



Appeal Decision

Site visit made on 17 September 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/J1915/D/19/3232630

Whiskers, South End, Perry Green, SG10 6EP

- 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 Matthews against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0293/HH, dated 12 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is front dormer with flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for a front dormer with flat roof at Whiskers, South End, Perry Green, SG10 6EP in accordance with the terms of the application, Ref 3/19/0293/HH, dated 12 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1929-PL10, 1929-PL10A, 1929-PL11, 1929-PL11A, 1929-PL12.

Procedural Matters

2. I observed on my site visit that development had already been carried out and, apart from the absence of a balcony panel which appears on the submitted plans, the development appears to generally accord with the submitted plans, against which I am considering this appeal.
3. The Council have raised that some works to the existing property are not authorised. However, I have been provided with limited detail of the Council's concerns and in any event, those matters are not part of the development for which permission is sought in the appeal. I have determined the appeal on the basis of the development applied for detailed on the plans submitted and any other development, whether authorised or not, is a separate matter between the Council and the appellant in the first instance.

Main Issue

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

Reasons

5. The appeal site comprises a detached dwelling located behind a small hardstanding area. Properties on the street differ in terms of their size, layout

- and design and are unevenly distributed along its length. They are generally set in spacious plots with varying degrees of set back from the road.
6. The overall roof form of the appeal dwelling is rather unusual, but the flat roof of the dormer is situated centrally within the front roof slope in between, and set some distance behind, two front facing gable roof elements. It is also positioned below the ridge line of a roof slope which is situated behind the dormer. It sits comfortably between roof slopes without undermining the presence of the prominent gables, or overwhelming the host dwelling. I understand that previous permissions¹ allowed significant alterations to the original dwelling. However, the inclusion of a flat roof dormer in this case does not disrupt the symmetry of the dwelling, either in comparison with the original dwelling, or the altered dwelling, and whilst I did not see any other examples of similar flat roof designs or front facing balconies on the street on my site visit, the design and appearance of it does not appear out of kilter with the notably varied house types in the area.
 7. The separation between individual plots and the verdant appearance of the street means that there are limited views of the appeal dwelling in combination with any of the dwellings which sit on either side. The setback position of the dwelling and the subservient nature of the flat roofed dormer further reduces its prominence in the street. Consequently, the development is not harmful to the wider street scene or detrimental to the character and appearance of the area.
 8. I appreciate that Policy HOU11(C) of the East Herts District Plan October 2018 (the District Plan) precludes flat roofed extensions other than in exceptional circumstances where the character of the original dwelling allows a flat roofed design to be successfully incorporated. However, my foregoing findings concerning the limited impact the development has on the character and appearance of the street and appeal building represents exceptional circumstances in this case.
 9. I therefore find that the development is not harmful to the character and appearance of the area. There is no conflict with the general aims of Policies HOU11, VILL3 or DES4 of the District Plan which seek, amongst other matters, to ensure high quality design and layout that reflects the character of the site, the village and its surroundings.

Conditions

10. As the development has already been carried out, it has not been necessary for me to attach the standard time-limit condition. However, I have attached a condition requiring any remaining part of the development to be undertaken in accordance with the approved plans, in the interests of clarity.

Conclusion

11. Having had regard to all matters raised, the appeal is allowed.

Matthew Woodward

INSPECTOR

¹ East Hertfordshire District Council planning permission references - 3/16/1503/HH and 3/17/0756/HH



Appeal Decision

Site visit made on 29 September 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/J1915/W/20/3256475

The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT

- 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 Leslie Morgan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1170/FUL, dated 31 May 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the change of use from the courtyard building (D1) and attached stables to residential (C3).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from the courtyard building (D1) and attached stables to residential (C3) at The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT in accordance with the terms of the application, Ref 3/19/1170/FUL, dated 31 May 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: 8225 A4 LP (Location Plan) and 2 (Site plan) insofar as they relate to the site area of the change of use.

Main Issues

2. The main issues are whether the change of use of the existing building is an appropriate use for its rural location and whether the proposal would unacceptably result in the loss of an employment or community facility.

Reasons

Use

3. The appeal site is located in a rural location with only a very limited amount of development in the area. As I understand it Westmill village is around 1.3km from the site but this has only limited facilities such as a tea room, public house and a church. There is also only occasional public transport from there too. The nearest town which has a range of facilities is Buntingford which is around 3km away.

4. The appeal building itself is clearly of substantial and permanent construction and has previously been used as an Environment Studies Education Centre (ESEC) for which planning permission¹ was granted for that change of use in April 2010. The Appellant has stated that this use ceased in April 2016. At my site visit I saw that the interior of the building appeared to be in domestic use, although it is unclear whether a domestic use has already commenced.
5. Given the rural location of the site, the occupiers of the proposed dwelling would be heavily reliant on the private motor car to gain access to even the most basic of services, which is the least sustainable mode of transport. This is particularly the case as the surrounding road network is characterised by country lanes with no footpaths or street lighting. These roads do little to encourage walking or cycling to such facilities.
6. Notwithstanding that, I am also conscious that the appeal development would result in the re-use of an existing building which is very much domestic in scale. It is also clear that alternative uses of this building would invariably result in levels of traffic generation which would also be likely to be by private motor vehicle. To my mind, this is a significant factor in this case.
7. Taking this into account, despite the harm as a result of the unsustainable location of the site, I consider that this is not a factor which should prevent the reuse of this existing building for residential purposes.
8. For the above reasons the proposal would be broadly consistent with the aims of Policy GBR2 of the East Herts District Plan (2018) (EHDP) which amongst other matters seeks to protect the rural area beyond the Green Belt as a valued countryside resource. It would also accord with the overarching aims of the National Planning Policy Framework (the Framework).

Community/employment facility

9. The Council have also raised concern over the loss of a community facility and/or an employment site. As I have already noted, the use of the building for the ESEC ceased some time ago. From the limited information before me, this was very much a private enterprise and not open for members of the general public to freely and openly utilise the facility. As such, despite the use class of the building, I am not convinced that the facility was truly a community use in the context of Policy CFLR8 of the EHDP.
10. Notwithstanding that, there is some evidence which indicates that the facility is no longer needed in its current form (or form prior to any works being undertaken to facilitate the domestic use of the building). This is key as one of the supportive criterion set out in Policy CFLR8 allows for the loss of a community use in such circumstances.
11. Similarly, a Class D1 use is such that it would not normally be considered to be an employment use in the traditional sense. Whilst I have not been provided with any details on the amount of people employed by the business, given its nature, the level of employment was unlikely to be significant.
12. In addition to all of the above, I am also conscious of the planning history to the site which indicates that the two-storey element of the building was previously part of the domestic use of Garden Lodge. Whilst there have clearly

¹ Reference 3/09/1279/FP

been changes to the building (and the stable block element) since that time, the fact that the site has been in domestic use historically also weighs in favour of the current proposal.

13. Taking all of these issues together, I consider that whilst the proposal would result in the loss of a building with a Class D1 use in a rural area, such a loss would not be unacceptable and would be consistent with Policies CFLR8 and ED2 of the EHDP which amongst other matters seek to ensure that employment and community uses are not lost without sufficient justification. The proposal would also be in accordance with the Framework.

Other matters

14. To the north-east of the appeal site is Garden Lodge which is a Grade II Listed Building. Additionally, part of the appeal building itself is a curtilage Listed Building to Garden Lodge.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
16. The Council have not identified any harm to this Listed Building and in my view the change of use would have a neutral impact on the setting of the principle listed building. Similarly, it would have a neutral impact on the character of the curtilage building itself. I therefore consider that the proposal would accord with the heritage aims of the Framework and the Development Plan.
17. The Council has also made reference to the lack of correct detail on the plans. From my site visit I saw that the internal layout of the building was not exactly as shown on the plans before me. That said, the variances between the building on site and the plans themselves were largely insignificant given that the Council have not raised any issues other than matters relating to the use of the building and its location.
18. Finally, the Council have referred to Policy DES4 of the LP in their reason for refusal. However, I note that this is not referenced in the Officers' report in the assessment of the proposal and no specific conflict with it has been identified. Considering that this policy is largely concerned with design aspects, such as the alterations to buildings or landscape, I consider that the proposal does not conflict with any aspect of this Policy.

Conditions

19. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
20. Other than the standard time limit condition restricting the implementation of the permission to within 3 years, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. However, given that the floor and elevation plans do not exactly match the building I observed on site (and that no alteration works are proposed as part of the development) I consider that it is not necessary to specify these plans.
21. The Council has suggested conditions relating to refuse storage and collection and the restriction of permitted development rights for extensions and

alterations to the dwelling and for buildings within the curtilage of the dwelling which would normally be permitted under Classes A, B, C and E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

22. However, given what I observed on site, and the obvious refuse collection point, I consider that further details in respect of refuse storage and collection are not necessary. In respect of permitted development rights, I do not find there to be any exceptional circumstances that would justify their removal.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 22 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020

Appeal Ref: APP/J1915/D/20/3244785

1 High Road, Stapleford SG14 3NW

- 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 Simmonds against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1804/HH, dated 3 September 2019, was refused by notice dated 29 October 2019.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the revised National Planning Policy Framework ("the Framework");
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road with regard to outlook, sunlight and daylight; and
 - If the proposal is inappropriate development, 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 required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt. The proposed first floor rear extension would house a bedroom.
4. Policy GBR1 of the East Herts District Plan (2018) ("the EHDP") sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
5. The Framework states, at paragraph 143, that inappropriate development is harmful to the Green Belt and should not be approved except in very special

circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One of the exceptions (at paragraph 145c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. The Council states that, combined with previous extensions to the original building, the proposal would result in an increase in size of approximately 55.8%. I concur with these calculations, and the appellant does not dispute them. On this basis, therefore, the proposal would result in a substantial increase in the size of the dwelling, which would amount to disproportionate additions over and above the size of the original building.
7. As a result, the proposal would be inappropriate development in the Green Belt and, in this regard, it conflicts with Policy GBR1 of the EHDP and with the Framework.

Effect on the openness of the Green Belt

8. Paragraph 133 of the Framework states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness has both visual and spatial dimensions.
9. The appeal property forms the limit of development in the village and lies at the edge of a substantial area of open countryside. Whilst the extension would not generally be visible from the adjacent highway due to its location at the rear of the dwelling, the property has a relatively prominent position within views from the landscape to the rear due to its edge of settlement location.
10. The proposal would have a limited volume above an existing room. Thus, it would increase the dwelling's bulk by a modest degree. The proposal's impact on openness in visual terms would consequently be modest.
11. The proposed increase in the volume of the dwelling would result in a reduction in the spatial aspect of openness by a modest degree, due to the relatively small size of the extension.
12. I saw other examples of two-storey rear elements within the same row of housing on High Road. However, there is minimal indication that any of these developments have a comparable visual effect to the appeal proposal, or that they were considered according to the same local policy provisions. Furthermore, as the last dwelling in the village the appeal property has an enhanced prominence that the other dwellings do not. Thus, I do not consider that there are particular similarities between the other developments and the appeal proposal. Accordingly, I attach minimal weight to them in determining the appeal.
13. Thus, the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site. This harm would be modest because, whilst the dwelling has a prominent location, the proposed development is of a limited scale.

Effect on the character and appearance of the area and on the living conditions of the occupiers of No 3 High Road ("No 3")

14. The appeal dwelling appears to have been subject to a combined single and two-storey rear extension in the past. Only a single storey element projects from the rear elevation of the adjoining semi-detached dwelling. However, an unbalanced appearance is avoided as the two-storey section of the appeal dwelling is set away from the neighbouring property, allowing for a graduated increase in the building's bulk and for legibility of the appeal dwelling's original rear elevation.
15. Whilst the proposed extension would not generally be visible from the adjacent highway it would be visible from the gardens to adjacent properties and from the land to the rear of the site. The proposal would extend two-storey built form to the boundary between No 1 and No 3. This disproportion between the appeal dwelling and its neighbour would consequently give the building undue prominence which would unacceptably visually unbalance the pair of properties. This would cause harm to the character and appearance of the area. The harm would be limited because of the limited visibility of the proposal.
16. Turning to the effect of the proposal on the outlook, sunlight and daylight available at No 3, that dwelling has a first floor bedroom window which would lie adjacent to the proposed extension. This has a spacious outlook which partially arises from its location looking over the appeal dwelling's rear single storey element. A glazed door lies within the single storey rear element to No 3, which faces the appeal dwelling. Two further ground floor windows are set back within the main rear elevation. These ground floor wall openings all benefit in outlook terms from the spaciousness above the single storey element at the appeal site.
17. The proposed first floor extension would lie close to the bedroom window at No 3. It would project forward of the window by a significant degree, producing an enclosing effect which would significantly harm the window's outlook. The proposal would additionally unacceptably increase the sense of enclosure experienced from ground floor rear wall openings at No 3, due to the introduction of substantial built form to the detriment of the current relative spaciousness.
18. The proximity of adjacent built form would also be likely to reduce the levels of daylight and sunlight to all the wall openings concerned. However, the proposal does not appear likely to significantly interrupt the afternoon/evening sunlight that would result from their position facing approximately west. Furthermore, the single storey rear section of No 3 would still allow for the admission of daylight to the majority of the wall openings concerned. Moreover, I have no substantive evidential basis on which to conclude that the proposal would cause unacceptable harm to the levels of sunlight and daylight available to these rooms.
19. I note that the occupiers and owner of No 3 did not object to the proposal. However, I am not bound by their lack of objection to find the development's effect acceptable in light of all other available evidence.
20. The proposed development would consequently cause limited harm to the character and appearance of the area and significant harm to the living conditions of the occupiers of No 3 with regard to outlook. It therefore conflicts

with Policy DES4 of the EHDP, which states that extensions must be of a high standard of design and must avoid significant detrimental impacts on the amenity of the occupiers of neighbouring properties and land. Further conflict exists with Policy HOU11 of the EHDP, which sets out that extensions should generally appear as a subservient addition to the dwelling and that appropriate space should be left between extensions and neighbouring properties.

Other considerations and the Green Belt Balance

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
22. I note the submitted evidence concerning the personal circumstances of family members, and I am sympathetic to these. Nevertheless, the limited evidence which is before me on these matters does not suggest that significant harm in this regard would result without permission for the proposal, or that the scheme would be the only potential means of accommodating the circumstances concerned. As a result, I attach limited weight to this consideration in determining the appeal.
23. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR



Appeal Decision

Site visit made on 7 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3254038

58 Prestwick Drive, Bishops Stortford CM23 5ES

- 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 Anthony Hornett against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1810/FUL, dated 3 September 2019, was refused by notice dated 16 December 2019.
 - The development proposed is the sub-division of the plot and the erection of a detached dwelling together with parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. One of the reasons for the refusal of planning permission refers to the effect of the development upon the living conditions of the occupiers of 54a Prestwick Drive. It has subsequently been confirmed that this reference is erroneous and should refer to 52a Prestwick Drive. I have therefore proceeded on this basis.
3. A revised layout plan has been submitted with the appeal. However, I am not certain that this has been the subject of formal consultation with the local highway authority, or with the occupiers of neighbouring properties. In consequence, I have therefore proceeded on the basis of the plans originally considered by the Council.

Main Issues

4. The main issues are:
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook;
 - whether suitable living conditions would be provided for the future occupiers of the development;
 - the effect of the development upon highway safety;
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions of the occupiers of neighbouring properties

5. The proposed dwelling would be located to the rear of the existing house. The appeal site adjoins 56 Prestwick Drive. At the side of the appeal site is 52a Prestwick Drive.
6. The proposed dwelling would encompass a significant proportion of the site's width. This means that the proposed dwelling would be close to the shared boundary with No. 56. In addition, the neighbouring dwelling features a rear projecting element. Owing to the position of windows on this part of the neighbouring house and the layout of the garden, the proposed development would have a significant enclosing effect on this dwelling's windows and rear garden.
7. Whilst the dwelling at No. 52a is orientated differently, the proposed dwelling would encompass a significant proportion of the neighbouring property's garden. In consequence, in conjunction with the neighbouring dwellings at No. 54 and No. 56, the proposed development would have a significant enclosing effect on this existing neighbouring dwelling.
8. In addition, the proportions of the neighbouring properties would mean that the proposed dwelling would be in proximity to the windows of the existing dwellings.
9. As the proposed building would have a foot print equivalent to a significant proportion of the appellant's garden, this would also have an overbearing and enclosing effect. This would be increased due to the height of the proposed dwelling and would be exacerbated by reason of the proportions of the garden that the proposed development would have.
10. I acknowledge that the proposed development would be separated from the rear elevations of the existing neighbouring gardens. However, the proposed development would be readily perceptible from the gardens of the adjoining properties. This poses a concern as, owing to the layout of the existing dwellings, the rear gardens are the only areas where private outdoors recreation or play might take place. In consequence, the effect on the outlook of the neighbouring properties would be significant.
11. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of existing properties. The development, in this regard, would conflict with Policy DES4 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that new developments avoid significant detrimental effects on the amenity of the occupiers of neighbouring properties.

Living conditions of future occupiers

12. The proposed development features a garden to the side of the dwelling and has two storeys. The main point of access would be via a door on the front elevation.
13. By reason of the layout of the development, the garden would have a narrow depth. As this would need to have boundary treatments in order to ensure that the users of this garden space benefit from appropriate levels of privacy, the

levels of outlook from the garden would be very limited. Furthermore, the boundary treatment would have an overbearing effect.

14. This poses a concern as the garden is the only area where residents of the development might undertake outdoors recreation, or activities such as outdoor play. In consequence, the lack of a garden space with an appropriate outlook would prevent residents of the development from experiencing appropriate living conditions. In reaching this view, I have had regard to the fact that the proposed development would feature three bedrooms. Therefore, there is a reasonable likelihood that the proposed development would be occupied by families, who are likely to require an adequate garden.
15. The proposed development would feature sufficient internal room for a variety of activities to take place. I have not been directed towards any adopted policy that specifically requires that new developments be carried out in conformity with the Nationally Described Space Standards. In addition, the layout of the proposed development would include sufficient space for the storage of personal effects and household items.
16. In addition, by reason of the design, layout and orientation of the site, the proposed development would enable future residents to experience suitable levels of light, outlook and privacy.
17. Whilst I have not found any harm arising from the layout and proportions of the proposed dwelling itself, this does not overcome the adverse effects arising from the lack of appropriate outlook for the garden.
18. I therefore conclude that the proposed development would not secure appropriate living conditions for the future occupiers of the proposed dwelling. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design and layout

Highway safety

19. The proposed development would be accessed from Rochford Road. Many of the dwellings in this road feature dropped kerbs, leading to driveways or garages. In addition, a feature of the surrounding area is the presence of front boundary treatments.
20. Whilst the property currently features a vehicular access into the rear garden, the proposed development would feature a different layout. By reason of the shape of the new parking area, users of this space would need to undertake a convoluted manoeuvre in order to access the space. In addition, space for manoeuvring would also be limited in the event of a vehicle being parked in the development's other car parking space.
21. By reason of this complicated manoeuvre, motorists leaving the site would not have sufficient visibility of other road users or pedestrians within the surrounding area. Therefore, a vehicle might leave the development at an inopportune time, which could cause conflict with other motorists or pedestrians and potentially erode highway safety.
22. In addition, visibility for motorists leaving the site would be further impeded by boundary treatments that might be installed at the proposed development. In

addition, there would be a lamp post in proximity to the access, which would result in less visibility.

23. Whilst many of the nearby dwellings feature driveways, these have a different arrangement and layout to the scheme before me. In consequence, they do not have the same effects on highway safety. In consequence, the presence of driveways elsewhere does not enable me to disregard my previous concerns.
24. The proposed development would remove the possibility of the rear access being utilised by the occupiers of the existing dwelling. However, I note that there is an area of hardstanding in front of the existing house. On my site visit, I noted this being used for the parking of vehicles.
25. There is a reasonable separation distance between this area of hardstanding and the junction between Prestwick Drive and Rochford Road and the overall visibility to and from this area. Therefore, had I been minded to allow this appeal, I could have imposed a condition requiring the implementation and retention of a new dropped kerb. This would enable this space to be used for car parking throughout the life of the proposed development.
26. Whilst I have identified that appropriate car parking could be provided for the occupiers of the existing house, this does not overcome my previous concerns regarding the effect of the development upon highway safety.
27. I therefore conclude that the proposed development would result in an erosion of highway safety. The development, in this regard, would conflict with Policies TRA2 and TRA3 of the District Plan. These, amongst other matters, seek to ensure that new developments be acceptable in highway safety terms and that car parking should be integrated as a key element of design in order to ensure a good quality safe, secure and attractive environment.

Character and appearance

28. Despite the address of the appeal site, the proposed development would have a frontage onto Rochford Road. Dwellings in this road, whilst generally of two storeys, are a combination of semi-detached and detached houses. In addition, the existing dwellings feature several different design approaches, including projecting gables, different architectural details and some varying palettes of materials.
29. In consequence, the surrounding area can be defined as being reasonably varied. In result, the proposed development whilst being of a different design to the other houses in the vicinity, would be viewed against a backdrop of varied dwellings of different designs. In consequence, the proposed development would not appear unduly incongruous or strident.
30. In addition, the proposed dwelling would have a height that would be consistent with a significant number of other dwellings that are present within Prestwick Drive and Rochford Road. This would provide further assistance in enabling the proposed development to harmonise with its surroundings.
31. The proposed dwelling would be set further forward of the adjoining dwelling in Rochford Road. However, owing to the variety of house types in the surrounding area and the separation distances that would be involved, this arrangement would not be particularly jarring or discordant. In addition, had I been minded to allow this appeal, I could have imposed a condition covering

the materials from which the development would be constructed. This would also contribute to the proposed development harmonising with its surroundings.

32. The building's side elevations would be visible from a comparatively limited number of view points. In consequence, this view would not be prominent and would therefore not lead to a significant erosion of the area's character.
33. The proposed development would feature a garden to the side of the dwelling. A garden would also be retained to serve the existing house. These gardens, when combined, would provide a sufficiently sized area that would create a visual break between the dwellings in Prestwick Drive and Rochford Road. This would enable the delineation between the two streets to be maintained.
34. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design that promotes local distinctiveness.

Other Matters

35. My attention has been drawn to some other developments within the surrounding area. I have not been provided with the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that these dwellings are located in different locations, are constructed from different designs and have different relationships with other dwellings. Accordingly, these different circumstances mean that they are not directly applicable to the scheme before me. Therefore, the presence of development elsewhere does not allow me to disregard my previous conclusions.
36. My attention has been drawn to the Bishops Stortford Neighbourhood Plan. However, the Council's refusal reasons do not cite any specific policies from this document. I have also been directed towards adopted Development Plan policies that are relevant to the proposed scheme. I have assessed the proposed development against the requirements of these policies.
37. Whilst the proposed development would increase the supply of housing within the existing urban area, such benefits are limited by reason of the scale of the development. Furthermore, this is outweighed by the adverse effects to the living conditions of the occupiers of neighbouring properties; the lack of appropriate living conditions for the future occupiers of the development; and the adverse effects on highway safety, which would arise from the scale and layout of the proposed development.
38. It appears that no objections to the proposed development have been raised by the Bishops Stortford Town Council. Whilst this is a matter of note, it is only one of the matters that must be considered in assessing a proposal. In consequence, it does not outweigh the adverse effects as previously identified.

Planning Balance and Conclusion

39. Whilst I have found that the proposed development would not result in harm to the character and appearance of the surrounding area, this is outweighed by

the harm to the living conditions of the occupiers of neighbouring properties, the lack of appropriate living conditions for the future occupiers of the development and the effect on highway safety. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 28 September 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/J1915/W/20/3244724

Land at Pelican Cottage, A10 through Chipping Village, Chipping, SG9 0PQ

- 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 A Dalrymple against the decision of East Herts Council.
 - The application Ref 3/19/1833/FUL, dated 4 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is proposed erection of 3no private detached bungalows, associated works and change of use on land at Pelican Cottage, Chipping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has stated that the description of the proposed development was amended, without agreement, by the Council. To clarify, the description of development given above is as per the planning application form.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing with particular regard to the character and appearance of the area; and
 - the impact of the proposed development on highway safety, with particular regard to the site access.

Reasons

4. The site comprises an area of agricultural land situated to the rear of existing ribbon development and accessed via an unmade track from the A10. The site is located within an area identified within the East Herts District Plan, 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB). DP Policy GBR2 seeks to maintain the open and largely undeveloped nature of the RABGB by concentrating development within existing settlements and permits certain types of development, provided that they are compatible with the character and appearance of the rural area, and this includes limited infilling.
5. DP Policy VILL 3 identifies Chipping as a Group 3 village and states that limited infill development, identified in an adopted Neighbourhood Plan, will be

- permitted. It also further sets out criteria for all development which includes a need to relate well to the village in terms of location and layout.
6. The Buntingford Community Area Neighbourhood Plan 2014-2031 (NP) at Policy HD1 states that outside the 2 main settlement boundaries of Buntingford and Cottered, small scale infill development within or immediately adjoining significant existing clusters of development, will be permitted subject to protection of the landscape and character of the surrounding countryside.
 7. The proposal is to erect 3 single storey dwellings, with substantial rear gardens, that would be positioned around a courtyard area in close proximity to the existing access track.
 8. The appeal site lies to the north of Chipping, and I saw on my site visit that whilst there is more clustered development to the south, the settlement pattern to the north of the access track is loose knit ribbon development, which is predominately concentrated closer to the A10. The separation between existing built form increases significantly towards the end of the ribbon development, with detached properties being set within substantial plots, and built development generally being sparser.
 9. The land to the other side of the access track is largely devoid of built development though there is a detached residential annexe, associated with Pelican Cottage, and adjoining stable block. These however are not substantial structures and there is considerable separation between them and the existing dwelling at Pelican Cottage.
 10. The site does, in part, adjoin the garden boundary of an existing property, The Homesteads, which also sits to the other side of the access track. This is a detached property set within a very substantial plot with mature landscaping to the site boundary. There is significant separation between that existing property and the existing residential annexe and stables. Similarly, whilst there are existing buildings, associated with a nearby covered reservoir, these are also separated from the site with intervening fields that are devoid of buildings.
 11. Furthermore, both developments are at a lower ground level than the appeal site and, considering the above, any visual interrelationship is limited and only in the context of wider views. Consequently, the site cannot be considered as lying within or adjacent to a significant cluster of development, nor forming a gap in an otherwise substantial built-up frontage and would therefore not constitute limited infilling.
 12. There are extensive views to the rear of the site across the open countryside beyond, although views to and from the north and south are more restricted due to level changes and existing landscaping, the appeal scheme would be viewed in the context of a rural setting. The site itself is devoid of buildings and although the grass is manicured, visually it relates more to the open countryside and makes a positive contribution, having an open and spacious character.
 13. The appeal scheme would introduce a significantly more concentrated form of development, that would be at odds with the established pattern and character of development in the surrounding area. It would result in the creep of built development further into the countryside. This would have an urbanising impact, which would harm the rural character of the site and surrounding area

- and would not be appropriate in terms of the existing settlement form and pattern. Furthermore, the development would erode the contribution that the existing site makes to the character and appearance of the countryside around the settlement.
14. There are a variety of housing styles and designs in the surrounding area, and whilst the development takes some cues from the existing property at Pelican Cottage, such as materials and height, it would lack the simplicity of the existing development, with varying roof lines and complicated arrangement, particularly to the dwellings proposed to Plots 1 and 3. The spread of built development would also be substantially greater, and although set in substantial plots the gaps between the dwellings would be limited. The development would appear cramped, lacking the spaciousness that is characteristic of development in the vicinity.
 15. It would have a more urbanising effect, and along with other urban influences, such as boundary treatment, parked vehicles, domestic paraphernalia, such as washing lines and children's play equipment and the proposed dwellings themselves, detract from the rural character of the surrounding area.
 16. The appellant considers the provision of additional planting could mitigate this, and a condition would address this concern. Whilst existing landscaping provides some screening, I saw on my site visit that there is little landscaping currently to the rear site boundary, and it would take some considerable time for any landscaping to establish and provide an effective screen.
 17. For the above reasons, I conclude that the development would conflict with DP Policies GBR2, VILL3 and DES4 which amongst other things seek to ensure that development is compatible with the character and appearance of the rural area, relating well to the village and achieving a high standard of design and layout reflective of local distinctiveness, and NP Policies HD1 and HD2 which seek to direct small scale infill development to sites within or immediately adjoining significant existing clusters of development, and ensure they are sensitive to the landscape and character of the surrounding countryside.
 18. The appellant has referred to a previous appeal decision¹ at Chipping House (CH) where the Inspector considered the proposal for 2 dwellings in the rear garden of an existing property constituted limited infilling. Whilst accessed via the same track from the A10, there are distinct differences between the sites.
 19. The CH appeal site sits to the south of the access track where, as detailed above, the existing settlement pattern is more clustered. It was the location of the site immediately adjoining a significant cluster of development, and that other developments in the vicinity had already added depth to the settlement at that point, that persuaded the Inspector in that case that the proposal accorded with the NP and could be considered as limited infilling. As detailed above this is not the case with the current appeal scheme.
 20. The Inspector attached significant weight to the terms of NP Policy HD1 and did not find the argument that the proposal constituted limited infilling due to its relationship to The Homesteads alone to be convincing. The substantial landscaping to the rear of the site was also considered to limit the impacts of the development on the character and appearance of the countryside. With

¹ APP/J1915/W/19/3222257

regards to this main issue I therefore do not consider this development to be directly comparable to the appeal site or scheme and this does not, therefore, lead me to a different conclusion.

21. The appellant has also drawn my attention to another development referred to as Chipping Hall Barns. Whilst I do not know the full circumstances of that scheme, from the details before me its design, scale, and layout comprising of a mix of single and two-storey barn style buildings that have a simple and uncomplicated form, adjacent to a traditional brick barn, does not appear directly comparable to the appeal scheme, though it is noted that some materials may be similar. This does not, therefore, lead me to a different conclusion and in any event each case must be considered on its own merits.

Highway safety

22. The proposed dwellings would be accessed via an existing unmade track from the A10, which currently serves adjacent development. The appeal scheme would however intensify the use of this access and significantly increase vehicular movements along the access track. The proposals include no assessment on the suitability of the access or track, and no provision for any improvement or alterations to support the proposed development.
23. I saw on my site visit that this is a busy road and the access is narrow, with visibility restricted by existing planting. There is a lack of detail within the submission and it is not clear whether the existing access would be of sufficient width to permit 2 vehicles to pass. This could result in vehicles either having to reverse along the access or wait on the highway. Any vehicles waiting on the carriageway would impede the free flow of traffic, and this could lead to conflicts between vehicles, to the detriment of highway safety.
24. The width of the track remains restricted up to the appeal site, with vehicles parking informally alongside the track, adjacent to the existing properties and paddocks. It is clear that at this point it would not be possible for vehicles to pass each other on the track. This would result in vehicles either having to reverse or overrun onto grass verges and rear driveways of existing properties, where available, particularly in the event of a large vehicle, such as a refuse vehicle or delivery van, using the access road. Vehicles and pedestrians would be required to share this space and given the restricted width and absence of any formal passing or refuge places this could lead to conflicts between vehicles and pedestrians.
25. The appellant has stated that a condition imposed on the CH scheme requires improvements to the access from the A10, and they would accept a similarly worded condition. However, the current appeal scheme would further intensify the use of the access and it is not clear if the improvements considered for the CH scheme would be sufficient to support the additional use now proposed. I also note that the Highways Officer raised no objection to the CH proposal. This is not the case with the current appeal scheme.
26. Whilst the submission indicates that the owners of the track would be amenable to works being undertaken, the extent of their ownership is not clear. The submission only appears to refer to the section of the track to the rear of existing properties, with the access and section of track from the A10 being referred to as a farm track. As detailed above, the extent of any works necessary is currently unknown and, on the basis of the above, I cannot be

certain that the appellant would have control over any works required to the access, existing vegetation or track and this matter could therefore not be addressed by condition.

27. There is sufficient parking provision included within the proposed layout, though the manoeuvring area does appear restricted. Whilst there would be sufficient space within the plots to relocate the cycle parking, and this could be subject of a condition, I am not persuaded that the layout would achieve satisfactory manoeuvring space.
28. On the basis of the above, the proposal has failed to demonstrate that a safe and suitable access to the site can be achieved for all users or that any impacts on highway safety can be mitigated. The proposal would therefore not accord with DP Policy TRA2 and TRA3 which seek to ensure that developments ensure safe and suitable access.

Planning Balance

29. The Council has stated that they are able to demonstrate a 5year housing land supply and therefore paragraph 11 d) of the National Planning Policy Framework (the Framework) is not engaged in this appeal. I note that the DP and the Framework seek to balance the need for development in rural locations and direct development close to larger, more sustainable centres and the site would be within walking and cycling distance of local services and facilities and close to local transport provision. The proposed dwellings would make a contribution toward sustaining rural communities and local housing supply, and these would be benefits of the scheme.
30. However, given the small scale of the proposal, these contributions would be modest, and would carry only limited weight in favour of the proposal. The DP Policies and the Framework are also clear that developments should achieve a high quality of design and layout, reflective of the established character of development and need to be sensitive to their surroundings. As detailed above this is not the case with the appeal scheme.
31. That the development would not adversely impact on neighbouring amenity and provide sufficient garden area for potential future occupants would have a neutral effect, and therefore do not weigh in favour of the appeal. Therefore, whilst I have taken the above matters into account, I do not consider any benefits would be sufficient to outweigh the harm I have identified.

Conclusion

32. For the reasons stated above I therefore conclude that the appeal should be dismissed.

A Denby

INSPECTOR



Appeal Decisions

Site visit made on 7 October 2020

by **H Butcher BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal A: APP/J1915/W/19/3244024 **26 Drury Lane, Hunsdon SG12 8NU**

- 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 Michelle Mackie against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1991/HH, dated 1 October 2019, was refused by notice dated 15 November 2019.
 - The development proposed is a single storey rear extension.
-

Appeal B: APP/J1915/Y/19/3244018 **26 Drury Lane, Hunsdon SG12 8NU**

- 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 Mrs Michelle Mackie against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1992/LBC, dated 1 October 2019, was refused by notice dated 15 November 2019.
 - The works proposed are a single storey rear extension.
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 26 Drury Lane, Hunsdon SG12 8NU in accordance with the terms of the application, Ref 3/19/1991/HH, dated 1 October 2019, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for a single storey rear extension at 26 Drury Lane, Hunsdon SG12 8NU in accordance with the terms of the application Ref 3/19/1992/LBC dated 1 October 2019 subject to the conditions in the attached schedule.

Main Issue

3. The main issue in both appeals is the effect of the proposed works on the special architectural and historic interest of 26 Drury Lane which is Grade II listed.

Reasons

4. 26 Drury Lane forms one half of a pair of traditional, semi-detached, timber framed, roughcast and pink-washed houses. Part of the significance of the appeal property is derived from its overall age, form, and fabric.
5. Planning permission 3/19/1347/HH and Listed Building Consent 3/19/1348/LBC have been granted for a single storey rear extension to the property. The proposal which forms the basis of these appeals differs only insofar as it includes an additional projection from the extension into a rear courtyard area, and a roof lantern.
6. The additional projection to the single storey rear extension would be very modest in size adding only around 2.57m² to the property. It would make minimal difference to the appearance of the extension already granted planning permission and would simply allow for a more workable dining area than that approved. In spite of the additional projection into the courtyard there would remain a good gap between this and an extended garden room opposite. The courtyard in question comprises a relatively modern paved area. On the evidence before me I do not find its reduction in size to be harmful.
7. The roof lantern would be mostly glazed and although it would, to a small degree, obscure part of the rear elevation of the property when viewed straight on from the rear garden, this would be minimal and not harmful. The rear elevation would still be appreciable from other areas of the property.
8. Bringing the above points together the proposal would have no detrimental impact on the special architectural and historic interest of the listed building. I therefore find no conflict with Policies DES4, HOU11, HA1 and HA7 of the East Herts District Plan 2018 which promote good design and seek to protect character and, specifically, listed buildings.
9. Although the Council's questionnaire indicates that the site is not in a conservation area, the Planning Officer's report states that it is located within the Hunsdon Conservation Area. Included in the evidence is also a map of the adopted conservation area and the appeal site would appear to fall within this. I have therefore had regard to section 72 of the act which obliges me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Council raised no concern in this regard and similarly, given the siting of the extension to the rear of the property, its single storey nature, and that it would be well screened from public view, I find that the proposal would preserve the character and appearance of the conservation area.

Conditions

10. In addition to the standard time limit conditions I have attached plans conditions as this provides certainty. I have also included conditions requiring the use of matching materials to ensure a satisfactory finish, but it is not necessary to go further than this. There are no replacement windows to the listed building proposed and a condition requiring detailed drawings of the proposed windows in the extension is not necessary. It is necessary, however, to include a condition on Appeal B requiring details of the replacement door to the kitchen, in order to preserve the special architectural and historic interest of the Listed building. Conditions relating to 'making good' of the existing

building, are also necessary for the same reason. That such conditions were not attached to a previous appeal does not alter my findings in this respect.

11. I have not included a condition requiring all new or replacement rainwater goods to be in black painted cast iron as rainwater goods on the existing property are black plastic and this would be unreasonable.
12. For the reasons given, and subject to the above conditions, the appeals are allowed.

Hayley Butcher

INSPECTOR

Schedule of Conditions

Appeal A: APP/J1915/W/19/3244024

- 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:1068-SP-00 Rev B, 1068-GA-02 Rev A, 1068-GA-01 Rev B, 1068-SV-01 Rev B, 1068-SV-02, 1068-DM-01 Rev B.
- 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.
- 4) Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building.

Appeal B: APP/J1915/Y/19/3244018

- 1) The works 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:1068-SP-00 Rev B, 1068-GA-02 Rev A, 1068-GA-01 Rev B, 1068-SV-01 Rev B, 1068-SV-02, 1068-DM-01 Rev B.
- 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.
- 4) Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building.
- 5) No above ground works shall commence on site until detailed drawings of the new/replacement door to the kitchen, together with a detailed description or specification, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.



Appeal Decision

Site visit made on 22 October 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/J1915/W/20/3247445

**The Oaks Factory, Rear of Ginns Road, Stocking Pelham, Hertfordshire
SG9 0JD**

- 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 Richard Newman of Newman Property Group Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2281/FUL, dated 7 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is for the demolition of commercial unit (B8) and other outbuildings and erection of 9no. dwellinghouses and associated external works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have inserted 'Hertfordshire' into the address in the banner heading above as it is listed on the appeal form.
3. Policy VILL3 of the Council's District Plan 2018 (DP) was not cited on the Council's decision notice. However, it was provided with its Questionnaire. Consequently, I will not prejudice any party in taking this policy into account during the determination of the appeal.

Main Issues

4. The main issues of this appeal are:
 - i. whether the proposed development would conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development;
 - ii. whether the proposed development would result in the loss of employment land; and,
 - iii. the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

Sustainable location

5. The appeal site is located in the countryside, set back from Ginns Road and a little distance away from Stocking Pelham (SP), which is a small village identified as a Group 3 Village in the DP. DP Policies GBR2 and VILL3 apply to

SP in terms of the Rural Area Beyond the Green Belt (RABGB) and Group 3 Villages, respectively.

6. DP Policy DPS2 advises the strategy of the DP is to deliver sustainable development in accordance with a hierarchy, including sustainable brownfield sites, amongst other things. DP Policy GBR2 outlines the development that would be permitted in RABGB provided that they comply with various criteria. One criterion includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) in sustainable locations where appropriate to the character, appearance and setting of the site and/or surrounding area.
7. During my visit I noted that SP has little in the way of shops and services, but does have some facilities comprising a church, recreation ground and village hall. Furthermore, I have no details relating to public transport services serving the area. Nonetheless, SP is a short distance away from the site, along Ginns Road. Whilst Ginns Road is unlit and without footpaths, I consider that SP could be easily accessed through walking or cycling. I accept that the site is not located within easy access to shops and services, other than by car. The appellant has referred to a Judgment¹, which I consider represents a material consideration of significant weight in this appeal. In this instance, and for the purposes of paragraph 79 of the National Planning Policy Framework (the Framework), I do not find the proposed development would amount to isolated residential development in the countryside.
8. Both main parties have referred to an appeal decision² in their respective submissions. However, whilst I have had regard to this decision as the site in this appeal is in proximity to the site in the case before me, I note that this appeal was surrounding the separation of ancillary accommodation from the main dwelling through the sub-division of the planning unit, which differs significantly from the appeal scheme. Nonetheless, the site currently comprises various commercial buildings, including a large storage building³ to the rear of the site. The proposed development would replace the existing commercial units and whilst the future occupiers of the proposed dwellings, would, in all likelihood, be largely reliant on private vehicles to get to and from the site, the same could be said equally of any employees or visitors to the existing commercial units.
9. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. Furthermore, the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby. In this case, I find the proposed development would contribute in supporting the existing, albeit modest facilities in SP and to the surrounding villages. Additionally, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making⁴.

¹¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

² APP/J1915/W/18/321040

³ Building C

⁴ Paragraph 103

10. For the reasons given above, I find that the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development. Consequently, there would be no conflict with the sustainability aims or the Council's overall development strategy contained within Policies DPS2, GBR2 and VILL3. Furthermore, the location of the proposed development can be considered sustainable as it would accord with guidance contained within Paragraphs 78 and 103 of the Framework.

Employment land

11. Located to the rear of 'The Oaks' and its former residential annexe, the appeal site comprises of 5no. buildings⁵ which vary in size and appearance. All of the buildings are single storey in height, apart from Building C, which is 2-storeys in height. Additionally, there are a number of other structures, including shipping containers and a mobile home.
12. The key policy for considering the loss of employment land in this instance is DP Policy ED1. This policy permits the redevelopment of a non-designated employment area, subject to a number of criteria. Criterion (a) of DP Policy ED1 is that before loss of an employment use is allowed the retention of the site or premises for use Classes B1, B2 and B8 should be fully explored without success, including consideration of whether improvements to the site/premises would make it more attractive to alternative B1, B2 or B8 uses. Although it also says that evidence of a period of marketing of at least 12 months must be provided, it also states that for a non-designated area, a proportionate approach must be taken. Paragraph 15.2.2. of the justificatory text explicitly states that for non-designated sites this would normally be a minimum period of six months. The main parties do not dispute that the appeal site comprises a non-designated employment area.
13. The appellant has alerted me to the extensive planning history that surrounds the site at 3.1 of his Statement of Case (SoC) and has also included a number of appeal decisions⁶ to which I have had regard. However, these appeal decisions are not directly relevant to the case before me and thus, carry moderate weight in the determination of this appeal. Furthermore, the appellant seeks to demonstrate the authorised use of the site in his SoC⁷. However, this is not a matter for my consideration in this appeal. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
14. I noted that a number of units were in operation during my visit, including Building C. Additionally, I noted that Building E was occupied. The Council refer to a motor service company, occupying all or part of Building C. This would correspond with the signage⁸ at the entrance of the site, which is not disputed by the appellant. Additionally, I noted during my visit that another automotive business was operating from Building A and that a notable number of vehicles were parked in the area between Building B and Building D. Consequently, whilst I acknowledge the marketing details⁹, this only refers to Building C, in

⁵ Listed as: A, B, C, D and E

⁶ T/APP/J1915/A/90/173723/P6; PP/J1915/A/06/2020454 and APP/J1915/C/07/2056741

⁷ Paragraph 2.5

⁸ Unit 8 – SG9 Auto Service and Tyres

⁹ Jonathan Hunt Letting Agency dated 15 October 2019

particular Unit 7. Thus, I do not find that this accurately reflects the commercial activity on the site.

15. Even if I did consider lawful status of the businesses operating from the site and the period of marketing undertaken, which appears to be ongoing due to the presence of the 'Unit to Let' sign at the site entrance. There are significant misgivings surrounding the marketing evidence, when comparing the commercial activities being undertaken at the site to provide enough clarity to convince me that the proposed development complies with the requirements of DP Policy ED1.
16. For all of these reasons, I therefore conclude that the proposed development would result in the unacceptable loss of employment land. Consequently, the proposed development would be contrary to the employment and economic aims of DP Policy ED1 and the requirements of the Framework.

Character and appearance

17. The site currently represents 'backland' development, comprising various commercial units, extending further into the surrounding countryside than the neighbouring properties by a notable distance. Nonetheless, the site and its buildings contribute to the existing character and appearance of the surrounding area. In this context Building C is particularly prominent due to its overall size and height.
18. The proposed development would extend the length of the site to approximately the current extent of built development and would generally be located on areas of the site where there are currently buildings. However, apart from Building C, the other buildings on the site are single storey, which accounts for a large proportion of the site. Whilst I do not have any particular concerns regarding the approach to the design of the individual dwellings, I only consider in this instance that potentially 2-storey development would be appropriate in the location of Building C.
19. The neighbouring dwellings in the surrounding area, are largely single storey in form and appearance. This gives a distinct sense of place and rhythm of development, making a positive contribution to the surrounding countryside. In the context of the area surrounding the appeal site, the proposed development would be distinctly at odds with the character of neighbouring dwellings, as it would appear discordant in its location and more visually intrusive in its appearance. I note the condition and appearance of the existing buildings and I acknowledge that, in principle, demolition offers an opportunity for possible visual improvements to the character and appearance of the surrounding area. However, on the details before me, this would not provide a sufficient reason to outweigh the harm identified. I have considered whether suitably worded conditions could be imposed to ensure that otherwise unacceptable development could be made acceptable in this respect, but this is not possible in this instance.
20. For all of these reasons, I therefore conclude that the proposed development would harm the character and appearance of the appeal site and surrounding area. As a consequence, it would conflict with the design, character and appearance aims of DP Policy DES4, GBR2 and the requirements of the Framework.

Planning Balance and Conclusion

21. Whilst I accept the absence of other harm arising from the proposed development, including the location of the site, and the social and economic benefits that would occur from the construction phase of the development and its subsequent occupation, these factors, do not outweigh my assessment of the main issues.
22. Given my findings above, the proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. The proposed development would conflict with part of the economic and environmental objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development and would be at odds with the requirements of the Framework.
23. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR



Appeal Decision

Site visit made on 6 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3252892

Welgelegen, The Street, Haultwick SG11 1JQ

- 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 S. Albiston against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0172/FUL, dated 22 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is the erection of a detached one-bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site represents a suitable location for a residential development.

Reasons

3. The appeal site consists of an area to the front of the existing dwelling of Welgelegen. Adjoining properties contain some residential dwellings. To the rear of the site is open countryside.
4. The proposed development would result in a greater number of people residing within the locality. In consequence, and owing to the nature of the settlement, future residents would be compelled to travel to other settlements in order to access all of the services and facilities that they are likely to require on a day to day basis.
5. Although the appeal site is near to other dwellings and therefore would not be isolated in a physical sense, the lack of access to services and facilities poses a concern as the settlement is relatively small and does not appear to be well served by public transport. In consequence residents would be required to travel on the surrounding road network, which is narrow, sinuous and unlit.
6. In addition, the surrounding road network does not include separate infrastructure for pedestrians. In consequence, the lack of a welcoming pedestrian environment is likely to encourage journeys by private car.
7. Residents could use one of the number of footpaths within the surrounding area. However, as would be reasonably expected, these generally have an unmetalled surface and are also unlit. In result, they are unlikely to be an

attractive environment for pedestrians during the hours of darkness, or during periods of inclement weather.

8. It appears that there is a greater array of services in the settlement of Dane End. However, owing to the distances between this settlement and the appeal site, combined with the nature of the surrounding roads and footpaths, these are unlikely to be accessed by methods of transport such as walking or cycling on a regular basis, particularly as the prevailing weather conditions might not always encourage travelling by such a means of transport.
9. For similar reasons, I do not believe that the availability of public transport routes in Dane End would be readily accessible for all future occupiers of the development and therefore does not serve to overcome the lack of an appropriate pedestrian environment.
10. Whilst the proposed development is situated within a settlement, would be in between buildings and would provide an additional dwelling in a rural settlement, this is outweighed by the lack of appropriate access to services and facilities for all future residents of the proposed dwelling.
11. The proposed development would increase the level of housing in the vicinity of the appeal site. In addition, it is likely that future residents of the development would be able to offer additional support to local businesses. However, given that the proposed development is for a single dwelling only, the increase to the local housing supply would be limited. Furthermore, any support of local businesses and services would also be limited by reason of the likely small number of people that could be accommodated within the proposed development. Accordingly, any such benefits do not outweigh my previous concerns.
12. The proposed development would replace an existing outbuilding. However, the weight that I can attribute to this is limited as the building does not appear to have been used for residential purposes and is some distance away from the siting of the proposed development. Accordingly, this existing building has differing effects to the scheme currently before me.
13. I therefore conclude that the proposed development would represent an unsuitable location for a residential dwelling. The development, in this regard, would conflict with Policies DPS2, GBR2, TRA1 and VILL3 of the East Herts District Plan (2018). These, amongst other matters, seek to ensure that there is a delivery of sustainable developments in accordance with a hierarchy of sites; that limited infilling in sustainable locations is encouraged; that limited infilling takes place in accordance with the provisions of adopted Neighbourhood Plans; and developments enable journeys to be made to key services and facilities to aid carbon emission reduction.

Other Matters

14. I have had regard to the appellant's personal circumstances. Whilst I am sure that the proposed development would be of some benefit in assisting with these circumstances, I am mindful that, in general, planning decisions should be made in the public interest. Accordingly, for the preceding reasons, I do not consider that these circumstances outweigh my previous concerns. Furthermore, such benefits would not necessarily apply to all future occupiers of the proposed development.

15. I acknowledge that the proposed development is of an appropriate design and could be constructed from a suitable palette of materials. Whilst this is a matter of note, it is only one of all the issues that must be considered in assessing a proposed development. In consequence, this does not overcome my findings in respect of the Main Issue.
16. My attention has been drawn to various elements that can be included within the proposed development to aid environmental sustainability, in addition to the provision of a vegetable plot. Whilst such matters are of some benefit, they do not overcome the adverse effects arising from the location of the proposed development.

Conclusion

17. 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 C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/J1915/D/20/3254737

11 New Road, Bengoe, Hertford SG14 3JJ

- 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 Stephanie Garner against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0249/HH, dated 27 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the retention of an existing rear dormer.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development concerned has occurred and therefore I am considering this matter retrospectively.
3. There are some minor differences between the styles of windows shown on the submitted plans and the development which has been carried out. Whilst these discrepancies have not had a bearing on my decision, I have determined the appeal based on the scheme as it has been built.

Main Issue

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

Reasons

5. The appeal dwelling lies within a row of properties which have a markedly similar appearance. Roof forms within the row are generally as originally built, and dormer windows are not a prevailing characteristic of their appearance. This design continuity contributes positively to the appearance of the area.
6. The appeal dwelling has a two-storey rear extension with a hipped roof, and an adjoining single storey extension. The dormer lies above and behind the extension, and occupies much of the rear roof slope. The scheme is highly visible from several neighbouring properties. Accordingly, whilst it has less visibility from New Road, it is apparent within the wider residential area.
7. The dormer has substantial proportions and a significant projection from the roof. These add an unduly dominant degree of bulk to the roof, which

produces an unbalanced appearance. As a result, the scheme has a lack of subservience to the existing building.

8. Furthermore, the cumulative effect of the roofs of the two-storey and single storey extensions in close proximity to that of the dormer produces a visual complexity in the juxtaposition of roof structures. This is at odds with the prevailing uniformity of roofs within the row of properties.
9. Thus, the development appears as an inharmonious and visually intrusive feature. The scheme consequently causes harm to the character and appearance of the area, and therefore it conflicts with Policies HOU11 and DES4 of the East Herts District Plan 2018, which require development to complement the appearance of the existing dwelling and to be of a high standard of design.

Other Matters

10. The appeal site lies within the Hertford Conservation Area (the CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. The town's natural and historic environment make a substantial positive contribution to the significance of the CA, according to the CA Appraisal and Management Plan (2017). Trees, water features, areas of open space, listed and unlisted buildings are identified as elements of primary importance.
12. The appeal dwelling lies opposite the Holy Trinity church, which is a listed building within a substantial churchyard which contains several mature trees. Its historic appearance and natural surroundings contribute positively to the significance of the CA. The dormer has limited visibility within the church's setting and a relatively neutral effect within views from the street. Furthermore, it does not adversely affect important views of natural or historic form.
13. Accordingly, I conclude that the scheme reflects the relevant defining characteristics of the CA, and that its effect on its significance is one of preservation as a result. The Council's view supports my own on this matter.
14. My attention has been drawn to a number of schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, the majority lie outside the CA, according to the evidence before me. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) grants permission for the classes of development described as permitted development in its Schedule 2. Part 1, Class B permits certain additions to the roof of a dwellinghouse. Thus, if the other schemes referred to comprised permitted development according to the GPDO, they would not require an application to the local planning authority for planning permission.
15. However, permitted development rights are more restricted within certain designated areas, including Conservation Areas. As a result, the appeal scheme necessitates an application for planning permission as a result of its location within the CA. It therefore falls to be assessed against development plan policies.

16. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.
17. I acknowledge the stated household need for greater space, and I am sympathetic to this. Nevertheless, planning in general is concerned with land use in the public interest. It is probable that the development would remain long after the current personal circumstances cease to be material. For these reasons, this factor is a benefit to which I can attach only minimal weight.
18. The use of similar materials to those of the main building for the scheme is a neutral matter that does not overcome my concerns regarding its overall effect.
19. I acknowledge the support of interested parties for the scheme. However, this does not include substantive evidence which leads me to an alternative view on the main issue of the appeal, in this instance.
20. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.

Conclusion

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

C Beeby

INSPECTOR



Appeal Decision

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 12 October 2020

Appeal Ref: APP/J1915/X/20/3249498

45 Dovedale, Ware SG12 0XL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Miss Kate Branston against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0251/CLPQ, dated 7 February 2020, was refused by notice dated 9 March 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The for which a certificate of lawful use or development is sought is:
Single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres.
-

Decision

1. The appeal is allowed and a lawful development certificate is attached below.

Matters of clarification

2. Further to the case officer's letters to the parties, I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the initial submissions, supplemented by additional information being supplied. The appellant and the Council have agreed to the appeal proceeding without a site visit and I am satisfied that, in dealing with it in this manner, no injustice is caused.

Background information

3. The appeal property is a two storey, end of terrace dwelling which is located in the southern part of the cul-de-sac, Dovedale, to the north of Quincey Road . It lies within the built up area of Ware but is not within the Conservation Area
4. Planning permission was refused on 7 January 2020 (3/19/2476/PNHH) for a single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres. On 6 February 2020 the LPA determined that Prior Approval was not required for the single storey rear extension, depth 4 metres; maximum height 4 metres; height at the eaves 2.6 metres (3/20/0034/PNHH).
5. The application (3/20/0251/CLPO), the subject of this appeal, was then refused on 9 March 2020. Following the refusal a LDC was granted under application 3/20/0623/CLPQ for the single storey rear extension (depth 4 metres, height 4 metres, height at eaves 2.6 metres) in accordance with the details pursuant to the Prior Approval application (3/20/0034/PNHH).

Reasons

Introduction

6. An appeal relating to a Certificate of Lawful Use or Development (LDC) is confined to the narrow remit of reviewing the Local Planning Authority's (LPA) reason for refusal and then deciding whether the reasons are well founded. The planning merits of the case do not fall to be considered.

7. National Planning Practice Guidance (PPG) indicates that an applicant is responsible for providing sufficient information to support a LDC application and that, without sufficient, precise and unambiguous information, a LPA may be justified in refusing to grant a certificate. In this case relevant plans were submitted and these are set out in the Council's delegated report. The LDC application form referred in two places to the Prior Approval decision.

The gist of the case for the appellant

8. It is stated that this is a simple issue in that the Council's case officer had not looked at the submitted information and had missed the fact that Prior Approval had been deemed not to be required (see above). This was referred to on the application form and it is stated that another of the Council's officers has accepted that a refusal of the LDC application should not have been issued. This appeal was made in order to rectify the situation.

The gist of the case for the Council

9. The Council indicates that it did not consider that the proposed development under 3/20/0251/CLPO was permitted development as the proposal failed A.1.(f) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). It is stated that the description of development did not include details of the extant Prior Approval application and, therefore, the depth of the proposed extension under 3/20/0251/CLPO did not fall within the scope of the LDC.

10. However, it is accepted that the refusal of the LDC application was issued incorrectly. The Council then states that *'the description provided by the agent, within part 5 of the application should have included reference to the extant Prior Approval Commission'*.

My assessment

11. The Council's comments, regarding the LDC application and part 5 of the application form, infer that no reference was made regarding the extant Prior Approval application and permission. However, I note that in section 5 (Grounds of application) of the application form (dated 7 February 2020), it is stated that *'Prior Approval was carried out and deemed not required on 6/2/20'*. Furthermore, in section 7 (Pre-Application Advice), reference is again made to the Prior Approval and the fact that it was not deemed to be required. It is difficult to reconcile the Council's statement with these facts. Nevertheless I must still consider whether the proposed development was lawful on the date of the LDC application.

12. The GPDO at paragraph A.4.(1) of Schedule 2, Part 1, Class A, sets out the conditions which apply to development permitted by Class A which exceeds the limit set out in paragraph A.1.(f) but which is allowed by paragraph A.1.(g). In this case A.1.(g) was relevant and the application details were in accordance with the conditions set out in A.4.(1). In particular all of the relevant required details set out in A.4.(2) had been complied with and there is no dispute that the Prior Approval application was valid.

13. The LPA did not refuse the application and no adjoining owner(s) objected to the proposal. On that basis condition A.4.(7) did not apply and the LPA confirmed that Prior Approval was not required (6/2/20).

14. Article 7 of the GPDO sets out the statutory time periods for which a LPA must comply for a Prior Approval application. But also, through Article 7 (and the relevant parts and paragraphs) an applicant can proceed with permitted development if a LPA does not make a determination; fails to make a determination within the statutory timescale or determines that Prior Approval is not required. In all such cases Prior Approval is deemed to have been granted.

15. Thus, if the LPA informed the appellant, on 6 February 2020, that Prior Approval was not required, then at the time of the application on 7 February 2020 the proposal as applied for was lawful for planning purposes. It follows that a LDC should have been issued. On that basis I do not consider that the Council's decision was sound. It follows that the appeal must succeed and a lawful development certificate is attached below.

Other Matters

16. In reaching my decision I have taken all other matters into account. But these do not alter the situation that a certificate should have been issued by the Council.

Formal Decision

17. The appeal is allowed and a lawful development certificate is attached .

Anthony J Wharton

Inspector



The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 7 February 2020 the development described in the First Schedule hereto, in respect of the property specified in the Second Schedule hereto, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

No enforcement action could be taken in respect of the development.

Signed

Anthony J Wharton
Inspector

Date: 12 October 2020
Appeal Reference: APP/J1915/X/20/3249498

First Schedule

Single storey rear extension: depth 4 metres, maximum height 4 metres, eaves height 2.5 metres.

Second Schedule

45 Dovedale, Ware, Hertfordshire SG12 0XL

Notes:

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended) and relates only to the above property.

It certifies that the development described in the First Schedule, at the property specified in the Second Schedule, was lawful on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the development described in the First Schedule; to the property specified in the Second Schedule and to the plans submitted to the LPA with the LDC application (P100A; 101A; 102A and P201) on 6 February 2020.

Any other development which is materially different from that shown on the above plans may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Appeal Decision

Site visit made on 6 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3254490

17 Highfield Road, Hertford SG13 8BH

- 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 S & H Chapps and Rockwell Homes Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0287/FUL, as received by the Council on the 11 February 2020 was refused by notice dated 15 April 2020.
 - The development proposed is to construct a new detached house with garage and parking, with new site entrance and associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the Hertford Conservation Area.

Reasons

3. The appeal site is located within the Hertford Conservation Area (the CA). The significance of this is, in part, derived from the predominance of larger, traditional design buildings arranged in a broadly linear form. Such dwellings are generally sited within landscaped sites, which gives the surrounding areas an open and verdant character. In consequence, the presence of less developed areas is an important characteristic of the CA.
4. Whilst the appeal site features a garden to the side of the existing dwelling, this is prominently located and makes a notable contribution to the verdant and open character of the vicinity. In consequence, the erection of a new dwelling would lead to an erosion of the character.
5. The proposed development, owing to the significant increase in built form, would be particularly prominent within the surrounding area. This arises from the prominence of the appeal site, is in proximity to the junction between Highfield Road and Morgan's Road. In addition, the proposed development would also be visible from the junction between Highfield Road and Bullocks Lane.
6. On account of the siting and scale of the proposed dwelling, it would be visible from a large proportion of Morgan's Road as it would project beyond the front elevation of many of the existing dwellings within this road. Whilst this would

- be screened to some degree by landscaping, some views would still be possible. Furthermore, the siting of the development would also allow for some views of the rear elevation, which would be discordant given the positioning of existing dwellings within the surrounding area.
7. Therefore, whilst dwellings in Morgan's Road are set back from the highway by varying amounts, the different views of the proposed dwelling would mean that it would appear incongruous.
 8. Furthermore, the proposed development includes a driveway. This would result in a greater amount of hardstanding being installed at the property, which would lead to a further erosion of the CA's character. This effect would be exacerbated by the proposed garage as this would increase the built form of the development and would lead to a further erosion of the verdant and open character of the site.
 9. This is particularly concerning given that the proposed development would also result in the removal of part of the existing boundary treatments, which would also erode the traditional forms of architecture that are a feature of the appeal site and the surrounding area.
 10. The proposed development would include some landscaping. However, the screening effect would be partial and may take some time to become established. Given that the overall form of the building would not be adequately screened, the development would remain readily perceptible within the surrounding area. I understand that the existing trees could be retained, however this would not overcome the adverse effects arising from the loss of the site's open and verdant character.
 11. I acknowledge that the proposed development could be constructed from materials that are complimentary to the historic environment. Whilst this is a matter of note, it does not overcome the adverse effects arising from the siting of the proposed dwelling as previously identified.
 12. My attention has been drawn to other developments in the surrounding area, where the dwelling takes up a larger proportion of the site. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. However, I note that these dwellings are either located either in line with other dwellings or are well screened by existing, mature landscaping.
 13. In consequence, the existing dwellings do not have the same prominence as the appeal proposal would have. Therefore, whilst I acknowledge that it appears that some of these dwellings would take up a greater proportion of their respective sites, I find that the presence of developments elsewhere does not allow me to disregard my previous concerns.
 14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, conflicts with Policies DES2, DES3, DES4, HA1, HA4 and HOU11 of the East Herts District Plan (2018). These, amongst other matters, seek to ensure that new developments conserve, enhance or strengthen the distinctiveness of the local landscape and its features; that developments be of a high standard of design and layout to reflect local distinctiveness; that development preserve and, where appropriate, enhance the historic environment, including the

special interest of Conservation Areas; and be appropriate to the character, appearance and setting of the surrounding area.

Other Matter

15. It appears that the proposed development would not have an adverse effect upon the highway system. Whilst this is a matter of note, it is only one of all the matters that must be considered. In consequence, this does not allow me to disregard my previous conclusions.

Planning balance

16. The harm to the CA would not be severe and therefore would be 'less than substantial' as defined by the National Planning Policy Framework (the Framework). Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal

17. In this instance, the proposed benefits amount to an increase in the local housing supply within the existing settlement, plus potentially some economic benefits during the construction process and patronage of local businesses post occupation. However, given that the scheme is for a single dwelling only, such benefits would be of a small scale. Accordingly, I can only attribute moderate weight to each of these benefits.

18. In addition, benefits arising from the repair of the boundary wall and the planting of replacement trees would be tempered by the removal of a section of the wall in order to provide access to the development and the loss of openness of the site.

19. Therefore, as I must pay special attention to preserving or enhancing the character and appearance of the CA, I find that the harm as previously identified would not be outweighed by the moderate public benefits. In result, the proposed development would conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification.

Conclusion

20. 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 C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020

Appeal Ref: APP/J1915/D/20/3255457

16 Revels Road, Bengeo, Hertford SG14 3JU

- 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 I. Reynolds against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0432/HH, dated 28 February 2020, was refused by notice dated 19 May 2020.
 - The development proposed is a first floor side extension, a loft extension and conversion to create additional living space to include a rear dormer and rooflights.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A lawful development certificate (LDC) of February 2020 certifies that a hip to gable roof extension and the creation of a rear dormer and two rooflights was permitted development at the appeal property at that date. Whilst I have taken this matter into account in reaching my decision, I am required to consider the appeal scheme as a whole. Therefore I have used the full description of proposed works from the Council's decision notice, rather than the shorter description used in the application form.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of No 40 Parker Avenue with regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal property (No 16) is a semi-detached dwelling within a corner plot on a residential street. The surrounding residential estate comprises relatively uniform dwellings of a generally similar scale. The adjoining semi-detached dwelling at No 18 Revels Road (No 18) has largely retained its original form. Whilst the appeal dwelling has existing porch and single storey side extensions,

these do not unacceptably disrupt the symmetry of the pair of dwellings as a result of their limited scale.

5. The combination of the proposed works to the dwelling at first and second floor levels would result in a substantial increase in its scale which would cause the pair of semi-detached dwellings to have an unbalanced appearance. As a result, although the proposal would not reduce the area of garden space available, the building would appear disproportionately large within both public views and those from the rear of surrounding dwellings. The potential for extensions at No 18 cannot be relied on to "balance out" the proposal as there is no substantive evidence that these are planned, or that they would receive permission if this were the case.
6. I acknowledge that elements of the side extension's design would result in a greater subservience to the host dwelling than that identified regarding a previous appealed proposal¹ at the site. Nevertheless, the appeal scheme would result in an unduly dominant building within the relative uniformity of surrounding development as a result of its scale and prominent corner plot location. Thus, it would cause unacceptable harm to the character and appearance of the area.
7. The proposal consequently conflicts with Policies HOU11 and DES4 of the East Herts District Plan 2018 (the EHDP), which require development to complement the appearance of the existing dwelling and to be of a high standard of design.

Living conditions

8. No 40 Parker Avenue (No 40) lies on a corner plot on the adjacent road, in close proximity to the rear of the host dwelling. It has a rear garden of a modest scale which nonetheless offers outdoor space as an alternative to the larger side/front garden area which is also available.
9. The built form of the rear of No 16 lies relatively close to the rear garden and rear windows of No 40. However, the single storey scale of the side extension at No 16 and the unaltered nature of its roof form allow for outlook over those points.
10. The appeal proposal would increase the view from the rear of No 40 of substantial built form by a significant degree. The first floor side extension would replace views across the side area of No 16 by a significant projection of built form which would form an unduly dominant and overbearing frame to the outlook from the dwelling and garden at No 40. This enclosing effect would be exacerbated by the presence of the substantial dormer which would occupy almost the full extent of the original rear roof slope. The proposal would consequently cause significant harm to the living conditions of the occupiers of No 40 with regard to outlook.
11. A degree of mutual overlooking is already possible between the rear elevations and gardens to Nos 16 and 40. The proposal would increase the potential for overlooking by the inclusion of a second floor bedroom window within the dormer. Nevertheless, views from this would be oblique and would include only a slightly greater extent of the rear garden to No 40 than those available from the current first floor window at No 16.

¹ APP/J1915/D/18/3215970

12. Furthermore, the remaining two additional windows within the rear elevation would serve bathrooms and the use of suitable opening arrangements and obscure glazing for these could reduce the potential for overlooking from them to an acceptable level.
13. The proposal would consequently have an acceptable effect on the living conditions of the occupiers of No 40 with regard to privacy. Nevertheless, it would cause significant harm to the outlook available from that property. The proposal consequently conflicts with Policy DES4 of the EHDP, which states that proposals should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties.

Other Matters

14. My attention has been drawn to a number of schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, none of the four developments referred to had a sufficiently similar visual effect to the appeal proposal for me to be able to draw comparisons. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.

Conclusion

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

C Beeby

INSPECTOR



Appeal Decision

Site visit made on 22 October 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/J1915/W/20/3256369

Mill Studio Business Centre, Crane Mead, Ware, Hertfordshire SG12 9PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Paul Dixon of Robert Dixon Limited against the decision of East Hertfordshire District Council (LPA).
 - The application Ref 3/20/0461/ODPN, dated 28 February 2020, was refused by notice dated 12 May 2020.
 - The development proposed is for the change of use from offices (Class B1(a)) to 45no. residential apartments (Class C3).
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3, Schedule 2, Part 3, Class O of the GPDO for the change of use from offices (Class B1(a)) to 45no. residential apartments (Class C3): 33 x 1-bed and 12 x 2-bed at Mill Studio Business Centre, Crane Mead, Ware, Hertfordshire SG12 9PY in accordance with the terms of the application Ref 3/20/0461/ODPN, dated 28 February 2020, and the plans submitted with it.

Procedural Matters

2. For clarity, the description in the banner heading above is taken from the appeal form as one is not listed on the application form. However, in my decision I have used the Council's description on its decision notice as it is more precise.
3. The Council have confirmed in writing that they do not wish to contest the appeal submission¹. I have dealt with the appeal on this basis.

Background and Main Issue

4. Development permitted by Class O is subject to the conditions in paragraph O.2(1). One of these conditions requires that, before beginning the development, the developer must apply to the LPA for a determination as to whether prior approval is required as to certain specified impacts.
5. Paragraph W of the GPDO sets out the procedure for applications for prior approval under Schedule 2, Part 3. Paragraph W.(11)(c) says that development must not begin before the expiry of 56 days following the date on which the application was received by the LPA without the authority notifying the

¹ Development Management Letter dated 30 September 2020

applicant as to whether prior approval is given or refused. The appellant asserts that the 56 days had expired before the notification or refusal was issued.

6. Therefore, the main issue of this appeal is whether planning permission is deemed to have been granted by reason of the timing of the LPA's decision

Reasons

7. The application for prior approval was submitted to the LPA on 28 February 2020. The LPA's acknowledgement letter dated 19 March 2020 confirmed receipt and stated that, if a decision was not made by 12 May 2020, the applicant would have a right to appeal. The LPA's decision notice refusing the application was dated 12 May 2020. The appellant has quoted various Judgments in his submission, including the *Murrell*² case, which I find to be a material consideration in the determination of this appeal.
8. This being the case, it is argued that the 56-day determination period would have expired in advance of 12 May 2020 due to a valid application being received on 28 February 2020. I also note that additional documents were submitted to the Council on 11 March 2020. However, even if I used this date, the 56-day determination period would have still expired before the Council issued its decision. Additionally, the confirmation from the Council stating that they do not contest the appeal is a matter that I attach significant weight.
9. Consequently, I conclude that the Council failed to provide a decision within the required 56-day determination period and prior approval is deemed to have been given under the provisions of paragraph W(11)(c) of Schedule 2 Part 3 of the GPDO on 24 April 2020. Given my findings above, it is not necessary for me to consider whether prior approval should be granted as to those specified in paragraph O.2, specifically, the transport and highways impacts of the development on the site.

Conditions

10. The GPDO attaches standard conditions to this type of development, including that development must be completed within a period of 3 years, starting from the prior approval date. The GPDO also requires that the development must be carried out in accordance with the details provided in the application. There is no reason therefore for specific conditions on timescales or plans.

Conclusion

11. Taking all matters into consideration, I conclude the appeal is allowed and prior approval is granted.

W Johnson

INSPECTOR

² *Murrell v Secretary of State for Communities and Local Government* [2011] 1 P.& C.R. 6



Appeal Decision

Site visit made on 28 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/J1915/W/20/3256367

44 Thorley Park Road, Bishops Stortford CM23 3NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robert Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0592/VAR, dated 17 March 2020, was refused by notice dated 12 May 2020.
 - The application sought planning permission for single-storey attached granny annexe without complying with a condition attached to planning permission Ref 3/15/1117/HH, dated 27 July 2015.
 - The condition in dispute is No 3 which states that: The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse within the application site and for no other purpose.
 - The reason given for the condition is: To ensure the Local Planning Authority retains control over any future development.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey attached granny annexe at 44 Thorley Park Road, Bishops Stortford, CM23 3NQ in accordance with the application 3/20/0592/VAR, dated 2 March 2020, without compliance with condition No 3 previously imposed on planning permission 3/15/1117/HH dated 27 July 2015.

Main Issue

2. The main issue is the effect that removing the condition would have on the character and appearance of the area.

Reasons

3. The annexe is a single-storey addition to the side elevation of the host property. It is capable of independent occupation, with no internal link between the annexe and house and separate gates in the front boundary wall providing separate approaches to the two front doors.
4. The character of Thorley Park Road principally comprises a mix of semi-detached and detached dwellings on spacious plots. The use of the annexe as an independent dwelling would create a terrace of three separate houses. However, there would be no change to the existing appearance of the

buildings, and the annexe is a small structure with a subordinate relationship to its host dwelling. The appeal proposal would not change this relationship, and the annexe would not be a prominent feature in the street scene.

5. The setting of the annexe has an established domestic appearance comprising a small area of garden with a mix of hard and soft landscaping. Any accumulation of domestic paraphernalia associated with the separate use would accordingly be modest in scale. I acknowledge that planning permission may not ordinarily be granted for a dwelling of the nature proposed. However, the annexe already exists and there would be no change in operational terms resulting from the creation of a separate planning unit. There would be no material change to the overall appearance of the appeal site or the host property. Accordingly, there would be no harm caused to the area's character and appearance.
6. The removal of the condition would accord with Policy DES4 of the East Herts District Plan 2018, which includes a requirement for development to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

Other Matters

7. The annexe and host property would continue to use the existing shared parking area. This provides space for parking of up to four cars, and there are no parking restrictions on the road in the vicinity of the appeal site. The appeal proposal would not result in a significant increase in on-street parking on the nearby bend in the road, given the scale of the annexe and that it is already in use.

Conclusion

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

M Chalk

INSPECTOR



Appeal Decision

Site visit made on 28 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/J1915/D/20/3256191

66 Rib Vale, Bengoe, Hertford, SG14 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R. Haworth against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0629/HH, dated 24 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described as "erection of a single storey front extension to facilitate the erection of a front porch & partial conversion/extension of existing garage to main dwelling, first floor front extension & a first floor rear extension. Work to also include alterations to fenestration on side and rear elevations, installation of 1 x front facing roof light, extension of 1 x existing front facing dormer, installation of pitched roof to existing front dormer and the extension of & installation of pitched roof to existing rear dormer".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council's sole reason for refusal only refers to the proposed front extension, and the officer's report makes clear that it is only this element of the development proposed to which the Council objects. I see no reason to disagree with this conclusion and have determined the appeal accordingly.
3. The main issue is therefore the effect of the proposed front extension on the character and appearance of the surrounding area.

Reasons

4. Houses in Rib Vale comprise a mix of design styles, predominantly two-storey or 1.5 storeys facing the street. The appeal property is part of a group of houses of similar appearance located on both sides of the street towards one end of Rib Vale. There is some variety in the appearance of individual properties within this group, with side extensions and roof alterations added in some instances. However, there is overall uniformity of character with each property being 1.5 storeys in height facing the street with between one and three dormers on the front roof slope. In addition, the alignment of these properties follows the curve of the road, with a staggered building line revealing each property in turn when seen from the street. Together these houses form a distinct group within the Rib Vale street scene.

5. The development proposed would involve the addition of a substantial front extension to the appeal property. This extension would include two-storey gable-roofed projections flanking the front entrance. While set down from the ridgeline of the roof, these projecting elements would be substantial additions to the front elevation of the dwelling and would significantly alter its appearance. The appeal property would as a result appear as an uncharacteristic and incongruous two-storey house within this distinct group of 1.5 storey houses both from the front and the side and would be out of keeping within the street scene.
6. There is variety in the appearance of properties within Rib Vale as a whole. However, properties of similar appearance are commonly grouped together, and this results in a pleasing consistency and rhythm within the wider street scene. Extensions to other properties in Rib Vale have generally been sympathetic and maintained the overall character of the host properties within the street scene. The property on Windmill Lane referred to by the appellant is not part of a uniform group as the appeal property is. The planning permission granted for front extensions to that property therefore attracts limited weight in the determination of this appeal.
7. The proposed front extension would result in the appeal property appearing out of keeping within the Rib Vale street scene and would therefore be harmful to the character and appearance of the surrounding area. It would be contrary to the requirements of policies HOU11 and DES4 of the East Herts District Plan 2018. These policies require, amongst other criteria, extensions to dwellings to be of a form and design appropriate to the character, appearance and setting of the existing dwelling and the surrounding area.

Conclusion

8. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR



Appeal Decision

Site visit made on 6 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3254399

Land at Dormers, Crouchfields, Chapmore End SG12 0NZ

- 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 V. Monawer against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0716/FUL, dated 8 April 2020, was refused by notice dated 2 June 2020.
 - The development proposed is the erection of one new detached dwelling with a basement and four off-street car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposal from 'erection of new detached dwelling' to the 'erection of one new detached dwelling with a basement and four off-street car parking spaces'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposal and have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon flood risk;
 - the effect of the development upon trees;
 - the effect of the development upon ecology;
 - whether suitable living conditions would be provided for the future occupiers of the development, with particular regard to access for refuse collections; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

Whether inappropriate development

4. The site is located within the Metropolitan Green Belt. The appeal site consists of an existing rear garden, with several trees close to the boundaries of the site.
5. The National Planning Policy Framework (the Framework) regards the erection of new buildings within the Green Belt as being inappropriate. There are some exceptions to this, however, the proposed development does not pertain to agricultural, forestry, outdoor sport or recreation activities. The development is not a replacement dwelling, nor is the evidence indicative of the proposed dwelling being made available for occupation on affordable tenures.
6. The proposal would be accessed from Crouchfield Lane, whilst the existing dwelling is accessed from The Dell. There are other dwellings in the surrounding area. Whilst this arrangement means that the proposal would not represent an isolated dwelling, I note that the surrounding dwellings are accessed from a variety of different roads. This means that there are limited connections between them. Furthermore, the immediate vicinity does not include some of the services that residents might require on a day-to-day basis.
7. In consequence, the surroundings of the appeal site cannot be appropriately described as a village.
8. Furthermore, the siting of the proposed dwelling is such that there would be a notable distance between this and other dwellings. The proposed building would also be surrounded by some landscaping. Therefore, whilst the proposed development would be near to other buildings, it would not represent a limited infill within a village. In consequence, the proposal represents an inappropriate development in the Green Belt.
9. In addition, the proposed development would be sited a reasonably large distance away from the existing dwellings. In consequence, it would be viewed as single dwelling surrounded by landscaping, rather than as part of a larger group of dwellings. Due to this, it would not represent an infilling between buildings.
10. Due to the resultant increase in built form arising from the proposed development and the fact that views would be possible into the site means that the proposal would result in an erosion of the open character of the surrounding area, in addition to a loss of the intrinsic sense of openness that exists within the surrounding area. For this reason, it would be contrary to the reasons for including land within the Green Belt.
11. I therefore conclude that the proposed development would represent an inappropriate development in the Green Belt. The development, in this regard, conflicts with Policy GBR1 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

Character and appearance

12. The appeal site consists of an undeveloped area with trees adjacent to most boundaries. The proposed development would be sited near to an annexe. Dwellings in the surrounding area are constructed to different designs, although these generally feature pitched roofs and have consistently sized windows. Dwellings are also set back from roads by differing amounts.
13. Whilst there are dwellings in the surrounding area that feature different designs, a unifying trend is the traditional style of architecture present within the vicinity. Although the proposed development would have a limited height, it would be at variance with the prevailing character by reason of the significantly sized windows and the use of flat and mono-pitched roof sections. In consequence, the proposed development would appear incongruous.
14. The shape of the windows within the proposed development would also differ from those utilised on many of the surrounding area. This would exacerbate the differences in appearance between the proposed development and the existing dwellings. These factors, when combined, would contribute towards the creation of an incongruous form of development.
15. In addition, the proposed vehicular access would run from a service road that also serves as access to some other properties. These factors mean that the incongruous form of development has the potential to be experienced by a notable number of people, which would render the proposal strident.
16. This causes concern as the site is prominently located. In particular, a several dwellings in Crouchfield Lane would have views of the appeal site and some views of the development would be possible via the proposed vehicular access.
17. Although the site contains several trees, which would provide some screening, there are some gaps through which the increase in built form would be readily perceptible. In consequence, the presence of such trees does not enable me to disregard my previous concerns.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policies DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that all development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness; and where losses to landscaping are unavoidable, these should be justified by other material considerations.

Effect on flood risk

19. The appeal site is predominantly grassed and located on a gradient. Land in Crouchfield Lane is located on higher land than the appeal site.
20. The proposed dwelling, along with the driveway and parking spaces would result in an increase in the level of impermeable surfaces at the site. This causes a concern as this would result in a diminished ability for the site to absorb any surface water run-off. The presence of such a diminished ability to absorb such run-off has the potential to increase flood risk either on the appeal site, or elsewhere. This is particularly concerning given that there are other impermeable surfaces on higher ground than the site of the proposed dwelling.

21. It has been suggested that this issue can be overcome through the imposition of a planning condition to secure a Sustainable Urban Drainage System (SUDS). However, without certainty regarding the extent of surface water run-off, or the type of SUDS that would be necessary to manage this process, a condition cannot be drafted with sufficient precision. In consequence, such a condition would be unreasonable.
22. In addition, the SUDS is likely to require on-going maintenance in order to ensure that it is fully operational throughout the life of the development. Without certainty regarding the type of system, it is therefore not possible to establish whether such a system could be effectively maintained. In consequence, I do not believe that a condition covering maintenance can be reasonably imposed.
23. It appears that the Local Water Authority did not raise objections to the proposed development. Whilst this is a matter of note, it does not conclusively demonstrate that an appropriate SUDS can be installed at the property.
24. Therefore, in the absence of an assessment regarding the level of surface water run-off and the lack of appropriate conditions to overcome this means that I conclude that the proposed development would have an adverse effect on flood risk. The development, in this regard, conflicts with District Plan Policies WAT1 and WAT5. These, amongst other matters, seek to ensure that development should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people and that proposals will be required to preserve or enhance the water environment.

Effect on trees

25. The appeal site includes a number of trees that occupy a prominent position within the surrounding area and particularly when viewed from Crouchfield Lane. These trees therefore make a significant contribution to the definition of the area's character and some are protected by a Tree Preservation Order.
26. The proposed development would result in the removal of grassed areas from which the existing trees could potentially draw moisture. Furthermore, the proposed development would result in foundations being dug in areas that might feature root growth of the protected trees.
27. This causes concern as there is a notable likelihood that the development has the potential to significantly impinge upon the health of these trees.
28. It would appear that no objections were received to the planning application from the Council's Arboricultural Officer, however, this does not overcome the fact that development would be carried out in proximity to notable trees that define the character of the site and the surrounding area. Furthermore, I have been directed towards policies that seek to maintain the health of such trees.
29. Owing to the lack of certainty regarding the effects of the development of the development upon these trees and the extent of any root protection area it is not possible to impose conditions to overcome this matter.
30. I am aware that conditions could be imposed in respect of the installation and upkeep of new landscaping, however, this would not overcome the previously identified concerns as the development should seek to retain the protected trees.

31. I therefore conclude that the proposed development would have an adverse effect on protected trees. The development, in this regard, would conflict with DES3 and DES4 of the District Plan. These, amongst other matters, seek to ensure that new developments retain, protect and enhance existing landscape features and maximise opportunities for urban greening.

Effect on ecology

32. The appeal site is located close to open countryside, which includes fields and hedgerows. The appeal site, and particularly its boundaries, features trees and hedgerows.

33. The existing garden is relatively large. In result of the subdivision of the site to create the proposed dwelling and garden, the erection of the new dwelling and installation of driveway and vehicle parking has the potential to disrupt, or remove, some wildlife habitats. This would not be desirable as it would fail to promote improved ecology. This is also concerning as the surrounding area, by reason, of the various trees and hedges has the potential to support various items of ecology.

34. Whilst I am conscious that conditions could be imposed to secure mitigation or replacement habitats, without certainty regarding the type of species that might be affected by the proposed development it is not possible to draft a condition that would clearly specify the works that are necessary to be undertaken.

35. Such a condition would also lack sufficient precision regarding the timespan for appropriate installation and the required maintenance regime. In consequence, it would represent an unreasonable condition and would not overcome my previous concerns.

36. I therefore conclude that the proposed development would have an adverse effect upon ecology. The development, in this regard, would conflict with Policy NE3 of the District Plan. This, amongst other matters, seek to ensure that development should always seek to enhance biodiversity and to create opportunities for wildlife.

Living conditions

37. The proposed development would feature a driveway running from Crouchfield Lane and leading to the proposed dwelling, which would feature a hard surface treatment.

38. Owing to the siting of the proposed development, future residents would be required to carry refuse and materials for recycling to the highway edge for collection. I have not been directed towards a planning policy that specifically prescribes a maximum distance that should be travelled carrying such items.

39. Whilst the journey to the highway edge would be over a relatively lengthy route and would be on a gradient, such journeys would only need to be carried out on a relatively infrequent basis. Furthermore, had I been minded to allow this appeal, I could have imposed conditions ensuring that the driveway was suitably surfaced and provided prior to the first occupation of the development. This would result in easier movement of such items.

40. The result of this is that all the time the dwelling is occupied, residents would have use of a suitable surfaced driveway, including during periods of inclement weather. In consequence, such arrangements would overcome the inconvenience derived from the relatively lengthy distance.
41. I therefore conclude that the occupiers of the proposed development would experience appropriate living conditions. The development, in this particular regard, would be in conformity with Policy DES4 of the District Plan. This, amongst other matters, seeks to ensure that new developments make provision for the storage of bins and ancillary household equipment.

Other Matter

42. I acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Other Considerations and Planning Balance

43. Whilst I have concluded that the proposed development would provide appropriate living conditions for the future occupiers of the development, this is outweighed by the harm to trees, ecology, flood risk, the character and appearance of the surrounding area, and the Green Belt.
44. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment has been eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and the other identified harm are clearly outweighed by other considerations.
45. The proposal would result in an increase in the local housing supply, however, the benefits of this are small given that the proposal would result in the creation of a single additional dwelling. Given that the proposal would contain a single household, any economic support of businesses and services within the area is also likely to be small. Accordingly, I give each of these matters limited weight.
46. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.

Conclusion

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

Benjamin Clarke

INSPECTOR