. I also note the appellant's reasons for the timing of his solar panel applications. I have visited the site and in reaching my decision I have been concerned only with the planning merits of the case. The lack of objections from local residents does not diminish the harm I have identified.
16. I find that these other considerations do not clearly outweigh the totality of harm, which is the test that they have to meet, in light of the national

² LPA ref: 3/18/2724/FUL refused 7 February 2019

importance given to protecting Green Belt relative to the modest private benefits that would accrue from the appeal development. Consequently, very special circumstances do not exist to justify the proposed development.

Conclusion

17. The appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a significant loss of openness to the Green Belt. I have given moderate weight to the environmental benefits of solar power to service the appellant's dwellings, holiday lets and agricultural business. However, the substantial weight to be given to Green Belt harm is not clearly outweighed by these other considerations. As such, very special circumstances do not exist to justify this renewable energy proposal. The proposal would also conflict with Policy GBR1 of the Local Plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR



Costs Decision

Site visit made on 29 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Costs application in relation to Appeal Ref: APP/J1915/W/19/3231172 Highfield Farm, Mangrove Lane, Hertford SG13 8QJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Winer for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal planning permission for standalone solar panels 15kw.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Applicant contends that the Council did not give the application due consideration, because it did not re-visit the site and instead relied on photographs taken during the visit for the previously refused application¹ and therefore had little regard for the wider site and the impact the proposal would have. The Applicant also contends that the Council did not engage; referred to paragraphs 145 and 146 of the National Planning Policy Framework (the Framework) but not to policies the Applicant quoted; the Council's report was similar to the previous one and as a result the Council did not consider the application in a positive and proactive manner. Therefore, the Council has behaved unreasonably.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. The Council contends it did not act unreasonably in a way that caused unnecessary costs or wasted expense. The Council has confirmed that a further visit was not required as a site visit had recently been carried out for the previous application and photographs were taken. The officer report was well reasoned and detailed and a thorough assessment of the site history informed the decision. The Council report also referred to the application being a

¹ LPA ref: 3/18/2724/FUL refused 7 February 2019

resubmission and that the re-submitted Design & Access Statement mentioned Framework paragraphs 145 and 146. An assessment of the impacts on the Green Belt were undertaken, as well as assessing the design/layout, impact on neighbour amenity, noise and highways. Full consideration was given to the application and its accompanying documents.

6. I note that the resubmitted application was submitted 7 days after the previous application was refused. It would have been apparent from the Applicant's submitted Design & Access Statement and plans that the application was a re-submission and nothing significant had changed since the previous application, i.e. the same number and arrangement of solar panels were proposed for the same location. As nothing significant had changed, the photographs from the previous visit would have been a useful aide memoire for the officer. Furthermore, the progress of the Applicant's conversion and building projects was not crucial to witness, as the Council was already aware of the planning history of the site and the timescales of the various permissions. The Council is entitled to consider how best to use its staff, time and limited resources in the public interest. In light of the timescales and that the resubmission was fundamentally the same, I find the Council was within its rights not to re-visit. This does not amount to unreasonable behaviour.
7. In its officer report, the Council clearly explained the proposal, its impact on the Green Belt and weighed up other considerations. Reference to paragraphs 145 and 146 is necessary as the Framework it is a material consideration for the assessment of any Green Belt application, and I have done the same in my decision. I therefore find the Council has not been remiss in this and has followed due process for determining applications in the Green Belt.
8. For the reasons set out in my appeal decision I too found that the Applicant's proposed use of renewable energy to power the various dwellings, holiday lets and agricultural buildings .did not outweigh the harm caused to the openness of the Green Belt. The progress of the various building works was not pertinent to this.
9. I find that the Council has not acted unreasonably. Therefore, I need not concern myself as to whether wasted expenditure has occurred, as both tests need to be satisfied before an award of costs can be made.

Conclusion

10. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense at appeal as described in the PPG, has not been demonstrated.

K. Stephens
INSPECTOR



Appeal Decision

Site visit made on 15 October 2019

by Rajeevan Satheesan BSc PGCert MSc Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/J1915/D/19/3233209

The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ

- 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 Caroline Bantick against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0439/HH, dated 01 February 2019, was refused by notice dated 31st May 2019.
 - The development proposed is the extension of the existing annex ancillary to the main dwelling from a 1 bedroom to a 2 bedroom annex.
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Decision

1. The appeal is allowed, and planning permission is granted for the extension of existing annex ancillary to main dwelling from 1 bedroom to 2 bedroom annex at The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ in accordance with the terms of the application, Ref 3/19/0439/HH, dated 01 February 2019, subject to the conditions set out on the attached schedule.

Procedural Matter

2. Revised drawings (drawings Nos BAN.FEB.19 B Page 1 of 2 and Page 2 of 2) were submitted to the Council at the application stage, which are referred to in the Decision Notice. These revised drawings show a window proposed in the rear elevation of the annex, replacing the proposed doors previously shown on the original drawings. For consistency I have therefore considered the appeal on the basis of these revised drawings.

Main Issue

3. The main issue is whether the proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes.

Reasons

4. The appeal site relates to an existing ancillary annex building used in connection to the main dwelling of The Old Thatch, a Grade II listed building.
5. Amongst other things, Policy HOU13 'Residential Annexes' of the East Herts District Plan, 2018 (District Plan) states that residential annexes will be permitted where: (a) the accommodation forms an extension to the main

dwelling and is capable of being used as an integral part of the dwelling or forms a separate outbuilding which is close to and well related to and have a clear functional link to the main dwelling; (b) the scale of the annexe does not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant.”

6. With the exception of the two modest sized dormer windows proposed, all of the works would be within the footprint existing structure, with the design and materials to match the existing building. Whilst I appreciate the Council’s concerns regarding the proposed overall floor space of the annex, most of the development currently exists, and as such the proposals would simply make efficient use of the existing annex, converting currently underused loft and/or storage space.
7. The proposal would provide the occupiers of the development with better quality living space, whilst preserve the character and appearance of the area. Under the ‘principle of development’, the Officer’s Report states that “the development incorporates very limited floor area increase in the building..... and will not result in a disproportionate increase in the size of the building”.
8. The current proposal relates to a relatively modest sized extensions/alterations to the existing annex which is already in used ancillary to the main dwelling. The Council also confirm that the annex is located close to (approximately 4m¹ away) the main dwelling and thus has a close physical relationship with the main dwelling. In addition, access to the annex from the rear garden would be maintained and in this respect the annex would continue to have a clear functional link with the main house.
9. An appropriately worded condition would ensure that the annex would continue to be occupied as an ancillary part of the main house and not as a separate dwelling, in accordance with criterion (a) of Policy HOU13. Furthermore, owing to the modest size and scale of the extensions, with matching materials also proposed, the extended annex would be in keeping with the surrounding development and would remain subservient to the original dwelling. Indeed, the Officer Report raises no objections to the proposal with regards to ‘character and appearance’, and states that the proposal “is considered to appear appropriate to the character and appearance of the surrounding rural area”. In this regard the proposal also complies with criterion (b) of Policy HOU13.
10. Furthermore, I note there is no objection from the Council with regards to criterion (c) and (d) Policy HOU13, which relates to the parking of vehicles and Policy HOU11 (Extensions and Alterations to Dwellings, Residential Outbuildings and Works within Residential Curtilages).
11. I therefore conclude that proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes. In this respect I find no conflict with Policy HOU13 of the District Plan.

Other matters

12. The annex building lies close to and within the curtilage of The Old Thatch, which is a one and a half storeys C16 Grade II listed building comprising a

¹ Distance taken from the Officer’s Report.

thatched roof and plastered walls. The Council's conservation team have confirmed that the annex was built after 1948 and therefore is not considered to be listed. I also note that the Council raised no objection to the proposal with regards to the setting of the listed building. From the evidence before me and from what I saw on site, I find no reason to disagree with the Council and conclude that the setting of the listed buildings at the Old Thatch would not be harmed.

13. I also note that the site is located within the Metropolitan Green Belt. However, owing to the modest size of the extensions proposed, the Council state that the proposal is not inappropriate development in the Green Belt and have raised no objection to the proposal on grounds of loss of openness or harm to the Green Belt. I find no reason to disagree with the Council's assessment on this matter.

Conditions

14. The Council has suggested one condition which I have assessed having regard to the advice contained within the Planning Practice Guidance. Apart from the usual time limitations, a condition specifying the approved drawings is necessary to provide certainty. A condition is also attached stating that the building shall only be used in connection with the main building and shall not form a separate dwelling. A condition is imposed to require details of the materials to be used, in the interest of character and appearance of the area, and to preserve the setting of the listed building.

Conclusion

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

R Satheesan

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Ban.Feb.19A (Existing and Proposed Block Plan), BAN.FEB.19 B Page 1 of 2 and Page 2 of 2.
3. No development shall be carried out above slab level until full details, including samples, of the external facing materials to be used on the annex building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ, and shall not be used as a separate dwelling.



Appeal Decision

Site visit made on 8 October 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/J1915/D/19/3233289

Round House Lodge, High Oak Road, Ware, SG12 7PR

- 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 Harris & Ms Markham against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0527/HH, dated 8 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is conversion of attic, extension of roof space, introduction of dormers and changes to fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site is located on the fringe of the existing urban area and is within a relatively isolated position, set back from the main road. The appeal property consists of a detached single storey dwelling, which has a single storey flat roof element linking to a garage. The main part of the dwelling has a simplistic form with an almost square footprint, low eaves and a substantial hipped roof, which is the predominant feature of the existing building.
4. Although set back from the main road the dwelling is clearly visible through the gap created by the access to the site and the Roundhouse; and from the adjacent bridleway. It is a prominent feature when viewed from the frontage and due to its siting, at the junction of the access and bridleway, it appears as a gatehouse, nestled into the landscape. It does therefore have its own individual character and streetscene, which contrasts with the more compact, urban form of the existing development to the south. It is however acknowledged that broader views of the frontage are tempered by existing landscaping.
5. The rear garden area is at a higher ground level than the existing dwelling, with ground levels rising further to the north beyond the site boundary. Considering this, and the existing planting at the site and in the surrounding area, the rear of the dwelling is not as prominent. Any views are generally glimpsed through this planting, though there would be more open views from

the field to the rear and driveway to the Roundhouse. However, where there are views to the site it is the existing roof which is the most visible.

6. The proposed dormers to the front elevation, due to their size, in particular their width and height, would dominate the existing property. When viewed from the front, the dormers would visually occupy much of the existing front roof slope and, with their glazed elements being similar in size to those on the existing dwelling, would also compete visually with the host property, even though the footprint of the dwelling would not be amended, and the dormers would incorporate traditional hipped roofs, utilise matching materials and have shallower cheeks.
7. Accordingly, the front dormers would alter the existing character and appearance of the dwelling, and rather than blend in, or break-up the expanse of the roof, they would be overly dominant features, detracting from its original size and form. Their balanced composition would also therefore be lessened as they would be prominent and incongruous additions.
8. The dormer proposed to the rear roof slope is of a more contemporary design, incorporating larger sections of glazing and a metal curved roof. It would not resemble an eyebrow dormer, which generally do not have cheeks, and would therefore visually be more intrusive. Whilst it is acknowledged that the appeal scheme includes other elements of contemporary design, due to the existing higher ground level to the rear, these would not be read in conjunction with the dormer window.
9. From the surrounding area this dormer would be viewed in the context of the more traditional roof form. Considering its size, design and materials the rear dormer would, visually, be at odds with the established character of the host property and be a dominant and incongruous addition.
10. The proposed development would, therefore, have an unacceptable harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, in that regard, it would be contrary to Policy DES4 of the East Hertfordshire District Plan 2018 (DP) which seeks to ensure that developments are of a high standard of design. It would also not accord with Policy HOU11 of the DP which requires developments to be of a size, scale, mass, form, siting, design and materials that are appropriate to the character, appearance and setting of the existing dwelling; and with specific regard to roof dormers, be of limited extent and modest proportions so as not to dominate the existing roof form.

Other matters

11. The appellant has drawn my attention to other developments in the Great Amwell area that have incorporated dormer windows. Whilst I am mindful of the details submitted, there are none which appear to be directly comparable to the appeal scheme when considering the size and siting of the proposed dormer windows, and the size and design of the host dwelling.
12. Furthermore, I do not know the full circumstances of those schemes, and in any event, each case must be considered on its own merits. It is acknowledged that the site is not within the Green Belt or a conservation area and would not affect the listed Roundhouse building, though this does not affect my consideration of the visual impacts of the proposal which, as detailed above,

would result in harm to the character and appearance of the host dwelling and surrounding area.

13. I note the appellants comments that the existing roof is in poor condition and offers poor insulation value. Whilst the development may have some benefit in respect of thermal efficiency and upkeep of the building, there is little evidence before me to demonstrate that the appeal scheme is the only way to achieve this. The appellant has also provided details of discussions they have had with the Council post decision. However, my decision is based on the scheme before me and these other matters do not, therefore, lead me to a different conclusion.

Conclusion

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

A Denby

INSPECTOR



Appeal Decision

Site visit made on 17 September 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: **07 November 2019**

Appeal Ref: APP/J1915/D/19/3233601

10 Westmill Cottages, Westmill Road, Westmill, Ware SG12 0ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Charvill against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0556/HH, dated 13 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is single storey infill extension between main dwelling and outbuilding, to facilitate the conversion of existing outbuilding.
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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 Issue

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; 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

4. The appeal site comprises a semi-detached cottage which has been extended to the side and front following the granting of planning permissions in 1981 and

2005. An existing wooden outbuilding lies to the south of the dwelling, separated from the host property by a small paved area.

Whether Inappropriate Development

5. Paragraph 145 of the Framework establishes that new buildings in the Green Belt are inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
7. The Council and the appellant agree that the original dwelling had a floor area of approximately 69 square metres (m²). According to the Council¹ the extensions to the original building have added approximately 138 m², which means that the building is now substantially larger than the size of the original building. The appellants figures² show that with the addition of the appeal proposal the floor area would extend by a further 11.13 m² resulting in a floor area of approximately 149 m², over and above the original dwelling, which represents a 215% increase in floor area. I have no reason to disagree with these figures
8. I acknowledge that there is no definition of 'disproportionate' in either the Framework or the development plan. However, having regard to the original dwelling which has already been extended to the side and front, which is not disputed, I find that the further extension of it would result in the original dwelling being engulfed by extensions. Although the appeal proposal would be of a modest size, taken with the earlier extensions, it would amount to disproportionate addition over and above the size of the original building.
9. For these reasons, the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. Openness is an essential characteristic of the Green Belt. In design terms the small scale extension would relate well to the character and appearance of the existing property and its neighbours, and its enclosed location would mean that there would be very limited harm to the openness of the Green Belt. However, the cumulative impact of the appeal proposal and previous extension means that there would still be a loss of openness of the Green Belt and harm to the Green Belt would result.

Other Considerations

11. The Framework makes it clear at paragraph 144, that substantial weight is given to any harm to the Green Belt. It establishes that 'very special

¹ Council's delegated officer report

² Paragraph 5.5 of appellants statement

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

12. The appellant has suggested that the removal of the existing extension which has a mono pitch roof and its replacement by the appeal proposal, which contains a dual pitch roof, would result in no additional floorspace and should be viewed as non-controversial. In this regard I note that the Council³ considers that in terms of design and layout, the proposed extension relates satisfactorily to the character and appearance of the property and surrounding area. I have no reason to disagree. However, the benefits brought about by the demolition of the existing extension and the architectural merits of the proposal, would be limited and do not outweigh the harm that would be caused to the Green Belt.
13. I have noted the appellants' desire to link the house to the outbuildings to facilitate their conversion. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
14. Whilst acknowledging that a small (4%) increase in floorspace, over and above the existing house, appears insignificant in isolation, consideration must be given to the cumulative impact of the additions to the original dwelling house, as required by the Framework. Moreover, the fact that the development is not visually intrusive does not negate the impact of the proposal on the Green Belt.
15. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt in that it would be reduced. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with paragraph 145 of the Framework and Policy GBR1 of the East Herts District Plan October 2018, which seeks to protect the Green Belt from inappropriate development and safeguard the open and rural character of the Borough's countryside.

Recommendation

16. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

³ Council's delegated officer report

Inspector's Decision

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

RC Kirby

INSPECTOR



Appeal Decision

Site visit made on 24 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 November 2019

Appeal Ref: APP/J1915/D/19/3235179

26 Stoa Close, Hertford SG13 7GH

- 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 David Greaves against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0697/HH, dated 1 April 2019, was refused by notice dated 24 May 2019.
 - The development proposed is first floor rear extension and loft conversion comprising of raising the ridge and the provision of dormer window at rear and rooflight at the front.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension and loft conversion comprising raising the ridge, provision of rear dormer window, provision of front roof light and insertion of new second floor window to eastern side elevation at 26 Stoa Close, Hertford SG13 7GH in accordance with the terms of the application, Ref 3/19/0697/HH, dated 1 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: 100A, 201C and 202C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development of the proposed dormer extension shall commence until details of the materials to be used in the construction of the external surfaces of the dormer extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. While the appeal form states the company name as Julia Bentley & David Greaves, I have used taken the name from the application form in the interests of certainty.
3. From the evidence before me, the proposal includes a second-floor window to the eastern elevation of the building. I have therefore used the description of development from the decision notice in the interests of certainty.

Main Issue

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

Reasons

5. The site lies in a residential area generally comprising a mix of two and three storey properties. The rear of No 26 Stroat Close (No 26) is visible from Vixen Drive which is a main route into the estate and therefore is in a prominent location. The properties that can be seen from Vixen Drive are generally in a traditional style and set back from the road with varied roof forms including dormer extensions such that the area has a varied yet attractive, spacious feel.
6. The proposed first floor rear extension, rooflights and raising of the ridge are not a matter of dispute between the main parties. From the evidence before me I see no reason to disagree. Therefore, I will focus my assessment on the proposed dormer extension to which the Council has objected.
7. The proposed dormer extension would be set down from the ridge and eaves of the proposed roof and would be significantly set in from the sides of the detached property. Furthermore, the proposed windows would be of similar proportions to the other windows on the rear elevation. Therefore, while I note the width of the proposed dormer extension and the prominent location, it would appear subordinate to the host property and would be in keeping with the varied and spacious character of the area.
8. While I note that other dormer extensions in the area have been constructed via permitted development rights and may be in less prominent locations than the appeal site, they nevertheless form a part of the varied roof forms and character of the area. In any event, each case must be determined on its individual merits. Therefore, these points have not altered my overall decision.
9. Consequently, the proposed development would not harm the character and appearance of the host dwelling and surrounding area. Therefore, it would not conflict with Policies HOU11 and DES4 of the East Herts District Plan October 2018 which among other things require roof dormers to be appropriate to the design and character of the dwelling and its surroundings and requires all developments to reflect and promote local distinctiveness.

Other Matters

10. I note concerns regarding the service provided by the Council. However, each case must be determined on its planning merits and this point has not altered my overall decision.

Conditions and Conclusion

11. In addition to the standard conditions regarding timing and specifying the approved proposed drawings, conditions relating to external materials are necessary to safeguard the character and appearance of the area. For the reasons given above the appeal should be allowed.

R Sabu INSPECTOR



Appeal Decision

Site visit made on 24 October 2019

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

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/J1915/W/19/3235164

Barn on Standon Road, Little Hadham SG11 2DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Susie Gordon against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0787/ARPN, dated 8 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is concrete portal frame barn with corrugated sheeting to be converted into three dwellings (change of use from agricultural to C3 residential).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the address on the appeal form and decision notice, I have used the address from the application form in the interests of certainty.

Main Issue

3. From the evidence before me, the main issue is whether or not the proposed change of use would be permitted development having regard to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than— (i) the installation or replacement of— (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
6. Paragraph 105 of the Planning Practice Guidance (PPG) provides further guidance. It states that it is not the intention of the permitted development right to allow

rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.

7. The existing building is an agricultural barn that is open on all sides and consists of large concrete portal frames and corrugated roof with the columns founded on foundation pads. The proposal would include the erection of external walls, doors and windows which are permitted under the provisions of Class Q. However, given the skeletal nature of the existing building, and as confirmed in the letter from HLS Structural Engineers Limited dated 11 April 2018, these works would require new strip foundations between the existing columns to support the new external walls and proposed mezzanine floor.
8. As a matter of fact, the insertion of a floor is not included in the list of building operations within Paragraph Q.1(i). Even if it were, I consider that the insertion of a first floor is not reasonably necessary (in the sense of being essential) for the building to function as a dwellinghouse.
9. Therefore, while I note that the proposal would not involve substantial demolition works, given the significant works required to alter the use to a dwelling, the proposed works would go substantially further than that which could be described as a conversion. In addition, while I note the approval of development at Whitehill Farm, each case must be determined on its individual merits and this has not altered my overall decision.
10. With regard to the first reason for refusal, curtilage in this context is defined within the GDPO as an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. Since the curtilage indicated on the drawings was larger than the land area occupied by the building, this part of the provision was not satisfied and this was accepted by the appellant. While the appellant made reference to revised drawings that indicate a smaller curtilage in their statement, such a revised drawing is not before me. The appellant has referred to other appeal decisions where the Inspectors considered the use of a condition to require a more restricted curtilage to overcome this issue. Even if I were to have regard to such a drawing or consider the use of a condition relating to the size of curtilage, given my finding on the extent of work required to alter the use to a dwelling, these would not alter my overall decision.
11. Consequently, for the foregoing reasons, the proposed change of use would not be permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

12. I note the evidence regarding highway safety, traffic and parking as well as noise, contamination, flood risk, location and design of the building. However, since the development would not constitute permitted development for the reasons given above, these matters have not altered my overall decision.

Conclusion

13. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/J1915/W/19/3235149

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 3/19/0933/FUL, dated 2 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is the demolition of existing single storey w.c./store and erection of two storey building consisting of 2no. one bedroom apartments with 2no. parking spaces, vehicle entrances and crossovers.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been subject to a recent appeal decision¹ for an identical development issued after the registration of this appeal. Whilst the outcome of that appeal is noted, this appeal is considered on its own merits.

Main Issue

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

Reasons

4. Queens Road forms part of a wider estate of primarily residential development. It consists of a loop road with an access arm from Cromwell Road to the east, and from the Fanhams Road / King George Road roundabout to the west. The road is characterised by a planned mix of post-war semi-detached and terraced dwellings set behind front gardens with private amenity spaces to the rear.
5. The house types within this part of the estate have a high degree of uniformity that, despite designed variations in elevation treatments and some examples of hipped roof building designs, have similar detailing, generally consistent proportioning and common roof materials and heights. The buildings and layout about the loop have a high degree of symmetry and sense of space between adjacent blocks of development.
6. Nos 34 and 36 Queens Road form a pair of semi-detached properties located on the inner side of the road, facing the access arm to the east. Here the pair are isolated in their orientation and provide a strong central focal point on the

¹ APP/J1915/W/19/3231522

approach from Cromwell Road. The prominence of the buildings is emphasised by a positive sense of spaciousness to either side arising from the wide side gardens and lower garage blocks on the return arms of the road. The vista on approach has a strong sense of symmetry being framed by the rows of dwellings either side of the loop road.

7. The proposed development would introduce a significant scale of development to the side garden that would extend uncharacteristically close to the back of the pavement at its front corner. The building would substantially reduce the open nature of this part of the estate and unbalance the existing symmetry to the detriment of the character and appearance of this prominent element of the street scene. This would be particularly evident in the loss of the central alignment of development with the access road.
8. The effect would be made more conspicuous by virtue of the greater width of the proposed building in comparison to the adjoining units and the contrary arrangement of openings to the front elevation. These aspects of the proposal would result in an unbalanced appearance that would fail to reflect the consistency of proportioning and uniformity of buildings which are strong characteristics of development in the locality. Notwithstanding the proposal to utilise matching materials, the development would subsequently appear unsympathetic and incongruous.
9. It is suggested by the appellant that the existing building could be extended under permitted development rights thereby resulting in a loss of the current level of symmetry across the semi pair. However, I have seen nothing to suggest that if this were possible, the appellant would genuinely pursue this option if the appeal failed. As such, it is a matter of negligible weight in the determination of this appeal.
10. I note the concerns of the Council that the proposed development would result in a terracing effect. As a proposal to form additional residential units alongside the existing semis, I consider that this is the intended outcome. Given there are other terrace units within the loop road, the principle of this type of development is already established. Furthermore, due to the isolated position of nos 34 and 36, the proposed building would not encroach so close to other two-storey development as to result in any perception of wider terracing impacts.
11. Although the proposed development is an additive form of development, it would result in new residential units independent of the occupation of the existing dwelling at no 34. Therefore, I find there is little justification within the Council's evidence to require it to appear subordinate to the adjacent development or avoid a terraced appearance.
12. The appellant submits that the development would make the best possible use of the side garden area and respond to the site constraints in an area outside of special planning controls. Whilst these are positive aspects of the proposed development, they would not outweigh the harm I have identified in terms of the effect of development on the character and appearance of the locality.
13. For the above reasons, I consider the proposed development would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 which, amongst other things, seek to protect the character and appearance of local development.

Conclusion

14. Whilst I have found in favour of the appellant with regard to the terracing effect of the proposed development, I do not consider this would outweigh the identified harm in relation to its effect on the character and appearance of the locality. I therefore conclude the appeal should be dismissed.

R Hitchcock

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J1915/W/19/3236240

58 Stortford Road, Standon SG11 1LZ

- 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 Gillian Ashcroft against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/0940/FUL, dated 2 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the creation of parking area for two vehicles to the front property, to include a dropped kerb.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'I am seeking permission to create a parking area at the front of my property which is directly off of the A120 within a 30 mile per hour speed limit. The area will need a dropped kerb and the garden digging out in an L shape. This will allow parking for two cars with the L shape allowing the vehicles to turn safely' to the 'creation of parking area for two vehicles to the front property, to include a dropped kerb'. The revised description has also been used on the appeal form. I consider that the revised description represents a more succinct and precise description of the proposal and have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed dropped kerb upon highway safety.

Reasons

4. The appeal site contains a terraced dwelling. The terrace is set back from the highway with gardens to the front. These gardens are marked by a combination of wooden fences and hedges. To the front of the site is the A120. To one side of the site is the settlement of Standon, whilst open countryside is on the other. The speed limit on the A120 changes from 40 miles per hour to 30 miles per hour near to the site.
5. The proposed development would result in the creation of a new access onto the highway. This causes significant concerns as the gradient of the A120 is variable. In consequence, drivers of vehicles travelling up the hill would have limited opportunities to view a vehicle in the process of leaving the appeal site.

This situation is exacerbated by there being a corner on the other side of the appeal site, which would reduce opportunities for motorists driving into Standon to be able to view the proposed vehicular access. Whilst I acknowledge that the appeal site is within the 30 miles per hour zone of the A120, the limited visibility offsets any benefits from the lower speed that vehicles would be travelling at.

6. The submitted details indicate that the dropped kerb would be near to the side boundary of the site, which is shared with an adjoining dwelling. Owing to the existing boundary treatment at the appeal site, and at the neighbouring properties, views for motorists leaving the site would be limited. This situation is exacerbated by the presence of a nearby telegraph pole. In consequence, motorists would not have significant warning of advancing vehicles using the A120.
7. On account of this arrangement, it is doubtful that either motorists using the A120, or those leaving the appeal site would have enough advance warning of each other in order to manoeuvre safely, or to take appropriate avoiding action.
8. In reaching this view, I have had regard to the possibility of imposing a condition to secure the provision, and retention, of visibility splays. However, owing to the positioning of the dropped kerb (adjacent to a boundary), it is apparent that such splays would need to cross land outside of the control of the appellant. As such, I do not have certainty that such splays could be implemented and retained throughout the life of the development.
9. I have also had regard to the evidence submitted by the appellant regarding vision lines from the proposed dropped kerb. However, these lines have been calculated from a distance 1 metre back from the kerb edge. As a motorist leaving the site might be sat further back depending on the length of the car bonnet, I am therefore unpersuaded that these overcome my previous concerns.
10. I also acknowledge the efforts made by the appellant in designing a scheme that would enable a vehicle to leave the site in a forward gear. However, this does not overcome the identified harm to highway safety arising from a lack of visibility for both motorists using the A120 and leaving the appeal site.
11. The evidence before me is indicative that there have recently been few accidents on the A120. However, the representations made by the Local Highway Authority to the planning application indicate that the road is widely used. In consequence, a reduction in the level of highway safety would not be appropriate.
12. As a result, I conclude that the proposed dropped kerb would lead to an adverse impact upon highway safety. The development, in this regard, fails to accord with the requirements of Policy TRA2 of the East Herts District Plan (2018). This policy seeks to ensure that new safe and suitable access is achieved for all.

Other Matters

13. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use

need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.

14. Whilst it may be the case that currently there are few vehicle movements associated with the property, I note that the dropped kerb would be installed on a permanent basis and as such, vehicle movements may intensify over time, which would increase the level of harm.
15. I acknowledge that there may be a lack of car parking within the vicinity and that residential development is taking place nearby. However, it is incumbent upon me to assess the merits of the proposal before me in respect of its own impact upon highway safety. Given that I have identified harm, the benefits arising from an increase in off street car parking are outweighed.
16. I have noted that the design of the dropped kerb and driveway would include appropriate drainage, would not interfere with pedestrian crossings or traffic lights, would not impact upon pedestrian safety and would be some distance from the nearest junction. However, these are only some of all the matters that must be considered in assessing a proposal. I therefore do not find that these overcome my previous concerns.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 21 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/J1915/D/19/3235062

42 Rochford Road, Bishops Stortford, CM23 5EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Matthew Williams against the decision of East Hertfordshire Council.
 - The application Ref 3/19/1041/HH, dated 8 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is a first floor side extension, part two storey rear extension and internal remodelling.
-

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: (i) the character and appearance of the surrounding area; and (ii) the living conditions of the occupants of No. 40 Rochford Road with regards to light, outlook and the potential to appear overbearing.

Reasons for the Recommendation

Character and appearance

4. The appeal site is situated on the residential street of Rochford Road and comprises a semi-detached dwelling. The immediate surroundings are characterised by similar residential properties which differ in size and style but retain a broad uniformity in terms of materials and character. The road is made up of a mixture of semi-detached and detached properties and, for the most part, the single storey garages to the side of dwellings helps to maintain a sense of separation to the neighbouring property, in keeping with the low density nature of the estate. There is a pleasing sense of coherence between the appeal property and the neighbouring attached dwelling at No. 44 Rochford Road. While these properties are not identical, there is a broad similarity in terms of scale and massing, accentuated by the fact that both dwellings benefit from a single storey attached garage to the side.

5. The proposal relates to the installation of a first floor side extension, part two storey rear extension and internal remodelling. Policy HOU11 of the East Hertfordshire District Plan, adopted in October 2018 (the Local Plan), relates specifically to extensions and alterations to dwellings. It states that such development should, amongst other things, be appropriate to the character and appearance of the surrounding area by nature of the size, scale and design of the extension. Policy HOU11 further states that any side extension should ensure appropriate space is left between the flank wall of the extension and the common curtilage with the neighbouring property to safeguard the character and appearance of the streetscene and prevent a visually damaging terracing effect. The policy establishes that, as a general rule, a separation distance of 1m is the minimum acceptable distance.
6. The proposal is to be constructed in materials to match the existing property in terms of colour and texture, and the two storey rear extension would not be visible from Rochford Road. Furthermore, in setting the side extension back slightly from the road, the proposal also attempts to reduce the effect on the streetscene. However, it is agreed between the parties that a maximum distance of 0.7m would exist between the proposal and the two-storey element of the neighbouring property at No. 40 Rochford Road. This fails to meet the 1m minimum laid down in Policy HOU11 and while this minimum distance is given as a general rule only, in this case the proposal would lead to a visually damaging terracing effect.
7. The narrow space that exists between the appeal property and No. 40 at ground floor level would be further reduced by the proposal, which would extend beyond the existing side elevation of the garage. At first floor level, the visual gap in development between the properties would be infilled, further reducing the space between the properties. That impact would be exacerbated because the neighbouring dwelling at No. 40 does not contain a single storey garage to the side, unlike most dwellings in the area, but has an integral garage with first floor accommodation above.
8. Therefore, the proposal, by nature of its scale and siting, would effectively erode the space between the two properties leading to a terracing effect that would be out of character with the wider estate. Whilst there may be examples where neighbouring extensions have been permitted closer than the 1m required by policy HOU11 I am not satisfied that the resulting impact of those extensions represents a positive in design terms, having regard to the terracing effect that is created, and there are sound reasons to maintain a suitable gap at first floor level in this instance, having regard to the relationship between the properties and the prevailing pattern of development in the area, notwithstanding other extensions that may have been permitted elsewhere.
9. Furthermore, the proposal would reduce the sense of coherence between the appeal property and the attached dwelling at No. 44 through the development of the first floor side extension. In this context it would appear as an incongruous addition to the streetscene, particularly when accessing Rochford Road from Prestwick Drive, where prominent views of the proposal would be experienced alongside both neighbouring dwellings.
10. For the reasons given above, the proposal would fail to respect or improve the character or appearance of the surrounding area and would have a materially harmful impact in this regard. It would therefore be contrary to Policies DES4 and HOU11 of the Local Plan.

Living conditions

11. The appeal property is located in close proximity to the side elevation of No. 40, separated by a narrow passageway between the two properties and a boundary fence attached to the rear elevation of No. 40. The proposal would increase the built development that runs alongside this boundary by introducing a second storey above the current rear extension at the appeal property.
12. I have taken account of the comments of both parties with regards to whether the proposal would fall within a 45 degree field of view from the first floor window of No. 40. However, the plans do not show the position of that neighbouring window and a precise calculation of whether the flank wall would breach the 45 degree line has not been provided by either party.
13. Nonetheless, having viewed the proposal on site, the side wall would be situated close to the side elevation of No. 40, where it would tower above the boundary fence and hedging present between the two dwellings. It would be clearly visible from the back garden of No. 40 and would extend beyond the first storey windows along the rear elevation of this neighbouring property.
14. The development would introduce additional bulk along the boundary with No. 40 as a result of the extensions and alterations proposed. In particular, it would add an additional storey in close confines to the windows along the rear elevation of No. 40 which would experience a harmful deterioration in outlook and light levels as a result. By nature of its scale and proximity to this neighbouring property, the proposal would therefore fail to ensure that the environments of the occupiers of No. 40 are not harmed.
15. Furthermore, the increased scale of the proposal would appear as a significant addition to the appeal property from the rear garden of No. 40 where, when experienced alongside the dwelling at No 40, it would appear unduly dominant. This would increase the overbearing feel of the development when experienced from the outdoor space to the rear of No. 40 and would fail to avoid significant detrimental impacts on the amenity of the occupiers of No. 40.
16. Due to the proposed location close to the boundary with No. 40 and the difference in floor levels between the proposal and the neighbouring dwelling the development would have an unacceptable detrimental impact on the amenities of the occupiers of No. 40 by way of light, outlook and overbearing effect so as to cause harm to the living conditions of those occupiers. Accordingly, it would fail to comply with Policy DES4 of the Local Plan.

Other considerations

17. The appellant has referred to other development within the wider vicinity where extensions have been granted planning permission as evidence that similar development has created a local distinctive character in this regard. However, I must determine the current proposal in light of currently adopted planning policies and cannot be certain that the historic examples referred to were approved in that context. Moreover, I have had regard to the specific arrangement on site and the direct relationship with the neighbouring properties and those circumstances are unlikely to be replicated directly elsewhere, particularly in respect of the relationship with No. 40. Consequently, reference to other extensions nearby does not outweigh the harm identified above.

Conclusion and Recommendation

18. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J1915/W/19/3236656

Rooks Nest Paddock, Stevenage Road, Walkern, SG2 7NN

- 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 Wakeley and Miss Hilton against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1086/FUL, dated 23 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking - revised scheme.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a number of buildings that have been used in conjunction with functions relating to farming, equine activities and retailing. The site is located outside of allocated settlement boundaries, and whilst there are dwellings and other buildings nearby, there are fields on three of the site's sides. The site is accessed from Stevenage Road, although the site is on higher ground.
4. As discussed, the site is outside of the allocated settlement boundaries. Policy VILL1 of the East Herts District Plan (2018) (the District Plan) directs new dwellings to locations within the settlement boundaries of Walkern, where they should reflect their village setting. The policy also sets some targets for the provision of new housing. On account of the location of the proposed dwelling, it does not fulfil these criteria. Furthermore, I do not have any evidence before me that is indicative of the housing targets prescribed within this policy not being delivered. It therefore needs to be established whether any harm would emanate from this breach of policy.
5. Furthermore, Policy GBR2 of the District Plan, outlines the types of development that are considered more suitable for out-of-settlement locations. These include the development of housing on Rural Exception Sites, or limited infilling. I do not appear to have any evidence that is indicative of the site

- being a Rural Exception Housing site. Furthermore, owing to the pattern of development in the vicinity, the scheme cannot be described as being an infill.
6. Policy GBR2 does identify that redevelopment of sites might be acceptable, where the development is appropriate to the character, appearance and setting of the site and/or surrounding area.
 7. Whilst I acknowledge that the precise siting of the proposed dwelling is such that it would replace some existing buildings and hardstanding, the proposed dwelling would have a footprint notably larger than the buildings that it would replace.
 8. In addition, the proposed dwelling would have a significant height resulting from the presence of rooms within the roof. This height is also significantly more than the height of the existing buildings that are to be replaced. This would result in a development of significant massing, that would be exacerbated by the proposed dwelling featuring projecting gables and dormer windows. This would result in a dwelling that would have a bulk and footprint notably larger than the buildings that it would replace.
 9. This is of concern as the proposed building would be sited on land that is notably higher than Stevenage Road. As a result, the proposed building would appear as a particularly prominent addition to the landscape. Given that this side of Stevenage Road can be characterised by the presence of fields and paddocks interspersed with smaller scale buildings associated with the use of the land, the proposed dwelling would appear to be incongruous.
 10. Whilst I acknowledge the presence of development immediately adjacent to the site of the proposed dwelling, the proposal would lead to a cumulative erosion of the less developed, more open environs of the site.
 11. In reaching this view, I have had regard to the presence of trees and hedges in the locality. Whilst I acknowledge their presence, the screening effect of these is less than total. Furthermore, I am not aware of any mechanism by which they might be retained throughout the life of the development. For this reason, I do not consider that the inappropriate form of the development could be satisfactorily mitigated.
 12. In consequence, the proposed development would represent a bulky and strident feature. Whilst I note efforts made by the appellant to design a dwelling informed by its rural context, such as by using wood cladding, I do not believe that this would overcome the harm arising from the bulk and massing of the development.
 13. Whilst the site is, on three sides, surrounded by fields, I note that there are buildings nearby, including on the opposite side of Stevenage Road. In addition, the site is close to the village of Walkern where residents of the development would be able to utilise the various services and commercial units. I also note that there is a bus stop close to the site. Whilst this ensures that the dwelling would not be isolated, this does not offset the harm to the character and appearance of the locality as previously identified.
 14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with the requirements of Policies DES4, GBR2 and VILL1 of the District Plan. These policies, amongst

other matters, seek to direct new development into the settlement boundaries of villages; require developments outside of such boundaries to be of a design and form that is appropriate to the site's surroundings; and reflect, and promote local distinctiveness.

Other Matters

15. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.
16. I also acknowledge that the appellant has revised their proposals following a previous refusal of planning permission, and that the revised application was not the subject of objections from the District Councillor, Parish Council, and local residents. Whilst these are matters of note, they do not offset the harm to the character and appearance of the locality as set out previously.
17. I have also noted that the appellant has revised the access arrangements for the proposed dwelling from that originally applied for through a previous application for planning permission. Whilst this might have resulted in a reduction in the level of additional surfacing, I do not believe that it overcomes the harm as previously identified in respect of the bulk and massing of the proposed dwelling.

Conclusion

18. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR