



Appeal Decision

Site visit made on 10 August 2020

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/J1915/W/20/3249529

Land adjacent to Byfield House, Gypsy Lane, Great Amwell SG12 9RJ

- 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 Giuseppe Baio against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1574/FUL, dated 25 July 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as “demolish existing residential garage and construct new detached dwelling”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - the effect of the development proposed on the character and appearance of the site and surrounding area,
 - the effect on the living conditions of the occupiers of Byfield House; and,
 - if the appeal proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site is within the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, save for certain exceptions. Paragraph 145 d) of the Framework identifies one exception as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Paragraph 145 g) further identifies as an exception the limited infilling or the partial or complete redevelopment of

- previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
4. Policy GBR1 of the East Herts District Plan October 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
 5. There is an extant outline permission for the demolition of the existing garage and construction of a new detached dwelling on this site. However, from the evidence before me all matters were reserved when the application was submitted, and therefore the scale of the approved dwelling remains to be determined. Accordingly, I consider that the principle of erecting a new dwelling on this site has been established as acceptable, but any development must not be materially larger than the building it replaces nor have a greater impact on the openness of the Green Belt.
 6. The appeal site contains an existing dwellinghouse with a single-storey flat-roofed garage building to one side as well as a shed and a structure covered in plastic sheeting that contained plants on the day of my visit. The proposed dwelling would replace these structures, and I am satisfied that it would be in the same residential use. However, as a two-storey building with a pitched roof it would be a materially larger building than the structures it would replace, so I do not consider that it would qualify as an exception under Paragraph 145 d).
 7. The Framework defines previously developed land as land which is occupied by a permanent structure. I am satisfied that the appeal site meets this definition. However, the proposed dwelling would be larger than the structures that it would replace, and due to its height would have a greater impact on the openness of the Green Belt than the existing development. I do not therefore consider that it would be an exception under Paragraph 145 g) of the Framework.
 8. The appeal proposal would not meet any of the exceptions identified in paragraph 145 of the Framework and would conflict with Policy GBR1 of the DP. It would therefore constitute inappropriate development in the Green Belt, which the Framework establishes should not be approved except in very special circumstances.

Character and appearance

9. I saw during my site visit that houses on Gypsy Lane are typically set back from the highway, although the distance between neighbouring dwellings varied. The proposed dwelling would be much closer to the front site boundary at its closest point than the host property or other neighbouring properties. I saw that 2 Gypsy Lane was close to its boundary with Gypsy Lane, but this appeared to be a side elevation facing the spur leading up to the appeal site.
10. The proposed dwelling would be of a similar height at two storeys as neighbouring properties. However, the irregular shape of the appeal site would result in it appearing cramped within the street scene due to its height and how close it would be to the front boundary at its closest point.
11. My attention has been drawn to other sites on which the Council has granted planning permission for new dwellings on Gypsy Lane, as well as to permissions for extensions to existing dwellings. However, I do not have the details of these permissions before me, including when they were granted, the specific

circumstances of the sites at the time that permission was granted, and against which local and national policies they were assessed. I cannot therefore give significant weight to these other permissions in determining this appeal.

12. The appeal proposal would be a cramped form of development that would cause harm to the character and appearance of the site and surrounding area. It would therefore conflict with policy DES4 of the DP, which requires that development be of a high standard of design to reflect and promote local distinctiveness.

Living conditions

13. The proposed dwelling would be sited next to Byfield House. There are two first-floor side windows to the existing house that face onto the appeal site. I have not been provided with details of what rooms these windows serve, but during my visit I saw that at least one of these windows has clear glass, so appears to serve a habitable room. I consider that the outlook from these windows would be significantly reduced by the development proposed due to the height and proximity of the proposed dwelling.
14. As a result of the greater height of the proposed house over the existing garage, there would be some additional overshadowing of the land to the rear of the existing house, as well as of the conservatory to the side of Byfield House. However, I saw during my visit that the land to the rear of Byfield House is already overshadowed due to the limited separation between the house and boundary to its rear, and the host property has a large garden area to the side and front of the house. The conservatory lies between the host property and garage and is therefore also already overshadowed. I do not therefore consider that the appeal proposal would result in significant additional harm through overshadowing.
15. The proposed house would contain a bathroom window to the first-floor elevation facing the host property. If I were minded to allow this appeal, I consider that it would be appropriate to impose a condition requiring that this window be fitted with obscured glazing with restricted opening to preserve the privacy of the neighbouring occupiers.
16. Both parties have referred to an earlier application for a dwelling on this site, for which permission was refused, and subsequent changes to the proposed dwelling. I do not have the full details of that application before me so cannot assess the extent to which the scheme has changed, or to which it was considered harm would arise as a result of that proposed development. I have instead considered the appeal proposal on its own merits.
17. The appeal proposal would result in an unacceptable loss of outlook for the occupiers of the neighbouring Byfield House. I therefore find that the development proposed conflicts with DP Policy DES4. This policy requires that development avoid significant detrimental impact on the amenity of occupiers of neighbouring properties.

Other Matters

18. The appeal site forms part of an area of land including the host property and neighbouring nursery designated in the Council's Strategic Housing Land Availability Assessment. However, it is not clear from the evidence submitted whether the designated site has been deemed as suitable for development. I

am therefore only able to give limited weight to this designation in determining this appeal.

19. The Parish Council have objected on the grounds that the appeal proposal represents inappropriate and harmful development in the Green Belt. I note that there have otherwise been no objections from residents or statutory consultees to the appeal proposal. The absence of additional identified harm on the part of third parties is a neutral consideration in my assessment of the appeal.

Whether very special circumstances exist

20. I have found that the appeal proposal would result in harm to the Green Belt by reason of inappropriateness. In addition, there would be a loss of openness resulting from the increased height of the proposed dwelling compared to the single-storey structures that it would replace. Paragraph 144 of the Framework states that any harm to the Green Belt should be given substantial weight.
21. I have also found that there would be harm to the character and appearance of the site and surrounding area, and from the loss of outlook to the occupiers of the existing house, as a result of the appeal proposal. I consider that these would amount to additional moderate harm in this instance.
22. The extant outline planning permission establishes that the principle of residential development on the site is acceptable. The development proposed would include landscaping to increase the area of green space at the site and provide an enhanced wildlife habitat as well as provide a permeable parking area. The proposed dwelling would provide additional private accommodation for the family currently living in Byfield House, who manage the adjacent nursery. The siting of the proposed dwelling close to the site boundaries would limit potential further growth of the building. I afford these considerations limited cumulative weight in favour of the appeal proposal.
23. However, even when taken together I do not consider that these other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. Therefore, very special circumstances do not exist in this instance.

Conclusion

24. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR



Appeal Decisions

Site visit made on 15 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal A - Ref: APP/J1915/Y/19/3243143

Conewood Manor, 60-62 Dunmow Road, Bishop's Stortford, Hertfordshire CM23 5HL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Conewood Manor against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1968/LBC, dated 20 September 2019, was refused by notice dated 2 December 2019.
 - The works proposed are described as 'single storey side extension to form residential lounge'.
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Appeal B - Ref: APP/J1915/W/19/3243139

Conewood Manor, 60-62 Dunmow Road, Bishop's Stortford, Hertfordshire CM23 5HL

- 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 Conewood Manor against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1967/FUL, dated 20 September 2019, was refused by notice dated 2 December 2019.
 - The development proposed is described as 'single storey side extension to form residential lounge'.
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Decisions

1. Appeal A – The appeal is dismissed.
2. Appeal B – The appeal is dismissed.

Preliminary Matter

3. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed works and development would preserve the Grade II listed building known as 60 Dunmow Road (listed as Hillside House, 60, Dunmow Road) or any features of special architectural interest that it possesses; and

- Whether the proposal would preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area.

Reasons

Whether the proposal would preserve the Grade II listed building

5. 60 Dunmow Road was listed in 1979 and is a detached villa probably dating from around 1830-1840. It is likely that the building was constructed as a dwelling in the first instance but has since been converted to a residential care home. To facilitate this a large 20th Century extension has been constructed off the eastern elevation of the building. This principally extends off the rear service wing leaving the bold square plan of the main part of the villa as still evident. The single storey western elevation is also set back from the main part of the villa and therefore appears recessive to the grand front elevation, which has an imposing presence in the street scene of Dunmow Road as well as punctuating the vista along Manor Road.
6. There is an attractive polite symmetry to the front elevation with the timber sash windows arranged to provide a focus upon the enclosed porch. Detailing is otherwise used sparingly and is mainly evident in the plat band string course, overhanging eaves, ornate chimneys and the two bay windows on the western elevations. The bay windows are particularly attractive architectural features being sensitively proportioned and detailed with dentilled eaves, buff bricks and top hung windows with leaded glazing bars.
7. Given the above, the significance/special interest of the listed building, in so far as it relates to these appeals, is primarily its architectural quality and it being a fine example of Neo-classical domestic villa architecture from the 19th Century.
8. The proposal would encompass a single storey extension constructed off the western elevation of the main part of the listed building and only slightly back from the front façade. Thus, even with a glazed link the extension would be in a prominent location and this would detract from, and unbalance, the symmetry and imposing appearance of the front elevation and the way the square plan form is appreciated.
9. Although detractors, the existing extensions are recessive and leave the original square plan broadly unaltered. Accordingly, their presence does not justify the appeal scheme. In fact, the cumulative impact on the listed building from the proposed extension and those already *in situ* would be to collectively clutter, overpower and detract from its original form. The proposal would partially screen the existing single storey extension towards the back of the site, but its prominent siting would result in a greater adverse impact.
10. It would be necessary to entirely remove the existing forward most bay window to facilitate the addition. There is nothing of substance before me to demonstrate the bay window is defective or that its fabric is of limited interest. The removal of this important architectural feature would harm the significance of the listed building regardless of what form or scale the extension took. In addition, when viewed from the west the proposal would sit awkwardly alongside other details as it would obscure part of the plat band and the lower portion of the first-floor sash windows.
11. The extension would have a similar hipped roof to the main property and the window placement and style in the front elevation would be both harmonious

and subservient, as would the overall height and massing. I am in no doubt that the proposal is a genuine attempt at finding a sensitive solution and the extension to 62 Dunmow Road, undertaken by the appellant, demonstrates the quality of past additions, including the use of appropriate materials. However, these positive aspects of the proposal would not mitigate for the inherent limitations caused by the discordant siting and loss of the bay window.

12. In conclusion, the proposal would seriously harm the special interest and significance of the listed building. In so doing it would fail to preserve it, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). It would similarly be at odds with the expectations of Paragraphs 193 and 194 of the National Planning Policy Framework (the 'Framework'). The harmful impact on the listed building would also be contrary to Policy HA7 of the East Hertfordshire District Plan 2018 (LP), which only permits works to listed buildings if they would not harm its special architectural and historic character or appearance.

Whether the proposal would preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area (CA)

13. Bishop's Stortford is a sizeable market town described in the Bishop's Stortford Conservation Area Appraisal and Management Plan 2014 as having several layers of historic development. It is still possible to discern these through surviving archaeology, the street layout and individual buildings. This morphology affords the CA much of its unique character and appearance and provides an attractive ensemble of buildings and spaces. 60 Dunmow Road is a surviving part of the 19th and 20th Century layering of the CA, the older parts of the building being of more historic and architectural interest. As well as providing this evidential value, the property imparts a positive aesthetic contribution to the street scene, and thus the significance of the CA.
14. The proposal would be modest in size and thus broadly preserve the evidential contribution the building makes to the 19th Century layer of the CA. However, the siting of the extension would unbalance the symmetry of the front elevation in a way that would be more prominent than the recessive extensions that have already taken place. The extension would also replace the bay window, which is an attractive architectural feature visible from Dunmow Road. It would also generally compound the clutter caused by the modern extensions to the building. The front boundary wall and surrounding landscaping would not entirely screen these impacts. That said, the addition would be subservient to the main building due to its single storey scale and the detailing, form and external finishing materials would be harmonious. Overall, the proposal would harmfully diminish the aesthetic contribution the building makes to the CA but only to a modest extent.
15. Accordingly, the proposal would modestly harm the positive contribution the building currently makes to the CA. It would therefore fail to preserve or enhance the character or appearance of the CA contrary to the expectations of the Act and Paragraphs 193 and 194 of the Framework. The proposal would also be contrary to Policies DES4 and HA4 of the LP, which seek to secure development that is sensitive to its context and preserves or enhances the character or appearance of the district's conservation areas.

Heritage Planning Balance

16. The harm that would occur to the special interest of the listed building and the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection, especially where the dual statutory tests have not been met.
17. That said, the extension would improve the quality of the accommodation available at the care home and would do so without excessively eroding the outside amenity space. The proposal must also be considered in the context of an aging local population. However, there is nothing of substance before me demonstrating that without the extension the existing care home is failing to meet any prescribed standard relating to the quality of the accommodation on offer. Nor have I seen anything to suggest the absence of a lounge is adversely affecting the viability of the business. Moreover, it is also unclear whether other options have been considered for providing a resident's lounge at the appeal property. As such, the evidence before me does not indicate the extension is necessary. There would be economic benefits from the construction of the extension, but these would be short lived and modest in scale given the small size of the project. Overall, the proposal would have limited public benefits.
18. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building¹ and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA², I find that the serious overall harm that would arise from the proposal would not be outweighed by its moderate public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

19. Given the above, I conclude that the proposal would fail to preserve the listed building and would not preserve or enhance the character or appearance of the CA. There are no other considerations or public benefits that would outweigh this harm. It would therefore fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant. Accordingly, for the reasons given, the appeals have failed.

Graham Chamberlain
INSPECTOR

¹ See Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

² See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990



Appeal Decision

Site visit made on 17 July 2020

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/J1915/D/20/3247382

1 The Bourne, Bishops Stortford, Hertfordshire CM23 2HZ

- 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 Cowell against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2064/HH, dated 9 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is a two-storey extension to the side.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension to the side at 1 The Bourne, Bishops Stortford CM23 2HZ in accordance with the terms of the application, Ref 3/19/2064/HH, dated 9 October 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: FP.05.10.19, FP.04.10.19 A and FP.02.10.19 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. This is the effect of the development upon the character and appearance of the area.

Reasons

3. Amongst other things, Policies DES4 and HOU11 of the "*East Herts District Local Plan*" 2018 (the LP) state that extensions should make efficient use of the land and respect the character of the site and the surrounding area, in terms of their scale, height, massing, orientation, layout, and building materials.
4. As I saw when I conducted my site visit, the surrounding area contains an eclectic mix of building types with differing designs, layouts and materials. Aside from the presence of mature landscaping along Stanstead Road, I found the area generally lacks a strong or distinctive character and is not overly sensitive in architectural or streetscape terms.

5. The Bourne is a more modern development comprising two terraces of five dwellings arranged around a small cul-de-sac. The host building is an end-terrace property occupying a corner position at the junction of The Bourne and Stanstead Road. According to the Council, the two-storey side extension would be three metres in width. It would extend the property westwards in the direction of Stanstead Road mostly occupying the side garden in the process.
6. The front elevation and roof would both be recessed behind and below the existing dwelling. The extension would therefore be clearly distinguishable from the original dwelling and would not challenge its dominance or legibility nor that of the wider terrace. The proposed materials would match the existing dwelling. The massing and design of the side elevation fronting Stanstead Road would largely respect that of the existing dwelling minus the chimney breast.
7. In effect the only meaningful change would be that the side elevation would be approximately three metres closer to Stanstead Road. Having read the Officer's Report it is not clear to me why that would be a particular problem given the area's varied character.
8. I accept that dwellings along Stanstead Road tend to be set back generously from the roadside, something which along with the presence of mature trees, lends the road a spacious character. However, the degree of set back is far from uniform as illustrated by 103 Stanstead Road directly opposite the appeal site. Moreover, the extension would not be visible over a wide area. In longer distance views from the north, the extension would be concealed by mature landscaping along the eastern flank of Stanstead Road. Much the same would apply to views from the south. Although the extension would be readily apparent in public views in the immediate vicinity of The Bourne, this would not be in a way that could reasonably be described as harmful given the site's context.
9. Based on the foregoing, I find the Council's concerns about the scale, siting and design of the extension to be unconvincing and overplayed. The extension would be an appropriate and subservient addition to the host dwelling with a marginal effect on the Stanstead Road street scene. I therefore conclude that the development would not harm the character and appearance of the area. Accordingly, there would be no conflict with LP Policies DES4 and HOU11.

Conclusion

10. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed. To provide certainty and to ensure the satisfactory appearance of the extension, I have imposed conditions relating to time limits, the approved plans and external facing materials.

D. M. Young

Inspector



Appeal Decision

Site visit made on 25 August 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/J1915/D/20/3247165

13 Warren Terrace, Bengoe, Hertford, Hertfordshire SG14 3JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms K Peel against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2103/HH, dated 15 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is a single storey rear ground floor extension and a first-floor rear extension, to include insertion of window to existing first floor rear elevation and insertion of sun pipe to existing roof.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear ground floor extension and a first-floor rear extension, to include insertion of window to existing first floor rear elevation and insertion of sun pipe to existing roof at 13 Warren Terrace, Bengoe, Hertford, Hertfordshire SG14 3JE in accordance with the terms of the application, 3/19/2103/HH, dated 15 October 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: 4474-OS1; 4474-OS2 and 4474-P01 revision B.
 - 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 dwelling.

Main Issue

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

Reasons

3. The appeal site is located in primarily residential area and is also within the Hertford Conservation Area (HCA) which encompasses a large part of the town, including parts of Bengoe. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.

4. The appeal property itself is a mid-terrace dwelling (in a row of four properties), all of which have been subject to some alterations and extensions over the years at the rear. This includes the appeal property which has a ground floor extension. Significantly, the adjoining property (No 15) has been extended at both the ground and first floor.
5. The appeal proposal would result in a two-storey extension projecting out a very similar distance to the two-storey extension already built at No. 15. It would incorporate pitched roofs over the two parts of the first-floor extension.
6. In terms of whether the proposal is subservient to the host dwelling, it is clear that the proposal would result in a significant increase in the size of the first-floor accommodation. However, I am also conscious that the proposal would only extend out a similar distance to the extension at No.15. It would also have a roof design with ridge lines at a much lower height than that of the main house. Taking these factors into account, I consider that the proposal is not an overdevelopment of the site nor would it have a harmful effect on the character of the host dwelling or the wider Conservation Area.
7. In coming to the above view, I acknowledge that the proposal has clearly been designed to ensure that bedroom 2 would still have a rear facing window. I also acknowledge that the extension has been designed so it does not intersect a 45 degree line from the first floor window of 11 Warren Terrace. However, despite this design, the overall appearance of the extension is not harmful to the host dwelling or the wider area.
8. Turning to the ground floor extension element, this would wrap around the rear and side of the existing ground floor extension and would also project a similar distance to the ground floor projection at No. 15. To my mind, this element of the proposal is minor in nature and would be an acceptable small addition to the property both in terms of its size and design.
9. For the above reasons the proposal would not harm the character and appearance of the area, including the HCA, and would accord with Policies HA4, DES4 and HOU11 of the East Herts District Plan October 2018 which amongst other matters seek to ensure that proposals are of a high standard of design which preserves or enhances the Conservation Area, and be of a scale, proportion, form, height, design and overall character that accords with and complements the parent building and the surrounding area.

Other matters

10. I have also had regard to the comments received from the occupiers of nearby dwellings including matters relating to the siting of the extensions on the boundary and the resultant difficulties in maintenance of both properties together with possible damp and drainage concerns. However, whilst I understand the concerns raised in these respects, none of these issues provide for a compelling reason why planning permission should not be granted.
11. In addition to the above, the Council have made reference to bedroom 2 having restricted light and outlook as a result of the proposed extension. However, I note that this did not form part of its reason for refusal of planning permission.
12. Notwithstanding that, at my site visit, I took the opportunity to look out from the current bedroom window to ascertain what impact the proposed first floor extension would have.

13. Whilst I accept that the proposal would have some impact on outlook and the availability of light to that bedroom, and in that sense it would not be ideal, I consider that it would not have such an adverse impact to the extent that the bedroom would be left with an unacceptable living environment for its occupants.

Conditions

14. 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. In the interests of the character and appearance of the area, a condition requiring the use of matching materials is also necessary.

Conclusion

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

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 16 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

**Appeal Ref: APP/J1915/D/20/3249616
4 Tatlingtown, Ware, Hertford SG12 7RP**

- 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 R. Jastak against the decision of the East Hertfordshire Council.
 - The application Ref 3/19/2316/HH, dated 13 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a single storey rear house extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear house extension at 4 Tatlingtown, Ware, Hertford SG12 7RP in accordance with the terms of the application ref 3/19/2316/HH, dated 13 November 2019, subject to the following conditions:
 - (1) the development hereby permitted shall begin no later than three years from the date of this decision;
 - (2) the development hereby permitted shall be carried out in accordance with the following approved plan: drawing number PO1A and
 - (3) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are (i) whether or not the proposal would preserve or enhance the character or appearance of the Wareside Conservation Area and (ii) the effect of the proposal upon the living conditions of the occupiers of The Cottage in respect of light and outlook.

Reasons

Character and appearance

3. The appeal property is within the Wareside Conservation Area (CA) characterised by a village core of original cottages, often rendered and painted
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white and more modern, larger detached dwellings, often hidden from view from the access roads in the village. Dwellings are commonly two storeys, with pitched roofs with red pantiles or blues slate. The roads in the CA add very considerably to the character and appearance of the village: they are narrow, unlit, with no pavements and with banks and hedgerows including mature trees on either side. They give a rural and bosky feel to the CA.

4. The appeal dwelling is in the middle of a terrace of three properties which are rendered and painted off-white with blue slate roofs. By their pleasant and simple appearance, they form a distinctive part of the character and appearance of the CA. They have small amenity areas to the front facing the road and longer rear gardens which are mainly hidden from public view.
5. The appeal property has previously been extended to the rear at single storey level and the proposed extension would add approximately 3 metres to its length resulting in an overall extension of some 6.9 metres compared to the depth of the original house, estimated by the Council to be about 4.8 metres.
6. The proposed external walls would be rendered and painted to match the existing property and the roofing material and window design would also match those of the dwelling. The proposed pitched roof would be some 3 metres high to the ridge.
7. While the proposed extension, together with the existing extension, would add to the size, scale, mass and form of the dwelling, it would not be dominant or out of scale and, furthermore, would not be conspicuous from public vantage points. I am satisfied that the proposal would be acceptable in terms of design and that it would preserve the character and appearance of the CA.
8. I conclude therefore that the proposed development would not be contrary to policy HOU11 of the East Herts District Plan 2018 (EHDP) relating to extensions and alterations to dwellings, nor to policy DES4 which seeks a high standard of design and which promotes local distinctiveness. The proposed development would not conflict with policy HA4 which requires new development to preserve or enhance the CA, or with policy VILL2 which is supportive of development which is of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality.

Living conditions – outlook and light

9. The rear ground floor windows of The Cottage which adjoin the appeal dwelling on its southern side are set at a slightly lower level than those of the latter. The Local Planning Authority (LPA) considers that the change in levels exacerbates a likely loss of light caused by the proposed extension and would also lead to an overbearing impact when viewed by the occupants of The Cottage.
10. I have not been given any technical analysis of the impact of the proposed development on light levels to the Cottage, but nevertheless I was able to consider the relationship between the appeal development and this property as part of my site visit. As the proposed extension would be single storey and to the north of The Cottage, I do not consider that the proposal would lead to a material loss of light to this neighbouring property.

11. There is currently a close boarded, wooden boundary fence between The Cottage and the appeal property of approximately 1.5 to 2.0 metres in height. On my site visit, I was barely able to see the ground floor windows of the cottage from the rear garden of the appeal property. I do not consider therefore that the proposed single storey extension would have a significant overbearing impact for the occupants of The Cottage.
12. In all the circumstances, I conclude that the proposal would not cause harm to any neighbouring property from a living conditions point of view, including in respect of outlook and light ,for the occupiers of The Cottage, and hence it would accord with the amenity requirements of Policies DES4 and VILL2 of the EHDP.

Conclusion

13. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR



Appeal Decision

Site visit made on 10 August 2020

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/J1915/W/20/3249737 Coltsfoot Barn, Coltsfoot, Anstey SG9 0DE

- 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 Simon Bagnall against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2477/FUL, dated 5 December 2019, was refused by notice dated 28 January 2020.
 - The development proposed is described as "New access track with associated planting (retrospectively), removal of original access track, erection of fence and hedgerow planting at both ends of original access track to be removed (including personal gate adjacent to highway), diversion of part of restricted byway Anstey 20, and stopping up of part of footpath Anstey 8".
-

Decision

1. The appeal is allowed and planning permission is granted for new access track with associated planting, removal of original access track, erection of fence and hedgerow planting at both ends of original access track to be removed including personal gate adjacent to highway at Coltsfoot Barn, Coltsfoot, Anstey SG9 0DE in accordance with the terms of the application, Ref 3/19/2477/FUL, dated 5 December 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. At the time of my visit the track was in place and the verges had been planted with saplings along its length. I have determined the appeal on this basis.
3. The appeal proposal also includes the partial diversion of restricted byway Anstey 20 and partial stopping up for footpath Anstey 8. These are not matters for this appeal, and the rights of way across the land will remain in place unless authorised by the competent authority. I have accordingly removed these elements from the description of development in my decision.

Main Issue

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

Reasons

Character and Appearance

5. The new track follows the boundary of a small field that has been separated from the larger field to the east. I saw during my visit that the field through

which the new track passes contains a mix of wildflowers. It was distinctly different in appearance to the larger field, which from the evidence before me is in active agricultural use.

6. The proposed track is significantly longer than the existing track that it would replace, and crosses a field that has historically been open and undeveloped. However, the track follows the established field boundary, and is finished in scalplings. I saw that this was similar to the existing track in front of Coltsfoot Barn and consider it to be a suitable finish for a rural track in this area. The development would include the removal of the hard surface in front of Coltsfoot Barn and the landscaping of that area. The saplings planted along both sides of the new track will mature over time to form hedgerows that will contribute to biodiversity and the rural character of the area.
7. The Council does not object to the proposed erection of fencing and removal of hard surfacing from the existing track, and I see no reason to disagree with this conclusion.
8. I therefore find that the appeal proposal as a whole would not result in harm to the character and appearance of the site and surrounding area. It would accord with policies GBR2 and DES4 of the East Herts District Plan October 2018. These policies require, amongst other things, that development in the Rural Area Beyond the Green Belt be compatible with the character and appearance of the rural area.

Conditions

9. The Council have not submitted any suggested conditions. I have had regard to third party responses in identifying conditions that are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Both main parties have been given the opportunity to comment on the conditions.
10. A condition identifying the approved plans has been imposed for the sake of certainty.
11. I have imposed conditions relating to landscaping to ensure that the appearance of the development proposed is acceptable.
12. I have also imposed a condition requiring that the sections of restricted byway Anstey 20 and footpath Anstey 8 remain open unless their stopping up or diversion is authorised by the competent authority.

Conclusion

13. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 219401DWG100, 219401DWG101, 219401DWG102 Revision A and 219401DWG103.
- 2) Details of landscape works shall be submitted to the local planning authority for approval within three months of the date of this decision. These details shall include:
 - means of enclosure and retaining structures;
 - boundary treatments;
 - hard surfacing materials;
 - retained historic or other landscape features and proposals for restoration, where relevant;
 - an implementation programme.

The landscaping works shall thereafter be carried out in accordance with the approved details in accordance with the agreed implementation programme.
- 3) Within three months of the date of this decision a schedule of landscape maintenance for a period of five years shall be submitted to the local planning authority for approval. Maintenance shall be carried out in accordance with the approved schedule.
- 4) The existing public rights of way, restricted byway Anstey 20 and footpath Anstey 8, shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted.



Appeal Decision

Site visit made on 17 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

Appeal Ref: APP/D1915/D/20/3249981
Willow Cottage, 12 Waterford Common, SG14 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S. Dale against the decision of East Hertfordshire Council.
 - The application Ref 3/19/2500/HH, dated 6 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is an outbuilding to create a garage and annexe.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would be inappropriate development in the Green Belt; (ii) the effect of the proposal upon the openness of the Green Belt; (iii) the effect of the development upon the character and appearance of the area including whether it would preserve the setting of the adjoining listed building; (iv) whether the development would lead to unacceptable flood risks and (v) if the proposal is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development.

Reasons

Whether inappropriate development

3. The appeal site lies within the village of Waterford, accessed along Waterford Common and is within land designated as Green Belt. It is sited separately from other dwellings. It is within the area surrounding the detached dwellinghouse known as Willow Cottage, a Grade II listed building. The site lies within Flood Zone 3b (Functional floodplain).
4. Policy GBR1 of the East Hertfordshire District Plan 2018 (DP) states that proposed development in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework 2019 (the Framework).

5. Paragraph 143 of the Framework states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*, while paragraph 145 states that *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'*.
6. Paragraph 145 does however list certain exceptions, including *'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'*.
7. Both parties agree that the proposed development cannot be considered to be an extension to the house because of its distance from it, a conclusion reached by an Inspector when determining an earlier appeal on the site and with which I do not disagree.¹ Therefore, as it is a separate building in the Green Belt, I consider that it does not meet any of the exceptions listed in paragraph 145 of the Framework.
8. The appellant refers to an earlier and extant approval for a triple garage on the same site² and where it is alleged that the Local Planning Authority (LPA) considered that it was not inappropriate development. However, the decision predates the publication and content of the Framework. I have therefore determined the matter on the basis of the latter and upon the merits of the current appeal proposal.
9. I therefore conclude that the proposed development would amount to inappropriate development in the Green Belt and would therefore be contrary to the Green Belt requirements of policy GBR1 of the DP and the Framework. This is a matter to which I afford substantial weight in the planning balance.

Openness of the Green Belt

10. The Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl and to keep land permanently open. The proposed development would be a relatively large building and would intrude into a largely open area albeit within the space surrounding the associated dwelling.
11. The appellant considers that when the triple garage was approved in 2011, the LPA concluded that it would not have a material impact on openness. However, the appellant also indicates that at that time the proposed triple garage was being compared to a similar sized building which had existed on the site. The position now is that there is no such building of any kind and the impact of the proposed development on openness must be assessed as a new building on its own merits.
12. I acknowledge the existence of the Lawful Development Certificate (LDC) relating to the triple garage, but it has not been constructed since its approval in 2011 and I am not persuaded that it would definitely be constructed in the future.

¹ APP/J1915/D/19/3227769

² 3/11/1200/FP

13. I conclude therefore that the proposed development would have a moderately adverse impact upon the openness of the Green Belt contrary to the provisions in the Framework.

Character and appearance including the setting of Willow Cottage

14. The proposed development adjoins Willow Cottage, a Grade II listed building, which is a two-storey dwelling with a steeply pitched thatched roof and rooms in the roof space at the first-floor level. It is accessed along its own private driveway and is set in an extensive plot which, while containing areas of shrubs and trees, has large areas of lawns and openness. The landscaped setting contributes very significantly and positively to the setting of the listed building and the character and appearance of the area more generally. The listed building sits openly within its setting, with no distractions or visual competition to an appreciation of its architectural character.
15. The proposed building would be located within the aforementioned setting. It would be a large structure with a very dominant roof. I consider that it would therefore unacceptably compete visually with the listed building by reason of its location, size and roof design and hence would have a harmful effect on its setting.
16. Again, I acknowledge the existence of the LDC for the triple garage on the same site and relating to the planning approval granted in 2011. However, I have no certainty that the triple garage would be constructed. I have considered the appeal proposal and its impact upon the setting of the listed building upon its individual merits. The existence of the LDC, whilst a material planning consideration, does not lead me to reach a different view in respect of these matters.
17. Therefore, I consider that the proposed development would have a materially harmful effect upon the character and appearance of the area by extending into the relatively open area around the listed building, thus failing to preserve its setting.
18. The harm to the setting of the listed building would be less than substantial with reference to paragraph 196 of the Framework and where '*harm should be weighed against the public benefits of the proposal*'. I do not consider that there are any identified public benefits which would outweigh the less than substantial harm.
19. I conclude that the proposed development would be contrary to DP policy HA7 which aims to preserve the settings of listed buildings and would also be contrary to chapter 12 of the Framework.

Flood risk

20. The proposed development lies within Flood Zone 3 and where the proposed residential annexe would introduce a use vulnerable to flood risk. While the appellant refers to a flood risk assessment report submitted regarding an earlier planning application, I have no such flood risk assessment before me. I therefore give significant weight to the objection from the Environment Agency

and find that harm would be caused to occupiers of the annexe from a flood risk point of view.

21. I therefore conclude that the proposed development would be contrary to DP policy WAT1 and to the Framework which seek to limit the risk of flooding to people and property.

Other Considerations

22. The appellant has referred to the medical condition of a family member who needs the care of her family around her and has referred to support from her cardiologist. I do not consider that the proposed accommodation would be excessive or inappropriate in these circumstances. However, I have no information before me to show that the family member could not be accommodated within the existing family home. Therefore, I afford these personal circumstances only limited weight in the planning balance.
23. References have been made to the unsuitability of the access road for more development, but I do not consider that the proposed development, by the limited extra traffic which it might generate, would have a significant and adverse impact on highway safety.
24. It is suggested that the proposed development, if allowed, might be used for commercial purposes. However, I have no evidence to support such a scenario and, in any event, I have determined the appeal based on what is specifically proposed.

Planning Balance and Conclusion

25. I conclude that the substantial weight to be given to the Green Belt harm arising from the proposal would not be clearly outweighed by the aforementioned other considerations sufficient to demonstrate very special circumstances. Therefore, the appeal should be dismissed.

Steven Hartley

INSPECTOR



Appeal Decision

Site visit made on 16 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

Appeal Ref: APP/J1915/D/20/3248936
24 Queens Road, Hertford SG13 8AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Stone against the decision of the East Hertfordshire Council.
 - The application Ref 3/19/2519/HH, dated 10 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is described as *"the enlargement of the existing rear projection in order to create a part single storey/part two storey rear extension. This proposed extension would largely square off and extend the rear part of the existing single storey projection (the utility room) and extend the existing first floor projection above part of this. The proposed single storey addition would also extend 2.85m to the side to infill the existing courtyard area. The first floor extension would extend the existing roofline and would be gable ended to reflect the existing two storey projection, however, would incorporate a bow window to match those on the front elevation. The single storey extension would incorporate a mono-pitched roof sloping towards a parapet wall on the shared boundary (for drainage purposes). A large bi-fold door would be installed with a traditional brick header. Enlargement of the roof rear dormer window"*.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would constitute good design and whether it would preserve or enhance the character or appearance of the Hertford Conservation Area and (ii) the effect of the proposal upon the living conditions of the occupiers of No 22 Queens Road in respect of outlook and light.

Reasons

Character and appearance

3. The Hertford Conservation Area (CA) is composed of areas each with their own design characteristics. The part of the CA in the vicinity of the appeal dwelling is characterised by substantial, detached and semi-detached properties set back from the road and mainly dating from the late nineteenth century. The

positive and distinctive characteristics of the CA in the vicinity of the appeal dwelling are provided by the front elevations and street-scape: many are built with patterned brick, two storey in height and have flat fronted, white painted bays, some to the ground floor windows only and some of which are two storey in height. Other window frames are typically painted white. Entrances are often recessed and most have brick-built chimney stacks and pitched roofs. While there has been some redevelopment in the area, the vast majority of the late nineteenth century, villa-style properties remain and these, together with the tree lined roads, give the area its significance from a character and appearance point of view.

4. Most of the rear elevations are not conspicuous from public vantage points because of the narrow gaps which commonly occur between the properties. This applies to the appeal property where the proposed additional extension would be inconspicuous in the street scene. The proposed additional development would be proportionate in scale to the host property and I consider that it would be acceptable in terms of its design. As it would be concealed from public view and would be of a design reflective of the original building, I am satisfied that it would preserve the character and appearance of the CA.
5. I therefore conclude that the proposed development would not conflict with the East Hertfordshire District Plan 2018 (EHDP) policy DES4 which requires development to be of a high standard and to promote local distinctiveness, or with policy HOU11 which requires that proposed extensions take account of the character and appearance of the area. It would also accord with policy HA4 which permits new development, including extensions and alterations to existing buildings in Conservation Areas where these preserve or enhance the special interest, character and appearance of the area.

Living conditions – outlook and light

6. The proposed development, especially the two-storey part, would be close to the boundary with No 22 Queens Road where the occupants consider that light levels are already poor.
7. There is a ground floor and a first-floor window which would directly face the two-storey part of the proposed appeal extension and would be approximately 2 metres away from it. I observed on my site visit that both the ground and first floor windows are secondary windows with alternatives facing down the rear garden. I also noted that, at the ground floor, the window faces onto an intermediate wooden boundary fence which is as high as the window itself. The property also has a single storey extension where windows face the boundary fence with the appeal property.
8. The appellant makes reference and comparisons to previous approvals for rear extensions granted in 2004 and 2009. Reference is also made to an approved, rear extension to No 20 Queens Road. The comparisons are made largely in terms of design. I have concluded that the design of the proposed extension at the appeal property preserves the character and appearance of the CA. I have considered the potential impact on outlook and light for the adjoining occupiers on the merits of the appeal before me.

9. The existing hipped gable to No 22 Queens Road extends to the rear to a slightly greater extent than that of the appeal building, currently allowing light to its first floor window facing No 24 over the flat roofed, single storey extension at the appeal site. The proposed two storey development on the side facing No 22 Queens Road would impede light from this source.
10. I have no technical information before me regarding light levels, but owing to the proximity and scale of the proposed two-storey element, I consider that these would be significantly and adversely affected.
11. However, even if it were shown that this was not the case, I further consider that, owing to the close proximity and scale of the proposed two-storey part of the development, it would have an overbearing impact when viewed from the first floor window of No 22 Queens Road.
12. I find no such concerns regarding the proposed single storey additions to the development and which border No 26 Queens Road and where there is a solid wooden, boundary fence of about 1.5 metres in height, above which can only be seen the mono-pitched, glazed roof to its own single storey extension.
13. I conclude that the proposed development, by reason of the size, scale and siting of the two-storey part, would be contrary to EHDP policy DES4 which requires new development to avoid detrimental impacts for the occupiers of the adjoining properties.

Conclusion

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

Steven Hartley

INSPECTOR



Appeal Decision

Site visit made on 17 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

Appeal Ref: APP/J1915/D/20/3248864

Waterworks Cottage, Wadesmill Road, Chapmore End, Herts SG12 0HB

- 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 Georgio against the decision of East Hertfordshire Council.
 - The application Ref 3/19/2568/HH, dated 16 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is described as '*a rear extension to an existing garage to house a classic car and motorcycle. Single storey. Flat roofed. Rear line of extension to line with rear of pumping station*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal is inappropriate development in the Green Belt, (ii) the effect of the proposal upon the openness of the Green Belt and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify development.

Reasons

Whether inappropriate development

3. Policy GBR1 of the East Hertfordshire District Plan 2018(DP) states that proposed development in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
4. Paragraph 143 of the Framework (2019) states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*' while paragraph 145 states that '*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*'

5. Paragraph 145 does however list certain exceptions, including *'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'*. The Framework defines *'original building'* as *'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'*.
6. The appellants consider that the test of inappropriate development should be based on the existing dwelling plus the existing additions which were granted in 1986 and constructed by former occupants of the property. In this context, the appellants consider that the proposed extension would add a further 14% to its floor area. However, the Framework is clear that in considering whether development would be disproportionate, this should be based upon the size of the original dwellinghouse. In this case, the Local Planning Authority (LPA) considers that the proposal, in combination with the existing extensions, would result in an increase in the floor area of the original building by approximately 89%.
7. Neither party has referred me to any policy defining a disproportionate addition and neither does the Framework include any such quantifiable definition. However, I have taken into account the existing extensions to the original property together with the proposed addition.
8. I conclude that the proposed additional extension would amount to inappropriate development in the Green Belt and would therefore be contrary to policy GBR1 of the DP and to the Framework. This is a matter to which I afford substantial weight in the planning balance.

Openness of the Green Belt

9. The exception to Green Belt policy relating to extensions to existing dwellings does not require any assessment of the impact on openness or the purpose of the Green Belt. However, the appellant considers that there would be no such harm to the openness of the Green Belt as the proposed development would be hidden from view.
10. The Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl and to keep land permanently open. While surrounding buildings may help to hide the proposed development, visual impact is but one factor when considering openness. In spatial terms, the proposal would increase the amount of built form on the site and indeed I have already concluded that the proposal would be disproportionate.
11. Overall, I conclude that there would be modest harm to openness and to the purpose of the Green Belt, contrary to policy GBR1 of the DP and to the Framework.

Other Considerations

12. The appellants consider that the proposed development should be considered against policy more generally and cite matters in the Framework relating to issues such as a requirement for a mix of house types, matters relating to

- sustainability, to the protection of the countryside and the enhancement of the area, and to the effective use of land.
13. However, the Framework is specific in that that new buildings in the Green Belt should be regarded as inappropriate, subject to clear exceptions and the above matters are not part of the Framework's exception assessment of inappropriate development. I have concluded that no such exception applies in this case.
 14. The appellants consider that it is not necessary to show that very special circumstances apply. However, references are made to the suitability of the design, to the fact that the proposed development would help to hide the pumping station and that it would not have any adverse impact upon the living conditions of any adjoining resident. Moreover, I agree that it would be hidden from public view. Nevertheless, achieving good design and not having an adverse effect on living conditions are matters which I consider to be of neutral consequence in the overall planning balance.
 15. On my site visit, I noted that the adjacent pumping station is somewhat dominating and that the large tubular shaped tanks to the rear are overbearing and oppressive. I acknowledge that the proposed extension would help to hide the pumping station and the tanks from part of the rear garden to the appeal property. However, there is no fencing or landscaping along the boundary and which might otherwise mitigate these matters. Submitted photographs with the appeal show a close boarded fencing in place but on my site visit I noted that it was no longer there.
 16. The visual state of the land opposite, as mentioned by the appellant, is not a matter for my consideration when assessing the proposed development against Green Belt policy. In addition, I have no information before me to determine whether the proposed development would help the Council to meet any requirements in terms of the housing mix.
 17. I afford the aforementioned other considerations no more than limited weight as part of the determination of this appeal.

Planning balance and conclusion

18. I have found that the proposed development would be inappropriate development in the Green Belt and I give this matter substantial weight. I have also concluded that the harm to the openness of the Green Belt should be afforded moderate weight. While the appellants do not consider that it is necessary to show that very special circumstances apply, I have in any event afforded limited weight to the other considerations which they have raised.
19. I conclude that the substantial weight to be given to the Green Belt harm arising from the proposal would not be clearly outweighed by the aforementioned other considerations sufficient to demonstrate very special circumstances. Therefore, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR



Appeal Decision

Site visit made on 10 August 2020

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/J1915/W/20/3252334

Stelfox House, 7 Chapel Lane, Letty Green SG14 2PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Farrell against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2587/FUL, dated 13 December 2019, was refused by notice dated 13 February 2020.
 - The development proposed is conversion of existing stables to create two bedroom residential dwelling with associated parking, amenity area and turning area.
-

Decision

1. The appeal is dismissed.

Background

2. Planning permission has previously been granted by the Council for two additional houses on the wider site. The appeal proposal would result in up to four dwellings on the wider site if these other permissions were implemented. There is nothing before me to suggest that the other permissions would not be built out if I were to allow this appeal, and therefore I have assessed the development proposed having regard to the cumulative effect of the approved and proposed developments.

Main Issues

3. The main issues are:
 - Whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - Whether the appeal site is in a sustainable location, having regard to local and national policies; and,
 - Whether the appeal proposal would represent overdevelopment of the site, having regard to the established grain of development in the area.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the Framework specifies certain types of development that are not inappropriate within the Green Belt. These include the re-use of buildings of permanent and substantial construction, provided that the re-use would preserve its openness and not conflict with the purposes of including land within the Green Belt.

5. Policy GBR1 of the East Herts District Plan October 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
6. It is not in dispute that the stables building is of permanent and substantial construction, nor that the change of use of the building itself would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. I have no evidence before me to cause me to conclude otherwise.
7. A garden area would be formed from part of the paddock adjacent to the stables building. This area would include a hardstanding for parking of two cars and be likely to result in the introduction of domestic paraphernalia into the site. The main parties differ in whether they consider the paddock to be part of the curtilage of the host property, however I do not consider that this matter is determinative to this appeal. I saw on site that the rear boundary fence of the paddock follows a property line shared by the neighbouring properties on Chapel Lane, and the development proposed would not encroach further into the countryside than the existing boundary. If I were minded to allow this appeal I could restrict the Permitted Development rights of the new dwelling by means of an appropriately worded condition to limit the addition of domestic paraphernalia to the site. I therefore consider, given the specific circumstances of the site and scale of the development proposed, that the appeal proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
8. I therefore consider that the development proposed would not be inappropriate development in the Green Belt. It would therefore accord with Policy GBR1 of the DP and the requirements of the Framework.

Whether a sustainable location

9. Policy TRA1 of the DP states that development should, amongst other things, primarily be located in places which enable sustainable journeys to be made to key services and facilities.
10. The appeal site is part of the settlement of Letty Green, which offers limited services for local residents. Residents would need to travel into larger neighbouring settlements for day-to-day services. I have been provided with little evidence regarding the availability and frequency of public transport in the vicinity of the site and, given the distances involved, I consider it unlikely that residents would routinely walk or cycle to the larger settlements. While there are neighbouring settlements within walking distance, it is not clear what level of services and facilities are available in these settlements compared to the larger and more distant settlements of Hertford and Welwyn Garden City. I therefore consider that the appeal proposal is likely to result in an increase in the number of regular trips using private vehicles.

11. While the use of electric vehicles is becoming more commonplace, there is no mechanism before me to guarantee that occupants of the proposed dwelling would only use electric vehicles, and so I can only give this possibility limited weight.
12. While planning permission has previously been granted by the Council for two additional dwellings on the wider site, I have not been provided with the full details of those applications. I have assessed the development proposed on its own merits, which includes the cumulative effects of the existing, approved and proposed dwellings.
13. The appeal proposal would involve development located in a place that does not enable sustainable journeys to be made to key services and facilities. The appeal site is therefore not in a sustainable location, in conflict with DP Policy TRA1.

Whether overdevelopment

14. Letty Green is classed as a Group 3 village under DP Policy VILL3. Within Group 3 villages limited infill development will be permitted subject to specific criteria, including that it be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality and that it be well designed and in keeping with the character of the village. DP Policy HOU2 further requires that housing development make efficient use of land, and demonstrate how the density of new development has been informed by the character of the local area. DP Policy DES4 requires that new development be of a high standard of design and layout to reflect and promote local distinctiveness.
15. Backland development is uncommon in the vicinity of the appeal site. However, the development would involve the conversion of an existing building on the site and the conversion of part of a paddock to a garden and parking area. The scale of the development proposed is modest and would not result in an increase in the scale of built development. I do not consider that the appeal proposal would result in an unacceptable change in the character of the site or harm to the wider area.
16. While the cumulative effect of implementing the approved and proposed development would result in four dwellings on the wider site, given the specific circumstances in this instance I am satisfied that it would not amount to overdevelopment. It would not therefore conflict with the requirements of DP Policies VILL3, HOU2 and DES4.

Conclusion

17. While I have found that the development proposed would not be inappropriate development in the Green Belt or an overdevelopment of the site, it would result in development of a site in an unsustainable location where residents would be dependent on private transport for access to day-to-day services and facilities.
18. Therefore, the appeal fails.

M Chalk

INSPECTOR

Appeal Decision

Site visit made on 20 August 2020

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/J1915/D/20/3251216

2 Middle Farm Cottages, Cottered Road, Throcking SG9 9RN

- 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 Jason Ball against the decision of East Herts District Council.
 - The application Ref 3/20/0027/HH was refused by notice dated 16 April 2020.
 - The development proposed is described as 'two storey side and rear extension'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side and rear extension at 2 Middle Farm Cottages, Cottered Road, Throcking SG9 9RN in accordance with the terms of the application, Ref 3/20/0027/HH, dated 8 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 of 2 (Floor/Elevation - Existing and Proposed) and Sheet 2 of 2 (Location and Site Plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the dwelling and the street scene.

Reasons

3. The appeal property is one of four semi-detached dwellings that form Middle Farm Cottages. They are of a simple and traditional design that is in keeping with its rural surroundings. Three of the four cottages in the grouping have already been extended.
4. I have carefully considered the Council's representations that the proposed extension would not be subservient to the host dwelling and would therefore appear unduly prominent. However, from my site visit observations and the evidence before me I consider that the proposed extension would relate well to both the street scene and the host property in this site specific context. Whilst, the proposed side extension would be slightly wider than the existing extensions on the other three cottages it would not be to a extent that would

mean that the proposal would be disproportionate in relation to the host dwelling nor would it materially unbalance the cohesive symmetry of the pair of dwellings it is part of. Moreover, the overall height and design of the rear extension and in particular its roof form would ensure that the original rural scale and proportion of the cottage would still be architecturally legible. Consequently, as a whole the proposal would be subordinate to the design and scale of the host dwelling, therefore respecting its character.

5. Having come to the conclusions above, the proposed two storey side and rear extension would not result in material harm to the character and appearance of the dwelling and the street scene, due to the proposal being of a domestic scale and design that relates positively to the host dwelling and rural character of the area. The proposal is therefore consistent with Policies GBR2, DES4 and HOU11 of the East Herts District Plan 2018. These policies seek amongst other things to ensure that extensions or alterations exhibit a high standard of design and respect local character.

Conditions and conclusion

6. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for materials used in the development to match those used in the existing building.
7. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR



Appeal Decision

Site visit made on 28 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: Friday, 04 September 2020

Appeal Ref: APP/J1915/D/20/3249105

31 Aston End Road, Aston SG2 7EU

- 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 P. Fraser against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0043/HH, dated 9 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is a part two-storey, part single storey rear extension following demolition of existing single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The property is sited within the Metropolitan Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the erection of new buildings in the Green Belt are generally inappropriate. There are some exceptions to this, which include the provision of an extension to a dwelling if it does not represent a disproportionate addition to the dwelling. In this instance, the floor space that would be added to the dwelling would not compromise the intrinsic quality of openness within the Green Belt. In consequence, from the evidence before me, the Main Issue is the effect of the development upon the character and appearance of the surrounding area, with particular reference to the Aston Conservation Area.

Reasons

3. The appeal site consists of a detached house constructed with bricks and tiles on the building's elevations. The site is located at the junction of Aston End Road and St Mary's Close. The site is also within the Aston Conservation Area (the CA). The significance of the CA is, in part, derived from the presence of traditionally designed buildings located within a landscaped and more open setting. Whilst there are some more modern buildings within the vicinity, these maintain the open and verdant character. The appeal site is also identified in the CA Appraisal (2018) as making an important architectural contribution.
4. Whilst the floor space of the extension has been configured in such a way so as not to affect the openness of the Green Belt, the proposed extension would have a significant width and projection. In consequence, the proposal would erode the character of regular proportions present in the building's footprint.

5. In addition, the proposed extension would not represent a subordinate addition to the main dwelling as its eaves would be the same as the existing house. Furthermore, the proposed extension would have a roof slope that is steeper than the existing dwelling. In consequence, the design of the proposal would conflict with the traditional character and form of the existing dwelling. This would occur irrespective of the palette of materials that is proposed to be used within the development.
6. By reason of the scale and positioning of the proposed extension, the development would erode the open, verdant character of the surrounding area and the traditional forms of architecture that are readily apparent within the CA.
7. These matters are of concern as the site occupies a prominent position in the area owing to its proximity to the junction with St Mary's Close. As this road serves a significant number of dwellings, the proposed extension would be a particularly notable addition to the locality.
8. Whilst the proposed development would replace an existing extension, this structure does not have the same projection and is of a single storey, with a flat roof. In consequence, it has a substantially smaller mass than the development before me.
9. Furthermore, owing to its limited height and the site's boundary treatments, views of the existing building are not readily apparent from the wider area. This contrasts with the proposed extension, which would be readily perceptible from the surrounding area. In result, the existing structure does not have the same adverse effects that the proposed development would have. I therefore find that the presence of an existing extension does not require me to disregard my previous concerns.
10. I acknowledge that the proposed development would increase the level of surveillance of the property's rear garden. Whilst this is of some note, it does not outweigh the adverse effects on the character and appearance of the site and wider area as previously identified.
11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area, including the CA. The development, in this regard, would fail to comply with Policies DES4, HA1, HA4 and HOU11 of the East Herts District Plan (2018). These policies, amongst other matters, seek to ensure that new extensions should be subservient to the main dwelling and be of a size, scale, mass, and form that are appropriate to the existing building and, or, the surrounding area; that developments are of a high standard of design which promote local distinctiveness; preserve and, where appropriate, enhance the historic environment; and preserve or enhance the special interest, character, and appearance of Conservation Areas.

Other Matter

12. I acknowledge efforts made by the appellant in attempting to overcome the reasons for refusal of a previous application for planning permission. However, in considering this appeal I have identified adverse effects on the character and appearance of the surrounding area. In consequence, this point does not overcome my previous conclusions.

Planning Balance and Conclusion

13. The harm that would occur to the character and appearance of the CA would not be severe, and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal. As the proposed development is an extension of a dwelling any public benefits are likely to be limited to a positive economic effect during the construction process. By reason of the scale of the development, such benefits are likely to be comparatively small-scale, temporary, and localised in impact.
14. Thus, when giving considerable importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have a clear and convincing justification.
15. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 22 September 2020

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/J1915/D/3253941

50 Abbots Way, Bishops Stortford, Herts CM23 4JF

- 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 Sharon Coaker against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0495/HH, dated 4 March 2020, was refused by notice dated 27 April 2020.
 - The development proposed is front two storey extension and single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for front two storey extension and single storey extension at 50 Abbots Way, Bishops Stortford, Herts CM23 4JF in accordance with the terms of the application, Ref 3/20/0495/HH, dated 4 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing Plans & Elevations Drawing No D200202/1; and Proposed Extension & Alterations Drawing No D200202/2 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the street scene.

Reasons

3. The appeal property is a two storey detached dwelling with attached garage. It has a two storey gable projection positioned to one side of the front elevation. There is an unusually large expanse of brickwork between that projection and the only ground floor window in this elevation. The property is located in a mature well-established residential area, between other properties at the end of a cul de sac. The area is typically characterised by closely spaced, detached properties of varied design. Two storey front gables and single storey front projections of varied design and scale are predominant features in the street scene.

4. The proposal would entail the construction of a part two storey and part single storey extension that would project out by approximately 2.4 metres from the front of the property. The new gable would sit centrally within the front elevation, alongside, but forward of the existing gable. The gable extension would sit down from the main ridge line, matching the existing gable in height and pitch. The single storey mono pitched element would sit below and forward of the existing gable.
5. The appeal property has a generous plot frontage relative to neighbouring properties. As such the dwelling is set back from the road and does not appear prominent in the street scene. This set back position would ensure that the proposed development would not appear significantly out of place or excessive in relation to the built form of the host property or adjacent properties. The use of matching materials, fenestration and the roof design would ensure that the proposal would sit comfortably against the existing two storey gable. Its staggered form and overall scale would allow the proposal to achieve an appropriate degree of subordination to the original dwelling.
6. Although twin gables on property frontages are not part of the current street scene, because of the wide variety of both single storey and two storey front projections, the introduction of an additional frontage gable at the appeal site would not be so alien as to cause unacceptable harm to the street scene. The existing front elevation presents a somewhat irregular solid to void ratio; I consider that the design of the extension would result in a balanced and positive addition to the host property.
7. Consequently, I conclude that the proposal would not have a harmful effect on the character and appearance of the host property or the street scene. It would be consistent with Policies DES4 and HOU11 of the East Herts District Plan 2018, which together, and amongst other matters, require a high standard of design and extensions to be of a size, scale, mass, form, siting and design that are appropriate to the existing dwelling and the surrounding area. I also find the proposals to be in general conformity with section 12 of the National Planning Policy Framework in terms of achieving well designed places.

Conditions

8. The Council has suggested conditions that it considers would be appropriate. In addition to the standard time limit condition, it is necessary to impose a condition specifying the approved drawings as this provides certainty. In order to protect the character and appearance of the host property and the area, I have imposed a condition requiring matching external materials.

Conclusion

9. For the reasons given above the appeal is allowed.

S Tudhope

Inspector



Appeal Decision

Site visit made on 17 September 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 September 2020

Appeal Ref: APP/J1915/D/20/3253632
111 The Hyde, Ware, Hertfordshire SG12 0EU

- 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 Arnold against the decision of the East Hertfordshire Council.
 - The application, Ref 3/20/0520/HH dated 4 March 2020, was refused by notice dated 29 April 2020.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

Character and appearance

3. The appeal dwelling forms part of a block of four dwellings situated in a housing area of largely two and three storey, modern, brick built, suburban housing with pitched roofs and in a landscaped setting.
4. The block of four dwellings is two storey in height with a double pitched gable roof. The block has a general design symmetry. Whilst the appeal property has an existing single storey extension, because of its limited height, it does not unduly disturb the pleasing and consistent design characteristics in respect of the block of properties as a whole. The existing extension, unlike the block, has a hipped, tiled roof. The proposed development is to construct a first-floor extension above it and again with a hipped roof. It would have a maximum height of approximately 5.5 metres. The proposed materials would match the existing dwelling.
5. Owing to the scale, design and position of the first-floor extension, it would adversely affect the symmetry of the block of properties to the detriment of the character and appearance of the area. The proposed hipped roof above first

floor level would appear as an uncharacteristic, incongruous and out of place feature unrelated to the appearance of the block as a whole. The harmful development would be particularly prominent and conspicuous when viewed from the access road, from the adjoining car parking area and also when viewed from the block of properties to the rear, albeit seen at an angle.

6. I conclude that the proposed development would have a significantly adverse impact upon the character and appearance of the area. It would therefore fail to accord with the design requirements of policy HOU11 of the East Hertfordshire District Plan 2018 (EHDP) and with policy DES4 which seeks a high standard of design that promotes local distinctiveness.

Other Matters

7. The appellant has referred to other extensions to properties in the immediate area, notably at numbers 18,21,22 and 26 The Hyde. However, I have found that these are generally side extensions to properties where the design and general shapes of the roofs are consistent with the original dwellings, unlike that proposed for the appeal property. In addition, because of their general layouts, the extensions do not unbalance the properties. I have found that the same applies to the other properties cited by the appellant further afield at Founceley Avenue and at Hadham Park Cottages. Therefore, I do not consider, that the above extensions are directly comparable to the proposed extension, but in any event, I have determined this appeal on its own merits.
8. The appellant refers to paragraph 117 of the National Planning Policy Framework 2019 (the Framework) which promotes the effective use of land in meeting the needs of homes and other uses. However, such effective use requires the safeguarding and improvement of the environment. The latter is not achieved by the proposed development.
9. Similarly, paragraph 118 of the Framework encourages the multiple use of land including the achievement of net environmental gains, but I have found that the proposed development would not achieve this. The same paragraph encourages upward extensions, but only when compatible with the overall street scene.
10. Paragraphs 124 and 127 of the Framework encourage good design and innovation, but in this instance, the proposed development would be contrary to the achievement of good design.
11. While paragraph 38 of the Framework is supportive of sustainable development, the proposed development would not be sustainable because of its adverse impacts upon the environment and this would be the case even if the land was to be regarded as brownfield.
12. The proposed development would not have a materially adverse impact upon the occupiers of neighbouring properties in terms of privacy, outlook and light. However, these are matters of neutral consequence in the overall planning balance.

13. I do not consider that the adverse impacts upon the character and appearance of both the appeal property and area can be mitigated by the application of conditions.

14. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

15. I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR