



Appeal Decision

Site visit made on 15 May 2020

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

an Inspector appointed by the Secretary of State

Decision date: 20th May 2020

Appeal Ref: APP/J1915/D/20/3245445

56 Tamworth Road, Hertford, Herts SG13 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 Mr Patrick Shipp against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1897/HH, dated 16 September 2019, was refused by notice dated 12 November 2019.
 - The development is described as, 'retrospective application for a loft conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion comprising of rear dormer window and 3 rooflights at 56 Tamworth Road, Hertford, Herts SG13 7DN in accordance with the terms of the application, Ref 3/19/1897/HH, dated 16 September 2019, and the drawing numbered TW/19/1/A.

Procedural Matters

2. The loft conversion has been carried out and appears to be in line with the submitted drawings. I have assessed the appeal accordingly.
3. I have used the description of development from the decision notice in my decision above as it is more precise than that stated in the application form.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the host dwelling and Hertford Conservation Area (HCA).

Reasons

5. Tamworth Road is largely characterised by two storey traditional semi-detached and detached dwellings, though there are a number of commercial units opposite the site. The significance of HCA lies in the evidence of historic vernacular architecture which are of a range of ages, forms and materials.
6. No 56 Tamworth Road (No 56) forms part of a pair of semi-detached properties along with No 54 Tamworth Road (No 54). No 54 has a dormer extension above the main part of the house as well as above the outrigger to the rear. While I acknowledge that that extension was constructed prior to the change to the boundary of HCA, it nevertheless forms part of the pair of dwellings and contributes significantly to their character and appearance.

7. The dormer extension subject of this appeal extends over the main part of the house only and is therefore smaller in massing and scale to the roof extensions of No 54. The side of the extension is set in from the flank wall of the host building and while I note the height of the extension, it generally appears subservient to the host building particularly given that it is viewed in the context of the larger extension of the adjacent property.
8. Furthermore, given the location of the property near the varied roofs of Fairfax Road, the extension does not appear incongruous when viewed against the roofscape of the surrounding properties. There are views of the extension from Tamworth Road and Fairfax Road where it is only partially visible or viewed against the adjacent dormer such that there is no harm to the character and appearance of the street scene or HCA. In addition, its cladding is in keeping with the materials of the host building, adjacent extension and surrounding roofs.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Given my findings above that the proposal would reflect the character and appearance of the host property, the pair of semi-detached dwellings of which it forms part and the area in general; I conclude that the development preserves the character or appearance of the host dwelling and HCA.
10. Accordingly, it does not conflict with Policies HA1, HA4 of the adopted East Herts District Plan (2018) (DP) which together require extensions to buildings in conservation areas to preserve or enhance the historic environment, special interest, character and appearance of the area. It would also not conflict with DP Policies DES4 and HOU11(d) which among other things require developments to respect the character of the site and surrounding area and that dormers should not dominate the existing roof form. The proposal would sustain the significance of the conservation area as a heritage asset, as required by paragraph 185 of the National Planning Policy Framework.

Conditions

11. While I note the conditions suggested by the Council, since the development has taken place, the standard time related condition and the condition relating to materials are not necessary. A condition specifying plans has also been suggested, however, given that my formal decision links the permission to the approved plan, that condition is unnecessary.

Conclusion

12. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR



Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/J1915/D/20/3247086

17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE

- 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 D & K Feldman against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2376/HH, dated 20 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the erection of front entrance door canopy roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front entrance door canopy roof at 17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE in accordance with the terms of the application, Ref 3/19/2376/HH, dated 20 November 2019, 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 approved plan 13887-P001-1st.

Procedural Matter

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt.

Reasons

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
5. Policy GBR1 of the East Herts District Plan (2018) (DP) sets out that planning applications within the Green Belt will be considered in line with the provisions

of the Framework. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

6. The Appellant considers that the exemption as set out in paragraph 145c) of the Framework should apply. This states that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.
7. From the evidence before me, the current dwelling results from a planning permission granted in June 2000¹. It is further understood that permitted development rights for extensions and roof alterations were removed from that permission, although such rights were not removed in respect of the erection of porches.
8. The Framework defines the 'original building' as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". The replacement dwelling granted permission in 2000 (which was subsequently implemented) must therefore be considered to be the original building and should form the baseline for any consideration of the exemptions outlined at paragraph 145.
9. With that in mind, the additional of a small porch roof is a very modest alteration to the existing dwelling. To my mind, it would not therefore be a disproportionate addition and would accord with the exemption to inappropriate development as outlined at paragraph 145c) of the Framework.
10. In coming to the above views I acknowledge that the replacement dwelling was larger than the previous dwelling at the site. However, as set out by the Appellant, the new dwelling effectively began a new chapter in the life of the property known as 17 Burnham Green Road.
11. In considering the effect on openness, I have had regard to the Lea Valley Regional Park judgement². This sets out that, where development is considered to be not inappropriate in the Green Belt, such development is not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Consequently, it is not necessary to assess the effect of the development on the openness of the Green Belt any further.
12. For the above reasons the development would not be inappropriate development in the Green Belt and would be consistent with Policy GBR1 of the DP and the aims and objectives of the Framework.

Conditions

13. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

¹ Reference 3/00/0495/FP

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

Conclusion

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

Chris Forrett

INSPECTOR