



## Appeal Decision

Site Visit made on 3 September 2020

by **S Thomas BSc (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> January 2021

---

**Appeal Ref: APP/J1915/D/19/3239890**

**8 Cherry Gardens, BISHOP'S STORTFORD, CM23 2AJ**

- 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 O'Reilly against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1132/HH, dated 30 May 2019, was refused by notice dated 25 July 2019.
  - The development proposed is First floor rear extension and internal alterations.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the existing dwelling and (ii) the living conditions of neighbouring occupiers of Nos 7 Cherry Gardens (No 7) with particular regard to outlook and daylight.

### Reasons

3. The appeal property is an end of terrace dwelling and is located within a residential area. It contains an existing large single storey rear extension. The properties along Cherry Gardens in the immediate vicinity of the site are characterised by typically modest terraced properties with a flat roof. Due to the prominent corner position, the side and rear elevations of the property are very visible in the street scene. Whilst a number of the terrace properties along this part of Cherry Gardens have single storey extensions, first floor rear extensions are not a common feature.
4. The proposed first floor rear extension would span the width of the property adding considerable bulk at first floor level. Given the existing large single storey rear extension, the additional first floor extension would increase the size, scale and mass of the dwelling and together would dominate this modest terrace property and would lead to it appearing overly bulky.
5. Furthermore, the proposed extension would be an uncharacteristic addition to the street scene appearing at odds with the surrounding built form. Although the proposed extension would include matching materials to the existing dwelling, due to the increased bulk, and the large flank wall at first floor level the side and rear elevations of the property would appear imposing in the

street scene and unduly prominent on this corner plot. Consequently, the proposal would be an intrusive feature that would fail to integrate successfully into the area.

6. For the above reasons, I conclude that the proposed development would result in harm to the character and appearance of the area including the existing dwelling. Accordingly, the proposal would conflict with Policies DES4 and HOU11 of the East Herts District Plan (2018) (District Plan). Amongst other things, these policies seek that development proposals should be of a high standard of design to reflect local distinctiveness and extensions should be of a size, scale, mass, siting and design that is appropriate to and respects the character of the area and the existing dwelling.

#### *Living Conditions*

7. The proposed first floor extension would project approximately 3m from the existing rear elevation. I observed that No 7 has a habitable room window at first floor level. Given the close proximity of the proposed extension to this window, the side elevation would appear imposing and overbearing to occupiers of this adjoining property and would harm outlook from this window. Furthermore, given the depth of the proposed extension and the relationship to the first-floor habitable window of No 7, it would lead to overshadowing and a loss of daylight to this window. Together, this would not provide a high standard of amenity for existing occupiers and the proposal would be unacceptable.
8. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of No 7 with regard to outlook and daylight. Thus, the proposal would conflict with Policy DES4 of the District Plan which seeks that development avoids significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensures that their environments are not harmed by inadequate daylight.

#### **Other Matters**

9. I acknowledge the appellant wishes to provide additional living space and a first-floor bathroom at the property. Whilst I am sympathetic to the appellant's personal circumstances, I remain to be convinced that there are not alternative ways of addressing these issues which would be less harmful. Accordingly, the personal circumstances identified do not outweigh the harm the proposal would cause to the character and appearance of the area including the dwelling and on the living conditions of adjoining occupiers. The absence of an objection from the neighbouring occupiers does not alter my findings on the unacceptability of the proposal. Given this harm, the proposal does not comply with the policies of the development plan.

#### **Conclusion**

10. For the above reasons, the appeal does not succeed.

*S Thomas*

INSPECTOR



## Appeal Decision

Site visit made on 11 November 2020

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

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 12 January 2021

---

**Appeal Ref: APP/J1915/W/20/3254158**

**19 Winding Shott, Bramfield, Hertfordshire SG14 2QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs N. Crook against the decision of East Hertfordshire District Council.
  - The application Ref: 3/20/0189/OUT, dated 29 January 2020, was refused by notice dated 1 April 2020.
  - The development proposed is the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow at 19 Winding Shott, Bramfield, Hertfordshire SG14 2QP in accordance with the terms of the application, Ref: 3/20/0189/OUT, dated 29 January 2020, and the plans submitted with it, subject to the attached schedule of conditions.

### Procedural Matter

2. The application was submitted in outline, with all matters reserved aside from access. I have had regard to the details not pertaining to access on an indicative basis only.

### Background and Main Issue

3. The appeal site is within the Metropolitan Green Belt. Whilst the National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate, there are some exceptions. One of the exceptions listed is a limited infill within a village.
4. By reason of the proposed development being for a single dwelling and being located near to several other dwellings and within Bramfield, the proposed development would be a limited infill. Accordingly, the proposed development would not be inappropriate in the Green Belt as defined by the Framework.
5. Accordingly, from the evidence before me, the main issue is the effect of the development upon the character and appearance of the surrounding area.

## Reasons

6. The appeal site consists of part of the rear garden of 19 Winding Shott. This is a semi-detached dwelling and whilst the adjoining dwelling is of broadly similar proportions, there are some variations in terms of individual designs. Within Winding Shott, there are houses constructed to several different designs that are also set back from the highway by varying amounts. The appeal site is near to Turners Court, which contains different houses, bungalows and flats.
7. Owing to this context, the proposed development would be viewed alongside a backdrop of dwellings that are constructed to different designs and proportions. Owing to their varying forms, the existing buildings have contrasting amounts of landscaping and different relationships with the highway network. In result, the proposed development would not erode any distinctive, or unusual, character within the surrounding area.
8. Whilst the proposed dwelling is likely to be, in part, visible from Winding Shott itself, any such views are likely to be relatively limited owing to the pattern of development in the surrounding area. Furthermore, any views are likely to be concentrated on the gap to the side of the existing house. Currently, this gap provides limited views of existing dwellings in Turners Court.
9. In consequence, the addition of further fleeting views of the proposed dwelling would not result in a significant change to the character and appearance of the surrounding area as it would be viewed alongside existing developments in a similar context.
10. In addition, the siting of the proposed dwelling is such that it would be screened, to a degree, by dwellings in Winding Shott and Turners Court which are closer to the highway. This means that the proposed development would not appear unduly prominent within the surrounding area.
11. Whilst the proposed dwelling would be a detached dwelling, the limited views of the development combined with the lack of prominence are such that this would not be particularly injurious to the character and appearance of the surrounding area.
12. The proposed dwelling would be visible from Turners Court, however owing to the nature of the existing boundary treatments, clear views of the rear elevation of the existing house are available. Accordingly, within this context, views of the rear elevation of the proposed dwelling would not appear particularly incongruous and would not erode the character of the surrounding area.
13. Furthermore, from Turners Court, the proposed dwelling would be viewed alongside a large outbuilding at the adjoining property of 18 Winding Shott and a garage court. Due to their position and their varying designs, the presence of an additional dwelling would not be unduly detrimental to the character and appearance of this section of Turners Court.
14. The proposed development would utilise an access running from Winding Shott. Whilst this driveway would be relatively long, the existing site features an area of hard standing and a car port to the side of the dwelling. Therefore, when viewed from Winding Shott, the lengthened driveway would not appear substantially different. In addition, within the surrounding area properties have several different driveway designs and positions. As such, the lack of a unifying

trend means that this element of the proposed development would not appear unduly discordant.

15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development is therefore in conformity with Policies DES4 and VILL2 of the East Hertfordshire District Plan (2018). These, amongst other matters, seek to ensure that new developments, make the best possible use of the available land by respecting, or improving upon, the character of the site and the surrounding area; and be well designed and relate well to the village in terms of location, layout and connectivity.

### **Other Matters**

16. The proposed development, as an additional dwelling, would result in an increase in vehicle movements. However, by reason of the scale of the proposed development, this would not be significant.
17. As the proposal before me has been submitted in outline form, the final design of the development would be subject to approval and consideration by the Council. However, I have not been directed towards any development plan policy breach that is indicative that the proposed development would cause any adverse effects upon the living conditions of the occupiers of the neighbouring properties.

### **Conditions**

18. I have had regard to the list of conditions suggested by the Council. A condition specifying the time limits for the submission of the reserved matters and the implementation of the development, in addition to a condition setting out the reserved matters are necessary in the interests of precision. I have also included a condition that requires the development to be carried out in accordance with the submitted plans that specify the extent of the appeal site and the position of the proposed access in the interests of consistency.
19. Although the proposed development would utilise the existing point of access within Winding Shott, its use would be intensified. In result, it appears necessary and reasonable to include a condition requiring the installation of visibility splays in the interests of highway safety. However, I have amended the wording of the condition to include a retention clause.
20. In order to prevent parked vehicles from being displaced onto the surrounding area, it is appropriate to include a condition allowing the Council to consider details of the required parking area. I have amended this condition to make it clear that the details should include a timetable for implementation and to include a retention clause.
21. Owing to the proximity of the appeal site to other residential properties, a condition limiting the hours in which works on site can take place. This is to avoid excessive noise and disturbance from occurring, which might have an adverse effect upon the living conditions of the occupiers of neighbouring properties. However, I have amended the wording of the condition to include reference to Public Holidays, in addition to Bank Holidays, as these are typically days when residents might reasonably expect a greater level of peace and quiet.

## **Conclusion**

22. For the preceding reasons, I conclude that the appeal should be allowed, and outline planning permission granted.

*Benjamin Clarke*

INSPECTOR

## **Schedule of Conditions**

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of three years commencing on the date of this notice. The development to which this permission relates shall be begun by not later than the expiration of a period of two years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; and Site Plan 1.
4. Prior to the first use of the access by the proposed dwelling, details including a layout plan illustrating the parking, hardstanding and turning areas within the site, and timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained thereafter.
5. Prior to the first occupation of the new dwelling, 0.65 metre x 0.65 metre visibility splays shall be provided and permanently maintained each side of the access. Such splays shall be measured from the point where the edge of the access crosses the highway boundary. Within the splays, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway and these shall be retained thereafter.
6. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated: before 08.00hrs Monday to Saturday, after 18.00hrs on weekdays nor after 13.00hrs on Saturdays. Plant and machinery shall not be operated at any time on Sundays, Bank Holidays or Public Holidays.



## Appeal Decision

Site visit made on 3 December 2020

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 27<sup>th</sup> January 2021

---

**Appeal Ref: APP/J1915/W/20/3255734**

**Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA**

- 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 Paul King against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0236/FUL, dated 5 February 2020, was refused by notice dated 14 April 2020.
  - The development proposed is erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter at Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA in accordance with the terms of the application, Ref 3/20/0236/FUL, dated 5 February 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan (received 14/2/2020); Site plan (received 14/2/2020); 001 (received 18/2/2020); 0002-Side views of proposed barn (received 18/2/2020; and, 0003-Base Plan except in respect of the window in the western elevation referred to on plan 0003. That elevation shall be constructed without a window in accordance with plan 0002.
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials identified on the associated planning application form or in materials the details of which shall have been approved in writing by the local planning authority prior to incorporation in the building.
  - 4) Any demolition, site preparation or construction works associated with the development hereby permitted and the operation of plant and machinery involved in those works shall take place only between 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on

Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

### **Application for costs**

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

### **Procedural matters**

3. The appeal form acknowledges that the description of the proposed development changed from that stated on the application to that used by the Council in its Refusal Notice, which was '*erection of barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter*'. I have taken this into account and used the revised wording in the summary information and formal decision set out above.

### **Main Issue**

4. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the site, the surrounding rural area and the wider countryside.

### **Reasons**

5. The appeal site comprises a grassed field, which is situated directly to the northwest of the village of Cromer. The appeal site and the adjoining field to the southwest comprise a small agricultural holding, which the appellant has indicated is used for a truffle plantation, hay growth and as grazing land. The proposed barn is intended to support those uses.
6. The appeal site forms part of an area of countryside designated as the 'Rural Area beyond the Green Belt'. With the aim of maintaining the Rural Area beyond the Green Belt as a valued countryside resource, Policy GBR2 of the *East Herts District Plan 2018 (DP)*, identifies a number of types of development which will be permitted, provided that they are compatible with the character and appearance of the rural area. The types of development listed include buildings for agriculture. DP Policy DES4 seeks to ensure that all development is of a high standard of design and layout to reflect and promote local distinctiveness and it expects proposals to respect the character of the site and surrounding area.
7. I saw the existing plantation and some machinery on site, and I have no reason to doubt that the land is used for the purposes identified. Furthermore, I consider that utilisation of the proposed building for storage and shelter in association with the identified land uses would qualify as a building for agriculture; a view shared by the Council.
8. The proposed building would have timber clad walls and a pitched roof clad in dark coloured, corrugated sheets. The Council acknowledges that the form and materials of the building would give it a rural appearance. However, it has expressed the concern that, in the absence of further details regarding the scale of the enterprise and how long the activities have been established, it is not clear that the size of building proposed is necessary.
9. The ridge level of the proposed building would be approximately 3.6 metres high and it would have a footprint some 14.5 metres by 7.3 metres.

The appellant has indicated that the building would be sub-divided into 4 areas, which would include: a secured bay for the storage of a tractor; a bay for other machinery; a bay for livestock shelter and feed; and, a secured bay which would be used for a number of purposes, including storage of chemicals needed for the truffle plantation. In my view, the proposed purposes for which the bays would be used are reasonably related to the use of the land and in the context of those purposes, the space allowed for does not seem to me to be unduly large.

10. The proposed barn would be located close to the northeastern corner of the appeal site, which is bounded by relatively tall hedgerows to the north and east and is close to the built-up area of the village. In comparison with other areas of the field, the position chosen would be relatively unobtrusive. Nonetheless, I agree with the Council it is likely that the proposal would be visible from a number of public vantage points to the south and west of the site. However, from those locations it would be seen together with, and would appear to be closely physically related to, the neighbouring complex of commercial buildings within Cromer, which are taller than the proposal and have a much larger footprint. In this context, the proposed barn with a rural appearance, positioned in the corner of the field close to a built-up part of the village would not appear unusually large or incongruous, nor would it materially harm the openness of the appeal site, notwithstanding the current absence of development there. In my view, the proposal, which would not harm the character or appearance of the site, its surroundings or the wider countryside, would be compatible with, and respect, the character and appearance of the rural area.
11. I conclude that the effect of the proposal on the character and appearance of the appeal site, the surrounding rural area and the wider countryside would be acceptable. It would not conflict with the aims of DP Policies GBR2 and DES4.

*Other matters*

12. Planning permission was granted in 2004 for the erection of a barn to house agricultural machinery equipment on land that included the appeal site field. However, that permission has lapsed. Furthermore, the approved barn would have been sited on land to the north of the appeal site. Although it is likely that it would have been visible from an adjacent public footpath, I consider that it would have been less likely than the appeal scheme to be visible from those public vantage points to the south and west which I have referred to above and were identified as a concern by the Council. This is due to planting along the northern boundary of the appeal site and alongside the site of the approved barn. In addition, the planning policy framework has changed since the previous approval was granted. Therefore, the circumstances are not directly comparable to those in the case before me, which I have considered on its own merits.
13. I have no doubt that the proposal would support existing activity on the smallholding. However, I have not been provided with any compelling evidence to show that the proposal would be likely to materially increase the contribution that agricultural activity at the appeal site makes to the rural economy. It would not benefit from the support given by DP Policy ED2 to development resulting in economic growth and employment in the rural area.

14. Located as proposed, the appeal barn would not be visible from the road through the village and it would be set well apart from other highways and public rights of way. It would be unlikely to attract passers-by. The rear gardens of a number of dwellings back onto the field that adjoins the northern boundary of the appeal site, which is enclosed by hedging. I consider that the combination of the separation distances between the proposal and those properties and intervening planting would be sufficient to ensure that the scheme would be unlikely to have an unacceptable effect on the living conditions of the residents of those properties or their security. In relation to this matter, the appeal proposal would accord with DP Policies DES4 and EQ2 insofar as they seek to safeguard residential amenity.
15. I give little weight to the concern raised that the proposal may lead to residential development on the appeal site in the future, as that is not what is now proposed and each case must be considered on its own merits.

*Conditions*

16. The Council has suggested 4 conditions that it considers should be imposed in the event that the appeal is allowed and planning permission granted. In addition to the normal commencement condition, I consider that a condition would be necessary to ensure that the works for which planning permission is granted would be carried out in accordance with the approved plans, in the interests of certainty for all parties. However, whilst the notes included on the proposed floor plan drawing make reference to a window inserted in the western elevation of the proposed barn, no windows are shown in that wall on the proposed elevation drawing. I see no need for a window there and consider, in the interest of certainty, that it would be necessary to clarify that the wall should be constructed without a window. Conditions would also be necessary: firstly, to control the materials used in the external surfaces of the building, in the interests of visual amenity; and secondly, to control the hours during which the approved works could be constructed, in the interests of safeguarding the amenities of neighbouring residents.

*Conclusion*

17. For the reasons given above, I conclude that the appeal should be allowed.

*I Jenkins*

INSPECTOR



---

## Costs Decision

Site visit made on 3 December 2020

**by I Jenkins BSc CEng MICE MCIWEM**

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

**Decision date: 27<sup>th</sup> January 2021**

---

### **Costs application in relation to Appeal Ref: APP/J1915/W/20/3255734 Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Paul King for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of the Council to grant planning permission for erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.
- 

### **Decision**

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

### **Reasons**

2. The appellant's costs application was submitted in writing, as were the Council's response and the appellant's final comments.
3. The national *Planning Practice Guidance* (PPG) indicates that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Furthermore, awards against a local planning authority may be either procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
4. The appellant has indicated, in summary, the main reasons for his costs application are: in 2004 the Council granted planning permission for similar development, the details of which it concealed until a late stage in the appeal process; the Council failed to determine similar cases in a consistent manner; and, it has prevented development which should clearly be permitted. The appellant considers that this amounts to unreasonable behaviour which has led to him incurring expense in the appeal process which would not otherwise have been necessary. His application is for a full award of costs.
5. The examples given by the PPG of behaviour that may give rise to a procedural award against a local planning authority include deliberately concealing relevant evidence at planning application stage or subsequent appeal. However, in my judgement, the appellant's claim that the Council concealed evidence is without merit. The Council has indicated that the Public Access system on the Council's website has a record of that previous application. Furthermore, the Delegated Officer Report clearly identifies and references the

- previous grant of planning permission referred to (Ref. 3/02/2433/FP). It was open to the appellant to request the associated details from the Council at any point.
6. The PPG indicates that the types of behaviour that may give rise to a substantive award against a local planning authority include, amongst other things, not determining similar cases in a consistent manner, and preventing or delaying development which should clearly be permitted, having regard to its accordance with the Development plan, national policy and other material considerations.
  7. However, as I have indicated in my appeal decision, the circumstances of the previous approval are not directly comparable to those in the case before me. Firstly, the siting of the previously approved barn was materially different to that which is the subject of the current appeal and secondly, the planning policy framework has changed in the intervening period since 2004. In my judgement, the 2 cases are not similar.
  8. The Council's reason for refusal indicates that the proposed barn, by reason of its inappropriate size, scale and siting, would impact on the character of the site, the surrounding rural area and the wider countryside in a manner contrary to Policies GBR2 and DES4 of the *East Herts District Plan, 2018*. Whilst I disagree with that view, it is a matter of judgement and having reached that conclusion, I consider that it was not unreasonable for the Council to regard it as a legitimate reason for refusal. I am satisfied that the Council has provided evidence at appeal to substantiate the reason why it chose to refuse permission, with reference to location and scale of development and Development Plan policy. The evidence provided by the Council provides a respectable basis for its stance.
  9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

*I Jenkins*

INSPECTOR



---

## Appeal Decision

Site visit made on 3 December 2020

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 19 January 2021

---

### Appeal Ref: APP/J1915/W/20/3256691

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Wakeley & Miss Hilton against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0717/FUL, dated 7 April 2020, was refused by notice dated 6 July 2020.
  - The proposed development is described as a change of use of land from agricultural/equestrian to residential and erection of a new two bedroom dwelling with associated parking-revised scheme.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. On 22 November 2019, the Planning Inspectorate issued an appeal decision (Ref. APP/J1915/W/19/3236656) on a previous application for planning permission for development at the appeal site described as *a change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking-revised scheme*. That appeal was dismissed. Whilst I do not know the full circumstances, I understand that, in comparison with the previous proposal, the dwelling now proposed is in a different location and of a smaller footprint, lower height and simpler design.

### Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the Rural Area.

### Reasons

4. Rooks Nest Paddock (RNP) is situated on elevated ground to the south of Stevenage Road. Whilst it shares its eastern boundary with residential development, RNP adjoins fields to the north, south and west. It is positioned outside the defined boundary of the village of Walkern and forms part of an area designated as the Rural Area beyond the Green Belt. Whilst Policy VILL1 of the *East Herts District Plan, October 2018* (DP) gives encouragement to housing development within the village, DP Policy GBR2 identifies the types of development that will be permitted in the Rural Area beyond the Green Belt, with the aim of maintaining it as a valued countryside resource. They include: the replacement, extension or alteration of a building, provided the size, scale,

- mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas; and, 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.
5. The main area of the appeal site, where the proposed dwelling would be located, forms part of a fenced area at RNP, the eastern section of which is occupied for the most part by a manège with a stable block along its southern side. To the west of the stable block is a short row of single-storey buildings, the tallest of which has a shallow mono-pitched roof. The remainder of the fenced area generally comprises hardstanding where a number of small structures, livestock pens, some vehicles and trailers are sited.
  6. Whilst the appeal site includes the accessway leading from Stevenage Road up to RNP, the main section of the appeal site is an area of hardstanding, which is occupied by a number of buildings/structures, including small stores, containers and a small chicken shed. The proposed dwelling, which would replace those buildings/structures, would comprise a chalet bungalow, with first floor accommodation within the roof space.
  7. I acknowledge that the proposed dwelling would not be isolated, as there is residential development to the east of RNP as well as to the north on the opposite side of Stevenage Road. However, its immediate surroundings would be generally characterised by open areas comprising fields, a manège and yard areas and a range of small-scale buildings and structures consistent with the use of the land for agricultural/equestrian purposes.
  8. The proposed external materials of the dwelling, which would include a brick plinth topped by dark stained timber clad walls and a grey slate roof, would reflect some of the materials on site. However, based on the application plans, it appears to me that the footprint of the proposed building would be larger than that occupied by the existing buildings/structures which it would replace. Furthermore, whilst the proposed dwelling would be partly lowered into the ground, I consider that the massing of the building, which would have a pitched roof, front dormers and a chimney, would be far greater than those existing buildings/structures.
  9. The land to the north of the appeal site does contain some planting, which, when in leaf, would be likely to limit the visual impact of the proposed dwelling when viewed from vantage points along Stevenage Road. However, when I visited in the winter, that planting did not screen the site to any material extent. To my mind, when viewed from Stevenage Road at that time of year, the proposed building would be a prominent and obtrusive addition, out of keeping both with the character of the existing main RNP buildings, which are low-profile and set further back from the highway, and the relatively open nature of RNP. Furthermore, irrespective of the time of year, the proposal would be likely to be clearly visible from the public footpath that runs across the fields to the west of the site. I consider that the proposal would harm the character and appearance of the Rural Area.
  10. I acknowledge that the site is a location from which services and facilities within Walkern would be reasonably accessible by modes of transport other than the car, such as on foot. The proposal would not constitute infill development in the sense of occupying a gap between buildings.

However, even if it were regarded as infilling in a broader sense, by taking up part of the existing RNP site, under the terms of the *National Planning Policy Framework* (the Framework) the RNP would not fit within the definition of previously developed land (brownfield land), which excludes land occupied by agricultural buildings. Furthermore, the proposal would not be appropriate to the character, appearance or setting of the site, for the reasons set out above.

11. I conclude that the proposal, with particular reference to its form, mass and location, would harm the character and appearance of the Rural Area, contrary to DP Policies GBR2 and DES4, which seeks to ensure that development respects or improves upon the character of the site and the surrounding area. Furthermore, as I have indicated, the appeal site is located outside the village boundary and it is separated from the nearest residential development to the east by the RNP manège. To my mind therefore, it would not benefit from the support given by Policy 9 of the *Walkern Neighbourhood Plan 2017* to development immediately adjacent to the village.
12. I consider that the Development Plan policies referred to are consistent with the Framework, which: indicates that planning policies should identify opportunities for villages to grow and thrive (DP Policy VILL1 and WNP Policy 9); and, allows some opportunities for development in the countryside, whilst recognising the intrinsic character and beauty of the countryside and expecting development to be sympathetic to local character (DP Policies GBR2 and DES4), an aim not met by the proposal.

#### *Other matters*

13. The appellants have suggested that the 'tilted balance' set out in paragraph 11d)(ii) of the Framework is triggered in this case. In my judgement it is not: firstly, as there are relevant Development Plan policies, which I have referred to above; and, secondly, the policies which are most important for determining the application are not out of date. Those policies referred to above form part of relatively recently adopted plans and they are consistent with the Framework.
14. The Framework gives some support for the provision of rural housing for a rural worker, where there is an essential need. In support of the proposal, the appellants have suggested that their livestock needs a fulltime presence on site. However, I understand that livestock have been kept on site since around 2004, initially horses followed by the addition of turkeys and then pigs. Whilst the appellants have indicated that over the years some turkeys have been killed by vermin and horses have fallen ill overnight, there is no evidence to show that there has been any serious loss of livestock in that time, or that the risks referred to could not be satisfactorily controlled through reasonable security measures and regular visits during the working day. Furthermore, as regards the risk of crime, the appellants have indicated that in 2018 a barn was built at RNP to provide secure storage for their machinery, safeguarding it from theft. Based on the evidence presented, I am not convinced that there is an essential need for a rural worker to be on hand 24 hours a day, either in the interests of animal welfare or security. The proposal would make only a small contribution to housing supply in the area and although new employment would be associated with the construction of the proposal, given that only one dwelling is involved, it would be likely to be limited and short lived. I give those benefits little weight.

15. Although I have had regard to the appellants' farming background, the active roles they take in community life and their family's desire to live on site, in my judgement, their personal circumstances would not outweigh the harm that I have identified. Whilst I understand that the appeal scheme is also supported by a Ward Councillor, the Parish Council and some members of the community, that does not alter the planning merits of the proposal upon which my decision is based.

*Conclusions*

16. I conclude that the proposal would conflict with the Development Plan taken as a whole and on balance, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan.

17. For the reasons given above, I conclude on balance that the appeal should be dismissed.

*I Jenkins*

INSPECTOR



## Appeal Decision

Site visit made on 5 January 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3259373**

**66 High Street, Walkern, Stevenage, Hertfordshire SG2 7PG**

- 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 Perry against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0772/HH, dated 20 April 2020, was refused by notice dated 23 June 2020.
  - The development proposed is described as 'demolition of rear extension and part demolition of out building attached to garage. Two storey rear extension and creation of link to new garage with 2 storey rear extension. External refurbishment of existing windows.'
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description in the banner heading above is taken from the application form. At Part E of the appeal form, it is stated that the description of development has not changed. Nevertheless, a different wording has been entered, describing the proposal as 'demolition of rear extension and demolition of outbuilding attached to garage. Erection of part single, part two storey rear extension. Installation of replacement windows to entire house. Retention of temporary annexe for the duration of work to the main dwelling'. As this reflects the description stated on the Council's decision notice and I consider it a more accurate representation of the proposal shown on the submitted plans, I have determined the appeal accordingly.
3. No response was received to a request to the appellant for access onto the site for my visit on the date noted above. Nevertheless, I was satisfied that I was able to see all necessary features from the surrounding area and therefore carried out my site visit on an unaccompanied basis.

### Main Issues

4. The main issues are:
  - i) the effect of the proposal on the character and appearance of the Walkern Conservation Area; and
  - ii) the effect of the proposal on the living conditions of the occupiers of Stafford House and 64 High Street with particular regard to light and outlook.

## Reasons

### *Character and Appearance*

5. The appeal site is within the Walkern Conservation Area (CA) and comprises a deep but fairly narrow plot which includes a detached dwelling fronting the High Street. The CA centres around the High Street, where buildings of varied but typically traditional styles are arranged along fairly strong building lines fronting either side of the street, with interspersed areas of open space. Buildings vary in depth and some have outbuildings or other structure to the rear. Nevertheless, those parts of buildings fronting the street are of generally greater scale and thus prominence, and the overall layout emphasises the broadly linear form of the village and its relationship with the surrounding rural landscape which is also apparent in views between a number of the buildings. In my view, this pattern of development, together with the attractive detailing and materials retained to many of the buildings add much to the character and appearance, and thus significance of the CA.
6. The position of the main two-storey dwelling on the appeal site close to the High Street and spacing to its sides means that it is fairly prominent in views from the street scene. It includes varied projections to the rear, although these are of lesser visual impact and prominence as a result of their lower height and their set back from the street. The building also retains many traditional features, and for these reasons, I find that it makes a positive contribution to the CA.
7. I see no reason from the information before me to disagree with the Council's view that demolition of the rear parts of the appeal building may be justified given their condition. In addition, I do not find that the scale of the two-storey and single-storey link sections of the proposed extensions, which would be no wider than the host dwelling, would be excessive with regard to the existing development on the site. The form and design of these elements would also be sympathetic to the host dwelling, and their visual impact on the street scene and CA would be fairly limited.
8. However, the extension would also include a further section with first-floor accommodation. This deepest section of the extension would be of considerable bulk and mass as a result of its large width and depth, both of which would exceed the dimensions of the retained part of the building, and would result in a substantial spread of development beyond the rear of the host dwelling. The roof to this part of the extension would also be higher than the existing rear section of the building and the eaves of the host dwelling. Dormer additions would occupy much of the depth of its roofslopes, and the bulky pitched roof form would add further to the scale and upper mass of this part of the development. These factors in combination would cause the extension to appear oversized and disproportionate against the host dwelling.
9. Moreover, the shallow pitched roof to the deepest section of the extension would be incongruous and out of keeping with the steeper pitch typical to roofs within the wider CA, and would appear discordant against the form and angle of the host dwelling roof. The use of UPVC windows and doors to both the extension and within the retained part of the dwelling would additionally contrast with the timber materials that I saw were characteristic within the CA, further compounding the unsympathetic nature of the proposal.

10. I note that the proposal includes reductions in ground levels, but the visual impact of the built form on the site would be increased according to the additional depth, height and overall scale of the extensions. The appellant suggests that there would be limited views of the development, but I saw that it would be apparent, including from the High Street to the front of the site where the rear of the extension would project wider than the host dwelling, as well as in views along the track beside 68 High Street. It would also be visible from Kitcheners Lane between 64 High Street and Stafford House. In these views, I find that the development would be jarring, and would dominate and overwhelm the appeal dwelling. This would be to the detriment of its character and appearance, and to the positive contribution that it makes to the CA.
11. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Walkern CA. For the reasons above, I find that the proposal would result in significant harm to the character and the appearance of the CA and thus its significance. Given the scale of the development and that visual impacts would be relatively localised, I find that harm to the CA would be less than substantial in the terms of the National Planning Policy Framework (the Framework) which goes on to advise that this harm should be weighed against the public benefits of development.
12. The appeal dwelling is not currently occupied. The proposal would enlarge the dwelling and help to facilitate family living, and I do not doubt that it would offer improved living standards which would benefit future occupiers. However, while I acknowledge the existing dwelling is in need of some renovation, there is no firm evidence before me to show that future residential use could not be secured in the absence of the extensions before me, or that the building could not otherwise be retained.
13. The harm to the significance of the CA would be less than substantial, but I nevertheless give this harm considerable importance and weight in accordance with the Framework. In this context, I find that the public benefits of the proposal would not outweigh the harm that it would cause.
14. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the character and the appearance of the Walkern CA. It would accordingly conflict with Policies VILL1, HOU11, DES4, HA1 and HA4 of the East Herts District Plan 2018 (DP) and Policies 3 and 12 of the Walkern Parish Neighbourhood Plan 2018. Collectively, these policies broadly require preservation and where possible enhancement of the historic environment including the Walkern CA, and seek well-designed development of an appropriate scale, mass, form, design and materials and which reflects local distinctiveness.

#### *Living Conditions*

15. For much of the depth of the extensions, there would be significant separation to the boundary with 64 High Street. This would reduce somewhat to the side of the rear section of the extension, but it would be similar to the existing spacing at the rear of the appeal building and would retain views from the site of No 64 between the extension and the adjacent building at Stafford House. The scale of the rear part of the extension would be greater than currently, but the increase in height would be fairly small, and the additional bulk would largely result from the depth of development beyond the existing building, further from No 64. These factors would limit the visual impact as seen from

- this neighbour. Given also the separation that would be retained to the boundary and the rear of No 64, I am satisfied that the extension would not become unacceptably dominant, and that it would not result in a significant increase in the degree of enclosure above that already experienced by occupiers or cause a harmful loss of outlook. Similarly, and in view of the fairly limited height of the rear part of the extension, I find that it would not cause harm to the quality of life of these occupiers through a significant loss of light.
16. However, there would be much less separation between the rear part of the extension and the facing windows and garden serving Stafford House. I note that Stafford House has been reduced in size and that there is ongoing construction for a new property adjacent to it, but the proposal would nevertheless result in development spreading along a significant proportion of its boundary with the appeal site. The bulky pitched roof of the rear part of the extension would add mass to the upper level of this closest section, and I find that its height, depth and bulk in combination with its very close proximity to the rear windows and garden of Stafford House would lead to a degree of enclosure and loss of outlook that would be oppressive. Given the position of the extension to the south of this neighbour, it would also be likely to cause some overshadowing and a loss of light.
17. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of Stafford House. As a consequence, it would conflict with Policy DES4 of the DP which includes a requirement that development avoids significant detrimental impacts on the amenity of neighbouring occupiers.

### **Other Matters**

18. The proposal includes an annexe to the rear of the site. While mindful that this was not a reason for refusal of the application, I note that the annexe would be beyond Walkern village and within the 'Rural Area Beyond the Green Belt', and I have no firm evidence that the annexe would meet the requirements of Policy GBR2 of the DP which is concerned with development within this area. Moreover, the parties have described the annexe as temporary for the duration of work to the main dwelling. I have no substantive evidence that the annexe would be otherwise required or sought independently of the works proposed to the dwelling which I have found for the reasons above to be unacceptable, and since it could not alter my findings on the main issues, I have not pursued this matter further.
19. The appellant comments that many neighbouring properties have extensions and that the relationship of the development with neighbouring properties is a common feature in historic village centres and in Walkern. However, no details have been submitted in this regard and therefore I can only give this matter limited weight. In any event, I have determined the appeal before me on its own planning merits and found that it would cause harm.
20. The appellant has made changes following refusal of earlier proposals on the site. I also acknowledge comments regarding communication and advice given by the Council, but these are not factors which alter my conclusions on the planning merits of the proposal. That direct neighbours of the site have not submitted objections to the proposal is a neutral factor which weighs neither for nor against the proposal.

21. The Council advises that the proposal is supported by a bat report which considers the potential of the site to support roosting bats and provides a suitable outline mitigation strategy, and comments that a follow-up emergence survey could be secured by condition ensuring that protected species would not be harmed. From the information before me, I have no reason to reach an alternative view. However, this is also a neutral factor and does not weigh in favour of the proposal.

**Conclusion**

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

*J Bowyer*  
INSPECTOR



# Appeal Decision

Site visit made on 23 November 2020

**by M Savage BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 January 2021**

---

## **Appeal Ref: APP/J1915/X/20/3257334 16 Hollybush Lane, Datchworth SG3 6RE**

- 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 Mr & Ms K & V Mead & Arther against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0981/CLPO, dated 26 May 2020, was refused by notice dated 21 July 2020.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is single storey side extension.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The Council considered the insertion of 2 rooflights in its determination of the application. The roof lights are shown as being located on the roof slopes of the main part of the building and do not therefore form part of the proposed extension. The appellants advise that these were not intended to be part of the application since they are aware of the limitations and conditions relating to other alterations to the roof. Given the wording of the application and the appellants' clarification in this regard, I am satisfied that these do not fall to be considered as part of this appeal.

### **Reasons**

3. An application under S192(1)(b) of the Act<sup>1</sup> seeks to establish whether any operations proposed to be carried out in, on, over or under land would be lawful. S192(2) sets out that if on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.
4. Planning merits form no part of the assessment of an application for a lawful development certificate (LDC) which must be considered in the light of the facts and the law. In an application for a LDC, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.

---

<sup>1</sup> Town and Country Planning Act 1990 (as amended)

5. S191(2)(a) and (b) sets out that uses and operations are lawful at any time if:
  - i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
  - ii) They do not constitute a contravention of any enforcement notice then in force.The main thrust of the appellants' case is that the proposed development is granted planning permission by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO).
6. The appeal building is a substantial brick built dwelling which forms part of a terrace of dwellings which front onto Hollybush Lane. The proposal would involve removing a single storey store and flat roofed link to an outhouse and replacing it with a single storey garden room. The utility room would be converted into a bathroom and provide the link between the existing kitchen and new garden room. The extension would be finished in brickwork, with a natural slate roof to match the existing building.
7. The appellants state that the terrace and associated outbuildings existed on 1 July 1948 and comprise the original dwelling, under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO). The appellants have provided 'Existing Plans & Elevations', which show the outbuilding as being connected to the main dwelling. However, planning permission 3/89/0602/FP for the formation of a roofed passage between the house and outhouse was not granted until 6 July 1989. I am therefore not persuaded that this represents the original dwelling for the purposes of the GPDO.
8. Class A of the aforementioned order permits the enlargement, improvement or other alteration of a dwellinghouse subject to certain conditions and limitations. This part of the GPDO is concerned with the original dwellinghouse, which means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.
9. Although the appellants confirm that they have no objection to the appeal proceeding on the basis that the proposed development is a single storey rear extension, the application was submitted on the basis that it would be a side extension. The appellants confirm that they considered the principal elevation and the main entrance to be in its south facing elevation. Consideration of the proposal as a rear extension would therefore be at odds with the appellants' own understanding as to what constitutes the principal elevation of the original dwelling.
10. Furthermore, although the Council describes the proposal as a 'single storey rear extension to an existing outbuilding' in its officer report, I do not believe this means it considered the proposal as a single storey rear extension for the purposes of applying the GPDO. Rather the description used by the Council reflects the fact that it considers the garden room would connect to and project from the rear of the existing outbuilding. In the absence of evidence to the contrary, I cannot therefore consider the proposal to be a rear extension.
11. Although the outbuilding existed on 1 July 1948, the Council advise that it was connected to the main dwellinghouse following a small infill extension, a matter which is not disputed by the appellants. Since the proposed garden room would project from and be connected to the outbuilding, the proposed extension

would not extend beyond a wall forming a side elevation of the original dwellinghouse.

12. The Technical Guidance<sup>2</sup> explains that if a new extension is being joined to a previous enlargement, it will not be permitted development if the size of the total enlargement exceeds the relevant limitations. In my view, this must include the outbuilding and lean to, since the overall extension would link to it and extend beyond it, forming one overall enlargement.
13. As set out under A.1.(ja) of Class A, any total enlargement would only be permitted where it complies with the limitations set out under A.1.(j), including that its width is no more than half the width of the original house. The proposed garden room, together with the outbuilding and lean to, would be more than half the width of the original house. As a consequence, it would exceed the limitations set out under A.1.(j)(iii) of Class A, Part 1 of Schedule 2 of the GPDO and is development for which planning permission is required.
14. Even if I were to accept that the elevation facing the highway forms the principal elevation and consider the appeal scheme to be an extension to the rear of the dwelling, the same difficulties are encountered. The depth of the proposed extension is stated to be 4.8m, which would exceed the limitations set out under A.1.(f) of Class A and would therefore be required to comply with the conditions set out under A.4. of Class A, Part 1 of Schedule 2 of the GPDO. This requires the developer to provide certain specified information to the local planning authority prior to commencing the development. I am not aware that this has been done.
15. Furthermore, as stated above, since the extension would be joined to a previous enlargement, the total enlargement must be considered, i.e. the existing enlargement in addition to the proposed. This would exceed the 6m allowed under A.1.(g) of Class A and would therefore be development for which planning permission is required.

### **Conclusion**

16. Thus, for the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey side extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*M Savage*

INSPECTOR

---

<sup>2</sup> Permitted development rights for householders, Ministry of Housing, Communities and Local Government (2019)



## Appeal Decision

Site Visit made on 7 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

**Decision date: 22<sup>nd</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3258572**  
**8 Farm Close, Ware, Hertfordshire SG12 7SQ**

- 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 Michael Payne against the decision of East Herts District Council.
  - The application Ref 3/20/1055/HH, dated 5 June 2020, was refused by notice dated 5 August 2020.
  - The development proposed is the construction of single storey side and rear extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site is a corner plot on a modern housing estate and consists of a two and half storey property with a front porch. To the side of the property is an area of garden land beyond which is the road. Alongside the rear garden there is a small area of landscaping and an area of car parking parallel to the side garden wall.
4. Given the corner location of the plot, and the siting of the proposed extension, it would be highly visible in the streetscene. However, this does not automatically result in a proposal being unacceptable.
5. At my site visit I saw that the immediate area of the appeal site is densely developed with limited landscaping to the properties fronting onto the site. I also noted that this area was dominated by the roadway and parking facilities. Therefore, the limited areas of landscaping which do exist form an important element of soft relief to the otherwise hard, built form.
6. That said, the parts of the extension alongside the existing property would only result in the loss of a grassed area and an area with low level planting. Taking this into account, this part of the proposal would not result in a significant change in the character of the streetscene. It is also significant that there would still be some soft landscaping in the streetscene at this point as a result of the retention of the existing hedge planting alongside the carriageway.

7. However, the extension would also extend beyond the rear wall of the existing dwelling. Unhelpfully, the plans submitted with the application do not accurately reflect the existing situation as they do not show the landscaped area between the rear access path and the parking space to the side, nor do they accurately reflect the alignment of the road.
8. The proposal would result in the relocation of the pathway and garden gate and the loss of the landscaped area between the parking space and the path. Given the limited amount of landscaping in this area I consider that this loss, in combination with the loss of the area to the side of the house itself, would be harmful to the overall character and appearance of the streetscene which already suffers from limited soft landscaping.
9. For the above reasons the proposal would harm the character and appearance of the area in conflict with Policies HOU11 and DES4 of the East Herts District Plan 2018 which amongst other matters seek to ensure that all development is of a high standard of design which reflects the character and appearance of the area, including landscaping of the site.

**Conclusion**

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

*Chris Forrett*

INSPECTOR



---

## Appeal Decision

Site visit made on 22 December 2020

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

---

### **Appeal A - Ref: APP/J1915/W/20/3259570**

#### **Woolpack Croft, Westmill, Buntingford, Hertfordshire SG9 9LJ**

- 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 DeBohun against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/1114/HH, dated 16 June 2020, was refused by notice dated 13 August 2020.
  - The development proposed is single storey oak framed garden room extension to rear.
- 

### **Appeal B - Ref: APP/J1915/Y/20/3259572**

#### **Woolpack Croft, Westmill, Buntingford, Hertfordshire SG9 9LJ**

- 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 Mr Richard DeBohun against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/1115/LBC, dated 16 June 2020, was refused by notice dated 13 August 2020.
  - The development proposed is single storey oak framed garden room extension to rear.
- 

### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Procedural Matter**

3. Although not mentioned in the Council's decision, the evidence before me indicates that the site lies within the Westmill Conservation Area. In line with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, I have included the effects of the development on the conservation area as a main issue. As this is considered in the design and access statement, I am satisfied that this would not be prejudicial to the main parties.

### **Main Issues**

4. The main issues are:

- Whether the development would preserve the special architectural or historic interest, including setting, of the Grade II listed Woolpack Croft; and,
- Whether the development would preserve or enhance the character or appearance of the Westmill Conservation Area (WCA).

## Reasons

### *Woolpack Croft*

5. Woolpack Croft is a 17th century timber framed cottage with steep thatched roof and eyebrow dormers on its front facing roof slope. To the rear it has a 20th century extension, built in a traditional style and clearly separated from the original dwelling. The extension is noted in the listing as not of special interest. However, it has retained the scale and proportions of the host dwelling, as it has a similar ridge line and roof form, and an asymmetric and restrained fenestration.
6. From Woolpack Croft's rear garden, there is direct appreciation of the surrounding pasture and open countryside which abuts the garden. Looking the other way, there is a fine view of Woolpack Croft's original thatched rear elevation as well as a view of the listed church tower framed between Woolpack Croft and the flank wall of the listed timber framed Church Cottages next door. Although Woolpack Croft's 20<sup>th</sup> century extension is seen in the same visual context, it does not particularly detract from this view, which I conclude has changed little since the 17<sup>th</sup> century.
7. The significance of Woolpack Croft arises from its intact historic fabric, evident on both front and rear elevations, as well as its spatial relationship with the other period and listed buildings in the immediate vicinity. These provide context and setting, and contribute to Woolpack Croft's appreciation, as well as the appreciation of the other listed buildings nearby.
8. The single storey extension would comprise a central oak framed gable framed by sections of flat roof, and with full and half height glazing. The gable would be offset from the 20<sup>th</sup> century extension's centreline to sit between the asymmetric dormers. There would be small set-backs from the flank walls of the 20<sup>th</sup> century extension, although these would have different dimensions. The sections of flat roof would also be of slightly different lengths. Although the gable would dominate the rear elevation, the associated lack of symmetry to the sides would appear incongruous and unsatisfactory. The extension would have neither the studied asymmetry of the 20<sup>th</sup> century extension, which blends seamlessly into its vernacular context, nor the design finesse that might be expected with a high end and bold piece of joinery.
9. It would also intrude into views of Woolpack Croft's 17<sup>th</sup> century rear elevation, and into the contingent views of the church tower and Church Cottages. It would appear oversized in the context of the careful vernacular references of Woolpack Croft's 20<sup>th</sup> century extension, and would fail to reflect or relate to the nearby period buildings, appearing as an incongruous suburban addition to a cottage that has retained much of its original rural character. The differing dimensions of the set-backs and the flat roofs would also appear as poorly resolved design.

10. The development would therefore be intrusive and incongruous. It would diminish the distinctiveness of this group of buildings and their intervening spaces. This would be detrimental to the setting of Woolpack Croft, which would amount to less than substantial harm as set out in Paragraph 193 of the National Planning Policy Framework (the Framework).
11. Lack of visibility from the public realm is not determinative in respect of the significance of either the WCA or Woolpack Croft. The significance of heritage assets remains unchanged whether they are publicly visible or not.
12. Although I see no reason to disagree that an extension could not in principle be built, what is proposed does not necessarily constitute natural progression. Buildings evolve and the extension's overall scale and bulk would be proportionate, but this does not alter my reasoning with regard to its design and its incongruity with the original fabric of Woolpack Croft and local views. In any case as far as I can see the Council's concerns are mainly concerned with design rather than the principle of development.
13. I also acknowledge that the 20<sup>th</sup> century extension is clearly an addition to the original 17<sup>th</sup> cottage. However, this does not alter my reasoning in respect of Woolpack Croft's setting and the harm that would be caused by an unsympathetic extension.
14. The benefits arising from the development are entirely private and carry very little weight when assessing the overall planning balance. There is nothing before me to indicate that the Woolpack Croft would not continue to be a well-maintained dwelling in what appears to be a highly attractive village if the appeal were to be dismissed.
15. Paragraph 193 of the Framework states that great weight should be given to an asset's conservation, irrespective of whether this amounts to substantial harm, total loss, or less than substantial harm to its significance. This is reinforced by Sections 16 (2) and 66 (1) of the Act which require the decision maker to have special regard to the desirability of preserving listed buildings or their setting.
16. The development would also be contrary to Policy HOU11 of the Local Plan (LP) which requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or surrounding area, and LP Policy DES4 which requires development to reflect and promote local distinctiveness. It would fail to accord with LP Policy HA1 which requires development to preserve and where appropriate enhance the district's historic environment, and LP Policy HA7 which seeks to safeguard the setting of listed buildings.

#### *Conservation Area*

17. The Westmill Conservation Area Appraisal (WCAA) outlines the development of the village from a pair of manorial estates mentioned in the Domesday Book, to its emergence as a trading stop close to Ermine Street, now the A10.
18. Today Westmill is a very small settlement, close to but not fronting the A10. Small period cottages of a varied and largely vernacular style front the quiet roads. There is a very strong architectural coherence and underlying rural and undeveloped character.
19. There is also a wealth of listed buildings in Westmill, particularly in the vicinity of Woolpack Croft. These include Church Cottages, Church House and Little

Bury to the immediate east, which are Grade II listed. These together with the Grade II listed Sword in Hand public house, on the other side of the road, are designated as having group value. The Grade II\* listed church and its churchyard, with what appears to be an original lych gate opening directly onto the road, is a dominant feature in the street scene. This opposes the aforementioned dwellings. The siting of the church and the public house, together with the tiny village green at the nearby crossroads, suggest that this stretch of road and its cluster of listed dwellings formed the original village core.

20. I conclude that the significance of the WCA is derived from its impressive and intact historic fabric apparent across a range of varied structures, the spatial relationship between those buildings, and the undeveloped nature of the intervening spaces and the surrounding farmland. This is reflective of Westmill's evolution, and its economic and social history, as well as presenting fine examples of early architecture and building skills.
21. My reasoning in this regard is reinforced by the WCA Appraisal which highlights Westmill's historic coherence, the large number of high quality traditional buildings and groupings. This document sets out that in addition to the individual qualities of the buildings themselves, factors such as the inter-relationships of those buildings, the quality of spaces and the vistas and views that unite or disrupt also contribute to the very special character and appearance of this village.
22. I have set out above that the development would intrude into the setting and context of Woolpack Croft, and would therefore also fail to preserve or enhance the character or appearance of the WCA, contrary to the aforementioned sections of the Act, as well as Section 16 of the Framework which is concerned with conserving and enhancing the historic environment. It would also be contrary to LP Policies HOU11, DES4, HA1 and HA7 as set out above.

### **Conclusions – Appeals A and B**

23. The development would fail to accord with the Local Plan, national guidance and the Act and I have not found public benefits of sufficient weight to outweigh the harm identified. I conclude that both appeals should be dismissed.

*A Blīcq*

INSPECTOR



## Appeal Decision

Site visit made on 11 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

---

**Appeal Ref: APP/J1915/D/20/3259054**

**172 Stansted Road, Bishops Stortford CM23 2AR**

- 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 Neil Watts against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/1129/HH, dated 17 June 2020, was refused by notice dated 13 August 2020.
  - The development proposed is Ground floor rear extension, first floor rear extension, ground floor side extension and hip to gable loft conversion with 3no rooflights to front elevation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description in the header above is taken from the planning application form. However, the description on the appeal form and the Council's decision is "Ground floor side and rear extension, first floor rear extension. Hip to gable roof extension with rear dormer, insertion of 3 roof lights to front elevation and insertion of window to side". This more accurately describes the proposal and I have dealt with the appeal on this basis.
3. The Council suggested that I visit the neighbouring property, 170 Stansted Road (No 170), in order to assess the proposal from within that site. Due to the proximity of the appeal site to No 170, I was able to clearly view the relationship between the two properties from the public realm and from within the appeal site, without the need to enter No 170. No party has therefore been prejudiced in the determination of this appeal.

### Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the host property and the street scene and (ii) on the living conditions of the occupiers of No 170 Stansted Road, with particular regard to outlook.

### Reasons

5. The appeal building is a semi-detached, hipped roof two storey dwelling. It forms part of a group of three pairs of similarly designed properties, each of which have two storey flat roof rear projections. There is approximately 2

metre separation between the flank walls of the appeal property and No 170. The group is in an elevated position in relation to Stansted Road but separated from it by a mature landscape buffer.

6. The proposal would not exceed the height of the existing ridge line. However, the alteration from hipped roof to gable, with the addition of a full width, flat roof rear dormer, would result in a significant increase in the overall scale and bulk of the dwelling. The proposed alterations would unacceptably dominate the roofscape and the rear elevation of the property. Its form would be a prominent and incongruous feature, inconsistent with the host property and surrounding development. The use of composite weatherboarding to the gable end and the walls of the dormer would only increase the dominant effect of the proposal.
7. Notwithstanding the screening of the appeal building provided by the landscape buffer at the front of the site, it is possible to clearly see the group of dwellings from Cannons Close, opposite the site. Although the building line and front elevation would be unaltered, the alterations to the roof would be obvious in the street scene. The modest width of the appeal building, and its attached neighbour, would further highlight the resulting differences in the shared roofscape and the otherwise consistent roof form of the group.
8. The rear of the appeal building, and its wider group is similarly clearly visible from Orchard Road to the south. Therefore, although the effect would be localised in terms of views from outside of the site, the appeal proposal would nevertheless diminish the character and appearance of the host building, with consequent harm to the character and appearance of the street scene.
9. The gap between the appeal building and the flank wall of No 170 is limited. No 170 has two windows at first floor level within their flank wall, one of which is said to serve a bedroom. Whilst I recognise that the outlook from this window is already restricted and faces a similar window within the appeal building, some relief from this close relationship is provided by the hipped roof design of the dwellings, which opens up the space above the side elevations. Due to the combined depth and height of the proposed roof alterations in such close proximity to the first floor flank wall windows of No 170, the development proposed would be overbearing, and would lead to an unacceptable sense of enclosure to the occupiers of that property.
10. No concern has been raised by the Council with regard to the proposed single storey extension or the proposed extension to the existing two storey rear projection. Whilst I see no reason to reach a different conclusion in this respect, the acceptability of these elements of the proposal does not outweigh the harm already identified.
11. The appellant has drawn my attention to other developments within the vicinity of the appeal site which he considers offers support to the acceptability of the appeal scheme. However, from what I was able to see on my site visit, it is clear that these developments do not represent direct parallels to the appeal proposal. In addition to other differences in site characteristics, an example of a hipped to gable enlargement of a semi-detached property at Bishop Gray Rise did not appear to incorporate a flat roof dormer and was to a much larger dwelling, such that the differences in the roofscape of that building were not easily read together and were not obvious in the street scene. Similarly, an example within Orchard Road was not a full gable extension, part of the hip

remained, and no flat roof dormer was apparent from public view. I was unable to identify an example referred to by the appellant as 'within Parsonage Lane'. As such, I can only conclude that it is not prominent in the street scene, and thereby does not alter my conclusions with regard to the appeal proposal which I have necessarily considered on its own merits.

12. I have had regard to the appellant's desire to improve the living space, the acceptability of some elements of the proposal and the lack of objection to the proposal by statutory consultees, however these factors do not alter my decision.
13. In conclusion, I have found that the proposed development would unacceptably harm the character and appearance of the host property and the street scene, and the living conditions of the occupiers of No 170 Stansted Road with regard to outlook. Thus, it would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 and Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards 2014. Together these policies require high quality design and protection of residential amenity.
14. The proposal also conflicts with the National Planning Policy Framework where it seeks to ensure good design that is sympathetic to local character and developments that provide a high standard of amenity for existing users.

### **Conclusion**

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

*S Tudhope*  
Inspector



# Appeal Decision

Site Visit made on 7 January 2021

**by Chris Forrett MRTPI, DipTP, BSc(Hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3259395**  
**279 Ware Road, Hertford, Hertfordshire SG13 7EL**

- 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 Neal Grainger against the decision of East Herts District Council.
  - The application Ref 3/20/1194/HH, dated 26 June 2020, was refused by notice dated 26 August 2020.
  - The development proposed is the erection of two storey detached garage/gym/office with first floor rear terrace.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. The appeal development would be located at the bottom of the rear garden of 279 Ware Road and would front onto a spur of Cromwell Road. There are allotments on the opposite side of Cromwell Road to the appeal site. The prevailing topography of the area is that the land slopes down sharply from Ware Road to Cromwell Road, although the rear garden of the appeal property has been re-graded so that it steps down in stages.
4. At my site visit, I saw that there were several examples of garages and outbuildings to the rear of the properties on Ware Road and fronting onto Cromwell Road. From the evidence before me planning permission<sup>1</sup> has been granted for a single storey garage with a pitched roof at the appeal site. The ridge line of that garage would be around 4.6 metres in height and the roof would slope away from Cromwell Road. To that end, I consider that the principle of such a building is acceptable.
5. The merits of the proposal before me therefore turn on the design and height of the appeal building itself. In that sense it is noted that the proposal would have a part pitched and part flat roof (although this has been described as a mansard roof). When viewed from Cromwell Road, the roof would appear as a gable end albeit with the upper parts of the gable removed and replaced with a flat roof section.

---

<sup>1</sup> Reference 3/16/27789/HH

6. From my site visit I saw that the existing garages and outbuildings fronting onto Cromwell Road largely consisted of simple flat or pitched roof structures. With the exception of the large garage building to the rear of 263 Ware Road these ancillary outbuildings are also of a much smaller scale than the proposal before me. However, it is also significant that the garage to the rear of No.263 has a roof slope away from Cromwell Road which helps to reduce the impact of this large building.
7. In contrast to that, the appeal proposal would have a vertical brick wall almost to the Cromwell Road boundary which would extend to around 5.7 metres in height. To my mind, a building of this height in such proximity to Cromwell Road would stand out as an overly prominent and dominant feature. This harm is principally owing to the design and shape of its roof relative to Cromwell Road. However, the blank façade does nothing to break up the massing of the building which only adds to this harm.
8. In coming to the above view, I acknowledge that the building would not result in an unacceptable level of obstruction of views from the neighbouring properties on Ware Road or to general views in the area as a whole. I also acknowledge that the height of the building is not too dissimilar to the bungalow to the rear of 325 Ware Road. That said, the siting and design aspects of that bungalow differ significantly from the proposal before me.
9. The Appellant has stated that this section of Cromwell Road has a low footfall and that the proposal would provide visual interest in a location lacking in innovative character. However, in my view the design of the proposal is far from innovative nor do I consider that a low footfall is a suitable justification for the development before me.
10. The Appellant has also drawn my attention to a development at 249 Ware Road which also involves a first-floor element above a garage with what has also been described as a mansard roof. However, I saw from my site visit that the setting of this development is very different from the appeal site with residential properties on the opposite side of Cromwell Road. As noted by the Council, the first-floor element is also set back from the road frontage. Furthermore, that development does not provide for a compelling reason to permit an otherwise unacceptable development.
11. For the above reasons the proposal would harm the character and appearance of the area in conflict with Policies HOU11 and DES4 of the East Herts District Plan 2018 which amongst other matters seek to ensure that all development is of a high standard of design and of a size, scale, mass and form that is appropriate to the character and appearance of the surrounding area.

### **Conclusion**

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

*Chris Forrett*

INSPECTOR



## Appeal Decision

Site Visit made on 7 January 2021

**by Chris Forrett MRTPI, DipTP, BSc(Hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3263511**

**5 Sacombes Lane Cottages, Sacombes Ash Lane, Allens Green,  
Sawbridgeworth, Hertfordshire CM21 0LU**

- 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 Elizabeth Webb against the decision of East Herts District Council.
  - The application Ref 3/20/1250/HH, dated 6 July 2020, was refused by notice dated 1 September 2020.
  - The development proposed is described as single storey rear and double storey side extensions and front porch.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and double storey side extensions and front porch at 5 Sacombes Lane Cottages, Sacombes Ash Lane, Allens Green, Sawbridgeworth, Hertfordshire CM21 0LU in accordance with the terms of the application, Ref 3/20/1250/HH, dated 6 July 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S019-DSSE-PP02-00; S019-DSSE-PP02-03; S019-DSSE-PP02-04; S019-DSSE-PP02-05; S019-DSSE-PP02-06 and S019-DSSE-PP02-07.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Preliminary Matter

2. The Council have described the proposal as the 'removal of conservatory and detached garage. Construction of single storey rear extension, two storey side extension and new front porch'.
3. However, from the evidence before me, there has been no agreement to the change in the description of the development. Given that both descriptions describe the proposal before me, I have utilised the Appellants description for my decision.

## **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 is located in a rural area where there is only sporadic development. The site is part of a group of 6 properties, which are formed as three pairs of semi-detached dwellings.
6. The proposal includes three distinct elements. The Council have not raised any concern in respect of two of these, the single storey rear extension and the front porch. Given the nature of these extensions, I have no reason to disagree with that assessment.
7. The third element would be a two-storey side extension. This would be set back from the front elevation of the host property and would be sited a little over 1 metre from the side boundary, which is the standard set out in Policy HOU11 of the East Herts District Plan (2018) (EHDP). It would also have a roof line set down from the main ridge line of the dwelling. To my mind, these elements assist in ensuring that it would appear as a subservient addition to the host dwelling, particularly when viewed from Sacombes Ash Lane.
8. The Council have given very little justification to explain their decision and have largely relied on the comment that the previous reason for refusal<sup>1</sup> had not been overcome. Notwithstanding that, the Appellant has indicated that the Council's concern now related largely to the depth of the two-storey extension which would extend rearwards in line with the rear wall of the existing two storey projection.
9. However, in my view, the two-storey extension would not project rearwards by an excessive degree and would not appear as an overly large or bulky extension when combined with the existing two storey projection or the other elements of the appeal proposal. To that end, I consider that the extension would be appropriately sited, and would be of a suitable size, scale and mass.
10. For the above reasons the proposal would not harm the character and appearance of the host dwelling or the wider area and would accord with Policies DES4, HOU11, VILL3 and GBR2 of the EHDP which amongst other matters seek to ensure that extensions are well designed and are of a size and scale to ensure that the proposal is a subservient addition to the host dwelling, and appropriate to the character and appearance of the rural area. It would also accord with the overarching design aims of the National Planning Policy Framework.

## **Conditions**

11. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

---

<sup>1</sup> Reference 3/19/2552/HH dated 4 March 2020

**Conclusion**

12. For the reasons given I conclude that the appeal should succeed.

*Chris Forrett*

INSPECTOR



---

## Appeal Decision

Site visit made on 11 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

---

**Appeal Ref: APP/J1915/D/20/3261018**

**32 Manston Drive, Bishops Stortford CM23 5EL**

- 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 Jim McGrath Dolan against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/1313/HH, dated 13 July 2020, was refused by notice dated 8 September 2020.
  - The development proposed is first floor side extension above the existing garage and two storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for first floor side extension above the existing garage and two storey rear extension at 32 Manston Drive, Bishops Stortford CM23 5EL in accordance with the terms of the application, Ref 3/20/1313/HH, dated 13 July 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 1093-19.PL.006; Existing & Proposed Ground Floor Plans Drawing Number 1093-19.PL.001 Rev. D; Existing & Proposed First Floor Plans Drawing Number 1093-19.PL.002 Rev. B; Existing & Proposed Roof Plans Drawing Number 1093-19.PL.003 Rev. A; Existing & Proposed Elevations 1/2 Drawing Number 1093-19.PL.004 Rev. B; and Existing & Proposed Elevations 2/2 Drawing Number 1093-19.PL.005.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. The Council suggested that I visit the neighbouring property, 30 Manston Drive (No 30), in order to assess the appeal proposal from within that site. I note that the evidence does not indicate that the Council's Planning Officer carried out any assessment from within this neighbouring property. Nevertheless, due to the proximity of the appeal site to No 30, I was able to clearly view the relationship between them from both the public realm and from within the

appeal site itself. I am satisfied that no party has therefore been prejudiced in the determination of this appeal.

### **Main Issue**

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 30 Manston Drive, with particular regard to daylight and sunlight and outlook.

### **Reasons**

4. The appeal building (No 32) is a two storey semi-detached dwelling. The unattached neighbouring property, No 30, is a two storey dwelling with a single storey side extension which abuts the common boundary with the appeal site. There is a staggered building line within this stretch of the road, such that No 30's front elevation sits over 5 metres back from the principle elevation of No 32. No 30 has a double casement, high-level, obscure glazed window at first floor level that faces the appeal site, it is the only window in this elevation.
5. The Council's Planning Officer report suggests that this window serves a bedroom and is that room's only window. No assessment of daylight or sunlight impacts has been submitted with the appeal documents. Nevertheless, although there would be a slight infringement of the 45 degree sightline in relation to this window, this would result in only a negligible difference to the existing outlook from it. This is because its outlook is already restricted due to its obscure glazing and high-level position.
6. Taking this into account, and given that the proposed development would not result in built form directly opposite the window and the proposed roof form would be fully hipped, thereby sloping away from No 30 and maintaining upward openness, the effect of the proposal would not be overbearing.
7. In addition, there would be a limited difference to the amount of daylight and sunlight reaching this window. Even considering this window to serve a bedroom and for it to be its only window, the orientation and relationship of the proposed development to No 30, in relation to the path of the sun, is such that any overshadowing and reduction in daylight and sunlight would not be so significant as to cause unacceptable harm to the living conditions of the occupiers of No 30.
8. Such a close relationship is a feature of many properties within Manston Drive and having regard to the above factors, including that the proposed development would be separated from the flank wall of No 30 by approximately 3.5 metres and would not extend directly in front of the flank wall window of that neighbour, leads me to consider that the effect of the proposed development on the living conditions of the occupiers of No 30 would not be unduly harmful.
9. I therefore conclude that the proposal would not result in an unacceptable impact on the living conditions of the occupiers of 30 Manston Drive with particular regard to daylight and sunlight and outlook. Thus, it would comply with Policy DES4 of the East Herts District Plan 2018 and Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2017.

**Conditions**

10. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty. A condition requiring matching materials is necessary to ensure the development is in keeping with the existing property.

**Conclusion**

11. For the above reasons the appeal is allowed.

*S Tudhope*

Inspector



## Appeal Decision

Site Visit made on 7 January 2021

**by Chris Forrett MRTPI, DipTP, BSc(Hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3262722**

**5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR**

- 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 Peter Hehir against the decision of East Herts District Council.
  - The application Ref 3/20/1505/HH, dated 5 August 2020, was refused by notice dated 20 October 2020.
  - The development proposed is the erection of wooden carport (with polycarbonate roof) to the front of the property.
- 

### Decision

1. The appeal is allowed and planning permission is granted erection of wooden carport (with polycarbonate roof) to the front of the property at 5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR in accordance with the terms of the application, Ref 3/20/1505/HH, dated 6 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing 1, Drawing 2, Drawing 3 and Drawing 4.
  - 3) The development hereby approved shall be constructed in the materials specified on the application form.

### Preliminary Matters

2. The application form, decision notice and appeal form all describe the proposal before me differently. In the absence of a consensus of the description of the development, I have utilised a combination of these descriptions which succinctly describes the proposal for my decision.

### Main Issue

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

### Reasons

4. The appeal site is located within a residential area of Sawbridgeworth. The property is accessed off a private driveway (Applegate) and the carport would only be partially visible from public vantage points on Burnside and Brook Lane.

However, such views would be restricted and in the context of other residential properties and outbuildings in the area. I therefore agree with the Council that the carport would not have a detrimental impact on the surrounding area.

5. Notwithstanding that, the Council consider that it would be out of keeping with the grain of development in the area and would harm the character and appearance of the host property and the immediate streetscene owing to its siting and design.
6. Whilst the carport would be positioned in front of the existing dwelling, I saw at my site visit there was a large garage/outbuilding to the fore of 3 Applegate at the head of the private driveway.
7. Whilst the carport would be closer to the host property than the building at No.3, I am also conscious that it would be open on all sides and there would be clear views of the host property through the open structure. With that in mind, I consider that it would not result in any significant harm to the character of the host dwelling or the immediate surroundings of Applegate.
8. My attention has also been drawn to the adjacent trees which are the subject of a Tree Preservation Order and are arguably the most prominent feature in the immediate vicinity. However, given the nature of the proposal, and the limited groundworks required to construct the carport, I consider that it would not result in any harm to these trees.
9. The appeal site is also located adjacent to The Dell which is a Grade II listed building. 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.
10. The Council has set out that the carport would not harm the setting of this listed building as its closest part would be near to a modern conservatory which has been added to The Dell. Given the nature of the proposal and what I observed on site, I consider that the carport would not have any adverse impact on the setting of this listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
11. For the above reasons the carport would not harm the character and appearance of the host property or the wider area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that residential outbuildings are of a high standard of design, and are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

### **Conditions**

12. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to the specified materials on the application form is also necessary.

**Conclusion**

13. For the reasons given I conclude that the appeal should succeed.

*Chris Forrett*

INSPECTOR



## Appeal Decision

Site Visit made on 7 January 2021

**by Chris Forrett MRTPI, DipTP, BSc(Hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> January 2021**

---

**Appeal Ref: APP/J1915/D/20/3263329**  
**36 Scotts Road, Ware, Hertfordshire SG12 9JQ**

- 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 Manda Dixon against the decision of East Herts District Council.
  - The application Ref 3/20/1575/HH, dated 18 August 2020, was refused by notice dated 12 October 2020.
  - The development proposed is a first-floor front extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a first-floor front extension at 36 Scotts Road, Ware, Hertfordshire, SG12 9JQ in accordance with the terms of the application, Ref 3/20/1575/HH, dated 18 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and drawing 40-20-1.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

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

### Reasons

3. The appeal site located within the built-up area of Ware and consists of a two-storey residential property which has been previously extended to the front. The property sits in an elevated position well back from the road and is between two similarly designed dwellings. Numbers 40-46 Scotts Road are terraced properties set much closer to the road.
4. The proposal is for a first-floor over the existing single storey extension and would project from the front main wall of the dwelling by around 3.9 metres. However, there is not a strong building line in the street given that the siting of the terrace of Nos 40-46 is significantly closer to the road than the appeal property and its immediate neighbours. The design of the extension, together

with its set back from the road frontage, leads me firmly to the view that the proposal would appear as a subservient addition to the host property and would not give rise to any harm to the wider area. This is particularly the case as there is not a strong architectural vernacular in the area, a point which is acknowledged by the Council.

5. In coming to the above view, I also acknowledge that first floor front extensions are not a typical characteristic of the street. However, this is not a justifiable reason to withhold planning permission for an otherwise acceptable development.
6. In addition to the above, the appeal site is located close to Scotts Grotto which is a Grade I listed building set in a heavily landscaped area. 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.
7. Given the location and nature of the proposal, I consider that it would not have any adverse impact on the setting of this important listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
8. For the above reasons the extension would not harm the character and appearance of the area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that extensions are of a high standard of design, and are subservient additions which are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

### **Other Matters**

9. I have also had regard to the comments made in the representations, including the potential loss of light, privacy and outlook to the occupants of 40 Scotts Road and the proximity of the development to the pine tree in the front garden. However, I consider that none of the matters raised provide for a compelling reason why planning permission should not be granted.

### **Conditions**

10. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

### **Conclusion**

11. For the reasons given I conclude that the appeal should succeed.

*Chris Forrett*

INSPECTOR