



Appeal Decision

Site visit made on 9 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/J1915/D/19/3243401

The Orchards, Duck Lane, Benington SG2 7LJ

- 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 Chris Caulfield against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1734/HH, dated 22 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is the demolition of rear porch and construction of new two storey rear extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Preliminary Matter

3. The Council granted planning permission for a two-storey rear extension at the appeal property in 2018¹ which is a material consideration in the determination of this appeal.

Main Issue

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

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling on a large plot within a rural location. The site is surrounded by trees and landscaping and is located at the end of a single-track lane, with the side of the property adjacent to Duck Lane. The proposed development includes a two-storey rear extension, projecting from an existing two-storey gable and a first-floor rear extension over an existing single storey lean-to.
6. The proposed two-storey rear extension would have a significant depth of over 6 metres, about some 2 metres longer than the 2018 proposal. Consequently,

¹ 3/18/0962/HH (the 2018 proposal)

it would create a large side elevation wall facing Duck Lane. The existing original gable roof form on this side elevation would remain, however the expansive side elevation of the proposed extension would appear large and imposing in comparison. Although the proposal would use materials which match the host dwelling and follow the design principles of the 2018 proposal, its excessive depth would not result in a subservient addition and would appear disproportionate with the modest and rural appearance of the current property.

7. The front elevation of the dwelling would remain unchanged, however the side and rear elevations are also equally visible from the public realm due to the orientation of the dwelling on the site and gaps within the boundary landscaping. Although additional landscaping may have provided sufficient screening for the 2018 proposal, the current package of works is significantly larger and therefore would have a greater visual impact from the adjacent lane which would be difficult to effectively screen.
8. The proposed first floor extension would not increase the depth of the original dwelling and would be lower in height than the ridge of the existing rear gable, with a matching eaves height. It is noted that the appellant considers the first floor of the property as restrictive and the proposal would provide additional floor area. However, although it would be less visible, the cumulative impact of this alongside the proposed two-storey extension would create an overdeveloped and dominant appearance to the rear of the property which would be out of keeping within the rural surroundings. Although the appeal site is self-contained by hedges and planting, due to its location it would still form part of the rural landscape and the open and spacious nature of the site would contribute to the wider rural character.
9. For the reasons above I consider that the proposed development would be harmful to the character and appearance of the host dwelling and surrounding area. It would therefore be contrary to Policies GBR2, DES4 and HOU11 of the East Herts District Plan (2018) which collectively seek to ensure extensions to dwellings are appropriate to the character, appearance and setting of the site and surrounding area with a high standard of design and generally appear as a subservient addition, along with the design objectives of the National Planning Policy Framework.

Other Matters

10. The appellant has highlighted an approved planning application for two-storey side extension also located on Duck Lane, which is in a Conservation Area and is identified as having similar planning issues to this appeal. No details of the application, apart from a reference number, have been provided and the specific circumstances of this neighbouring development are unknown. However, as it is located within a Conservation Area it would be subject to different considerations and therefore would not be directly comparable to the appeal before me.
11. It is noted that there are no objections to the proposal from third parties. However, this would not outweigh the resultant harm of the proposed development.

Conclusions and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS 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 dismissed.

Zoe Raygen

INSPECTOR



Appeal Decision

Site visit made on 29 May 2020

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

an Inspector appointed by the Secretary of State

Decision date: 9th June 2020

Appeal Ref: APP/J1915/W/19/3243449

Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU

- 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 Luetchford against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1763/FUL, dated 27 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is change of use of existing residential annexe to an independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing residential annexe to an independent dwelling at Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU in accordance with the terms of the application, Ref 3/19/1763/FUL, dated 27 August 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 the following approved plans: NH/807/01, NH/807/04 and NH/807/05.
 - 3) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amending Order, no development as specified in Schedule 2, Part 1, Classes A, and E shall be undertaken without the prior consent, in writing, of the local planning authority.
 - 4) Prior to first occupation of the development hereby approved, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be maintained in accordance with those details.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area having regard to local and national policies.

Reasons

3. The site is located outside of settlement boundaries within the open countryside and in an area designated within the East Herts District Plan October 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB).
4. The site consists of a plot of land adjacent to Moorwood House, a detached dwelling, that is occupied by a number of outbuildings. These include an annexe that is currently in incidental use as a residential annexe and a stable building. The proposal seeks subdivision of the land and the use of the annexe as a separate permanent residential dwelling.
5. Since there are other dwellings along the road a short distance away, the site is not isolated in the terms of paragraph 79 of the National Planning Policy Framework (Framework). In any event, even if the site was isolated, there is no definition of dwelling in the Framework or DP to suggest that part (d) of paragraph 79 only relates to the primary building and does not include any ancillary outbuildings. Therefore an 'existing residential dwelling' can reasonably be defined as a primary building and any ancillary outbuildings. From the evidence before me the outbuilding was constructed as an annexe to support the main house known as Moorwood House. It is in close proximity to the host dwelling and is ancillary to it. Therefore, even if the provisions of paragraph 79 of the Framework were engaged in this case, the proposed development would accord with it.
6. The nearest settlement is Wood End, which, as indicated by the evidence, has no services or facilities. Ardeley is a larger settlement to the north which has limited services and facilities including a school and shop. In addition, the road linking the site with these settlements largely lack footpaths and streetlights such that future occupiers would be mostly reliant on the private vehicle for access to services and facilities.
7. However, the larger settlements of Buntingford and Stevenage with a wide range of services and facilities, are a short car journey away and, given the modest scale of the annexe with one bedroom, the number of future occupiers and number of car trips generated by the proposal would be limited. Moreover, given the existing, incidental use, any increase in trips resulting from the proposal would be nominal. Therefore, the harm in this regard would be limited such that refusal of permission on these grounds alone would not be justified.
8. Turning my attention to character and appearance, no physical changes are proposed to the existing buildings and the appellant has indicated that no changes are proposed to the access or driveway. A fence would be erected between Moorwood House and the appeal site, and some landscaping changes have been suggested in the evidence.
9. Since the site currently lies within the existing residential property of Moorwood House and given that the proposal would result in the permanent rather than temporary occupation of the one bedroom annexe, any additional domestic paraphernalia would be unlikely to be to an extent that would adversely affect the character and appearance of the area. Furthermore, given the tall trees along the boundary of the site with the road, views of the development from the public realm would be limited.

10. DP Policy GBR2 lists a number of types of developments that will be permitted in the RABGB provided that they are compatible with the character and appearance of the area. While I have found that the proposal would not harm the character and appearance of the area, since the proposed development does not fall within these criteria, in strict terms it would conflict with this Policy.
11. However, since DP Policy GBR2 does not mention the change of use of existing buildings, and the policies before me do not relate to such development, the development plan appears to be silent on these types of developments. DP Policy INT1 states that where there are no policies relevant to the application, then the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
12. Since the proposal includes the provision of a single dwelling to the local housing supply, the benefit in this regard would be limited. However, since the harm that would result from the location of the proposal outside of settlement boundaries would also be limited, the adverse impacts would not significantly and demonstrably outweigh the benefits. Therefore, the proposal would not conflict with DP Policy INT1.
13. DP Policy DPS2 permits developments in sustainable brownfield sites. Since the site has permanent structure and is previously developed land, it constitutes a brownfield site. Given my findings regarding the accessibility of services and facilities, the size of the appeal building and its current use, the proposal would not conflict with this Policy.
14. Consequently, the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area. While the proposal would conflict with DP Policy GBR2, it would not conflict with DP Policies DPS2 and INT1. Given that the development plan appears to be silent regarding this type of development and that the limited harm would not significantly and demonstrably outweigh the benefits, in this particular case, other considerations outweigh the development plan conflict. In addition, for the foregoing reasons, the proposal would not conflict with the Framework.

Other Matters

15. The appellant has indicated that the 'L' shaped building would continue its current use as a stable building and that the land to the north would be retained as part of the appeal scheme. Therefore, this point has not altered my overall decision.
16. I note the comments of the Inspectors for the cases at Hill Farm¹ and The Oaks². However, these schemes have different positions in relation to their nearest settlements when compared to the appeal scheme such that they do not provide direct comparisons. In any event, each case must be determined on its individual merits and they have not altered my overall decision.

¹ Appeal Ref: APP/J1915/W/18/3205317

² Appeal Ref: APP/J1915/W/18/3210408

Conditions

17. I note the Council's suggested conditions and have made some minor amendments having regard to paragraph 55 of the Framework and in the interests of precision and clarity.
18. Conditions relating to the standard time limit and specifying the approved drawings are necessary in the interests of certainty.
19. Since the scheme does not involve the construction of new buildings, the suggested conditions relating to details of the proposed buildings and construction are not necessary.
20. Given the rural location of the proposal and proximity to the existing dwelling, a condition removing certain permitted development rights is necessary to safeguard the character and appearance of the area.
21. While I note that there appears to be sufficient space for the storage of refuse and recycling, since the proposal would result in a separate dwelling and given the proximity of the proposal to the existing dwelling, a condition relating to the location of refuse and recycling storage is necessary.

Conclusion

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

R Sabu

INSPECTOR



Appeal Decision

Site visit made on 9 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J1915/W/19/3242278

Land adjacent to Lamorna, B1368 North from Junc With Hare Street Road to Biggin Hill, Hare Street, SG9 0DX

- 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 Steve Lathbury against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0970/OUT, dated 25 April 2019, was refused by notice dated 16 July 2019.
 - The development proposed is a residential development of three detached dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Procedural matter

3. The application was submitted in outline form, and I have considered the appeal on the same basis. The matters for consideration are access, appearance, layout and scale, with landscaping a reserved matter for future consideration.

Main Issues

4. The main issues in the appeal are:
 - whether the proposed development would provide a suitable site for housing, including in terms of the proximity of services and facilities,
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - whether sufficient information has been submitted with regards to the possible existence and remediation of contaminated land,
 - whether the proposal is suitable with regard to meeting local housing need.

Reasons for the Recommendation

Suitable Site for Housing

5. The appeal site is an area of land adjacent to the dwelling known as 'Lamorna' and a residential site of 5 dwellings which are currently under construction. The land is largely covered with hardstanding and has a commercial use as a haulage and storage yard.
6. Policy GBR2 of the East Herts District Plan (2018) stipulates which types of development in the rural area beyond the green belt, in which the appeal site is located, would be permitted. The appellant claims that the proposed development would fall under the stipulation of paragraph (e) which states 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.'
7. Although the appeal site is a hard-surfaced yard with a lawful commercial use, I saw from my site visit that there are no permanent buildings located on the site and no evidence that there previously has been. In line with the definition in Annex 2 of the National Planning Policy Framework, this site would therefore not fall under the definition of previously developed land. As such, the proposal would not accord with the requirements of Policy GBR2. This appeal site differs from the adjacent residential development site in this respect as that, I understand, contained permanent buildings and so would have been considered previously developed land.
8. Furthermore, the appeal site is substantially outside of the defined village boundary of the closest village to the appeal site, Hare Street, with that village containing only a limited number of services and facilities. Therefore it is likely that the residents of the proposed dwellings would be required to travel outside the village regularly by car to access other facilities. It is acknowledged that in a rural area many trips will often need to be undertaken by car. However in this case, due to the site's significant distance from the nearest services or facilities, it is unlikely that any trips, even for day to day needs, would be undertaken by sustainable means. Therefore, the appeal site is not within a sustainable location in terms of its access to services and facilities.
9. In conclusion, the proposed development would not provide a suitable site for housing and would be contrary to Policy GBR2 as set out above.

Character and Appearance

10. The site is currently used commercially, however, as it is set back from the road and has no permanent buildings, it has little visibility from the public realm and therefore makes a limited contribution to the character and appearance of the area. Although the proposed development would reduce the amount of hardstanding and would not encroach onto the surrounding countryside, due to the height of the proposed buildings, the proposal would be more visible from the main road and surrounding area than at present and therefore would have a greater visual impact. In this respect also, this scheme would differ from the development on the adjacent site as that site contained buildings, and hence their impact upon the character and appearance of the area would have been greater and so the benefit of their removal also greater.

11. Although the design and layout of the proposed dwellings is typical in nature, the visual impact of the proposed development on the currently open and inobtrusive piece of land would be significant and would not enhance the current appearance of the site from the surrounding area. When viewed alongside the 5 new dwellings, the proposal would cumulatively create a larger housing development which would appear incongruous within this rural environment. Although the development of the 5 new dwellings may have changed the pattern of development locally, this does not mean that an extension of that development onto currently open and undeveloped land would necessarily be suitable or compatible with this countryside location.
12. Overall, the proposed development would harm the character and appearance of the surrounding area. It would therefore be contrary to Policies GBR2 and DES4 of the East Herts District Plan (2018) and HD2 of the Buntingford Community Area Neighbourhood Plan (2014-2031). These collectively seek to ensure that new development respects or improves, and is appropriate to, the character, appearance and setting of the surrounding area and does not impact adversely on views from the surrounding countryside.

Contaminated Land

13. No information has been provided within the planning application regarding the presence of contaminated land and any necessary remediation works. The Council's Environmental Health Officer has not objected to the application and has indicated that a condition could be included to deal with the contamination of land before the development begins. I agree.
14. Therefore the proposed development would not be contrary to the aim of Policy EQ1 of the East Herts District Plan (2018) which requires evidence to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation during and following the development.

Local Housing Need

15. Policy HD7 of the Buntingford Community Area Neighbourhood Plan (2014-2031) states that 'new housing should reflect local requirements which are for a mix of sizes with a majority having 2 or 3 bedrooms and a small but significant number being bungalows.' The proposal would provide three 4-bedroom dwellings and therefore would not contribute to this majority requirement.
16. However, although there is a greater need for smaller dwellings, the policy does not categorically restrict larger dwelling from being built. Also, in this instance, I consider it would be unnecessary for a development of only three dwellings to be required to reflect local housing need in terms of mix and tenure especially if one would be occupied by the appellant's son and therefore only two would be immediately accessible to the open market. Therefore, the proposed development would not be contrary to Policy HD7.

Other Matters

17. The site is currently used as a haulage and storage yard however the appellant has noted that they may no longer be able to use it as such due to its impact on the residents of the new neighbouring residential development. Any impacts of the appeal site, in its current state, on the new neighbouring residential development should have been fully considered at application stage, and

therefore the cessation of the appellant's business would not be beneficial to their amenity. It has also been stated that the current proposal should be viewed as the phased completion of a small housing development. Although adjacent to one another, this site is a separate planning unit and therefore must be considered as such.

18. I note that the proposal is a self-build project and paragraph 61 footnote 26 of the Framework states that Councils are required to keep a self-build register and give enough suitable development permissions to meet the identified demand. Nevertheless, proposals are still required to be appropriate in all other respects and therefore this would not outweigh the harm previously identified.
19. A dismissed appeal for a similar proposal on a site, known as 'Natkriskee', also on Hare Street has been identified in the appellant's design and access statement. The appellant has suggested why this is different from their proposal. However, whilst each case is considered on its own merit, both of these sites are similar in that they are not located on previously developed land, and therefore my recommendation is consistent with that decision.
20. The appellant has highlighted that they requested pre-application advice from the Council prior to the application being submitted and received a belated and contradictory response. However, the conduct of the Council would have no bearing on my consideration of this appeal.

Planning Balance, Conclusions and Recommendation

21. It has been found that the proposal would not be contrary to local housing need and that potential contaminated land issues can be dealt with by way of condition. However, the site has been found as an unsuitable site for housing, in an unsustainable location in terms of access to facilities, and would result in harm to the character and appearance of the surrounding area. In this instance, it is not considered that the benefits would outweigh the harms identified.
22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

23. 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