



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/J1915/W/21/3289434

1 Bullfields, Sawbridgeworth CM21 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Allan against the decision of East Herts Council.
 - The application Ref 3/21/0777/FUL, dated 23 March 2021, was refused by notice dated 27 August 2021.
 - The proposed development is demolition of existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space in accordance with the terms of application ref: 3/21/0777/FUL dated 23 March 2021 and subject to the conditions set out in the Annex attached to this decision.

Main Issue

2. The main issue is the effect on the character and appearance of the street scene and wider area including the adjoining Sawbridgeworth Conservation Area.

Reasons

3. The appeal site lies at the southern end of Bullfields close to its junction with Station Road. It is long and narrow in shape with a single storey detached dwelling located at the far western end set back some distance from the road frontage behind parking and garden areas.
4. Bullfields is predominantly residential although the appeal site is adjoined to the north by a funeral directors premises. To the south the adjoining properties front Station Road, which contains a mixture of properties and uses. Nos. 15 and 17 comprise a pair of listed semi-detached cottages; these are adjoined by the fire station which is located to the south of the appeal site, adjoining about two thirds of the common boundary. The remaining boundary to the west is adjoined by garden areas, with a social club, which also fronts Station Road, to the southwest. These properties to the south of the site lie on higher ground. Residential properties in Walnut Tree Crescent lie to the north and northwest.
5. The Sawbridgeworth Conservation Area boundary is contiguous with part of the southern boundary of the appeal site and incorporates the listed cottages on

the corner of Station Road and Bullfields as well as the adjoining fire station yard. That part of the conservation area within the vicinity of the appeal site is of varied character and appearance with predominantly smaller terraced properties along Station Road to the south of the appeal site with more variation in size and layout in the area around the junction with Bullfields which has a pleasant open green area on its eastern side.

6. The proposal would comprise a two storey building set back from the Bullfields road frontage behind a small parking area. The front section of the building would occupy most of the width of the site and would resemble a detached dwelling with a hipped roof. A narrower long, rear 'wing' set towards the southern boundary would extend a substantial depth towards the rear, western boundary of the site with garden areas to the rear and on the northern side of the rear wing.
7. The adjoining funeral directors comprises a substantial one storey building with low eaves and front gable end facing the road and side dormers within a steeply sloping pitched roof. The proposal would be sited further back into the site behind the notional 'building line' formed by the funeral directors building and the adjoining properties further to the north. It would also be sited much further back from the Bullfields frontage in relation to the listed cottage to the south, the side elevation of which abuts the pavement edge along Bullfields. It would be only marginally higher than the ridge height of the funeral directors building and at a lower level than the properties to the south. As such, despite its full two storey height, the proposed building would not appear overly prominent in the street scene of Bullfields nor would it appear dominating in relation to surrounding buildings.
8. Whilst the bulk and depth of the building extending towards the rear of the site would be visible from Bullfields it would be more readily apparent in views from Station Road where it would be visible above the rear boundary fence of the adjoining fire station. There is a large open forecourt area to the side of the buildings on the fire station site through which the upper side elevation of the existing funeral directors building can be seen.
9. Given that the proposed building would be at the same level as the funeral directors, only the upper level and roof would be likely to be visible above the fence which marks the rear boundary of the fire station site. It would be quite close to this boundary such that there would be no space for any planting. Whilst this side wall with hipped roof over would present a lengthy elevation in this view, it would be partly 'hidden' behind the building on the fire station site and the articulated roof form, with lower central 'link' element, would provide some interest and assist in reducing the visual impact of the building. Given these factors and that it would be set back some distance from the Station Road frontage it would not appear prominently in this street scene.
10. In terms of proximity to boundaries, whilst the building would be sited close to the southern boundary it would mostly adjoin the open areas to the rear of the fire station site. The distance to the other side boundary would be more generous, particularly to the rear of the site but not such as to result in any harmful impact on the street scene. The pattern and layout of adjoining buildings is varied with only small gaps maintained to the side boundaries of the bungalow to the north of the funeral directors, with the latter having wider gaps to side boundaries. The open area retained to the front of the appeal site

would allow for some tree planting to be introduced thus maintaining a feeling of openness in the streetscene and further planting to the rear would provide some screening in views from this aspect. In these circumstances I do not consider that the development would appear cramped within the street scene nor would it be an overdevelopment of the site.

11. Overall, for the above reasons, I consider that the proposed building would sit comfortably on the site and within the wider street scenes of both Bullfields and Station Road. It would not have a harmful impact on the character or appearance of the wider site surroundings. In addition, it would preserve the character and appearance of the adjoining Sawbridgeworth Conservation Area and the setting of the listed buildings at Nos. 15 and 17 Station Road. It would thereby accord with Policies DES4, HOU2 and HA4 of the East Herts District Plan (2018) (DP) which seek a high standard of design and layout that promotes local distinctiveness and makes best possible use of available land by respecting the character of the site and surrounding area. They also seek to ensure that development preserves or enhances the special interest, character and appearance of the area by amongst other things, respecting established layouts and patterns and be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area.
12. DP Policy HOU11 is cited in the Council's decision notice but as this relates to extensions and alterations to dwellings it seems to me that it is not relevant.
13. I also find no conflict with the policies of the National Planning Policy Framework (the Framework) that seek well designed places that function well and are sympathetic to local character. In terms of the impact on heritage assets, I find that no harm would arise and the significance of the heritage assets affected would be conserved in a manner appropriate to their significance.

Other Matters

14. The Council concluded that there would be no adverse impact on the living conditions of the occupiers of neighbouring properties. However, I note that the occupiers themselves remain concerned with regard to loss of privacy and light and the potential overbearing nature of the development. I have had regard to the information, including photos, provided in this respect and have taken into account the distances maintained and relationships that would arise as a result of the appeal proposal on my site visit. Whilst I did not enter any of these adjoining properties, I consider that there was sufficient information to assess the impact.
15. The proposed building would be located some distance to the south of the dwellings in Walnut Tree Crescent which lie to the north of the appeal site. In the case of No. 14, it would be separated from it by the funeral directors site albeit the rear part of the building would be visible from this and other properties. However, taking into account the separation distances and the relative position and orientation of the building on the appeal site itself, being to the south and set away from the northern and western boundaries, no significant overbearing impact or loss of light would be introduced. With regard to possible overlooking, I note that there would be first floor windows in the north and west elevations which would face towards these properties. However, taking into account the distance of the building from the site boundaries and the opportunity for some screen planting to be introduced,

together with the overall separation distances from these existing properties, I consider that there would be no unacceptable loss of privacy.

16. In relation to Nos. 15 & 17 Station Road, the proposed building would be set back into the site such that only oblique / angled views would be obtained from first floor windows. Whilst the building would be closer to these properties, the separation distance and would also be sufficient so as to avoid any unacceptable impact on outlook.
17. I therefore concur with the Council on this matter and consider that the living conditions of the occupiers of adjoining and nearby properties would not be harmfully impacted.
18. A number of residents have also expressed concern regarding the level of parking provision, particularly in the context of apparent high levels of on street parking in the vicinity of the site. However, I note that the proposed provision meets the Council's standards and I consider that it would be satisfactory bearing in mind the accessible location of the site.

Conclusions

19. The Council has suggested a number of conditions which I have reviewed taking into account the 'tests' set out in paragraphs 55 and 56 of the Framework. A condition to relate to the approved plans is necessary for the avoidance of doubt. Conditions to require details of materials and landscaping are necessary in the interests of the environment and to preserve the character of the conservation area.
20. A condition to secure the provision of suitable car and cycle parking, as well as bin storage areas, is necessary to ensure that the development is adequately served in this regard and does not impact unacceptably on the highway. Conditions are also suggested to ensure appropriate noise levels are maintained and the impact on air quality and use of natural resources within the development is minimised. These are necessary to provide a suitable living environment for the occupants and to ensure that the development responds appropriately to climate change in accordance with local and national policy.
21. A number of conditions are suggested relating to the construction phase of the development. These are necessary to minimise the impact of the development on the amenity of the surrounding area, but in the interests of clarity, I have amalgamated these requirements into a condition to require a construction management plan. A separate condition to control hours of construction works is appropriate and necessary in the interests of the amenity of neighbouring residential properties.
22. Subject to the above conditions, and for the reasons set out, I find that the proposal would accord with the development plan and there are no material considerations that indicate a decision otherwise.
23. I therefore conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR

Annex: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) This development hereby permitted shall be carried out in accordance with the following approved plans: location plan (1:1250); block plan (1:500); BAS223-101A (proposed site plan); BAS223-102 (proposed floor plans); BAS223-103 (proposed elevations); BAS223-104 (proposed elevations); BAS223-105 (proposed elevations); BAS223-106a (proposed floor / elevations); BAS223-107 (proposed floor / elevations).
- 3) Prior to commencement of the proposed development, a noise assessment shall be submitted to the Council for approval of external noise levels, including reflected and re-radiated noise, and details of the sound insulation of the building envelope and of acoustically attenuated mechanical ventilation as necessary to achieve the internal room and external space amenity noise standards in accordance with the criteria of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The approved details shall be implemented prior to occupation of the flat to which it relates and thereafter be permanently retained.
- 4) No above ground works shall commence until details to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 5) No above ground works shall commence until details / samples of the materials to be used in the external construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) No above ground works shall commence until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Planting plans (c) Schedules of plants, noting species, to include those to encourage wildlife, planting sizes and proposed numbers/densities where appropriate. The approved scheme shall be implemented within the first planting season following completion of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
- 7) None of the flats hereby permitted shall be occupied until the bicycle and bin / recycling storage facilities, parking spaces and vehicle manoeuvring areas clear of the public highway as indicated on the approved plan BAS233-101A have been provided. As part of that provision, the areas used by vehicles shall be surfaced in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include means to ensure that surface water from the site is intercepted and disposed of separately so that it does not discharge onto the highway. These areas shall thereafter be retained as such to serve the development.

- 8) No flat hereby permitted shall be occupied until an electric vehicle charging point has been provided to serve that unit in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 9) Site demolition, preparation and construction and all associated works, including the operation of plant or machinery, shall not take place before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 10) The construction of the development shall be undertaken in accordance with a construction management scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
 - a) Measures to ensure that vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway,
 - b) Details of person(s) and contact details to enable residents to make contact during construction works.
 - c) Details of how construction waste is to be contained on site and removed / disposed of.
- 11) The development hereby approved shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying each dwelling will not exceed 110 litres per person per day as measured in accordance with the latest methodology approved by the Secretary of State. The dwelling shall not be occupied unless the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the Local Planning Authority.
- 12) Any gas-fired boilers installed shall meet a minimum standard of <40 mgNO_x/kWh.



Appeal Decisions

Site visit made on 17 May 2022

by **Michael Boniface MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal A Ref: APP/J1915/W/21/3284616

Sprangewell Centre, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- 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 Simon Constance against the decision of East Hertfordshire District Council.
 - The application Ref. 3/21/1364/HH, dated 20 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is removal of the existing flat roofed porch and replacement with an enclosed porch.
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Appeal B Ref: APP/J1915/Y/21/3283908

Sprangewell Centre, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- 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 Simon Constance against the decision of East Hertfordshire District Council.
 - The application Ref. 3/21/1365/LBC, dated 20 May 2021, was refused by notice dated 30 July 2021.
 - The works proposed are removal of the existing flat roofed porch and replacement with an enclosed porch; and internal alterations to remove an existing sliding door and frame and block up opening, insert new door and replace Acrow prop supporting steel beam in the cellar.
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Decisions

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

Preliminary Matters

3. The appeal site is located within the Green Belt but the Council concludes that the proposal would not constitute inappropriate development in the terms of the National Planning Policy Framework (the Framework) and has found no conflict with Green Belt policies within the development plan. I have no reason to disagree.
4. As the proposal relates to a listed building I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. During my site visit I noted that the internal sliding door to the kitchen had been removed, the opening blocked, and a new door installed as shown on the

proposed plans. Notwithstanding this, I have considered the appeal on the basis of the plans submitted.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, Sprangewell Centre, Poles Lane, and any of the features of special architectural or historic interest that it possesses.

Reasons

7. Sprangewell Centre is listed at Grade II and forms the middle terrace of one of three dwellings within a large former house dating from the early C19 and incorporating a C17 building. The building is an impressive two storey white-painted brick building with pedimented stucco centre Dart framed by pilasters, topped by a large triangular pediment. It presents a high degree of symmetry despite its subdivision into three properties and some later alterations. All of this contributes to the buildings significant architectural and historic interest.
8. There is an existing porch canopy over the door serving Sprangewell Centre that appears to be a relatively modern and rather crude addition to the building, with its plywood and felt roof construction. That said, its simple supports make it a lightweight structure that obscures the existing building only to a limited extent. Whilst its removal would be a heritage benefit, I am not persuaded by the brief Heritage Statement submitted that this would justify the proposed enclosed porch. The proposed porch would detract from the strong symmetry and balance of the existing building and highlight the multiple entrances now serving the building.
9. A similar porch to that being sought has been constructed at Sprangewell West, but that structure is less prominent when viewed from the public realm, and in any case does not justify further harm to the listed building.
10. The relocation of a doorway to the kitchen within a modern stud partition wall and replacement of relatively modern kitchen units would have a neutral effect on the listed building. The submitted plans are clear that these works would not affect historic fabric and I am therefore satisfied that sufficient information has been provided to assess the proposal. The existing Acrow prop in the cellar is showing signs of corrosion and its replacement with a more permanent solution would protect the longevity of the listed building.
11. Overall, the harm to the listed building would be less than substantial in the terms of the National Planning Policy Framework (the Framework) but is nevertheless of considerable importance and weight. No public benefits have been identified that would outweigh this harm, notwithstanding that the existing insensitive porch would be removed and the replacement of an existing Acrow prop would be a beneficial measure in the long-term maintenance of the building.
12. The proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies HA1 and HA7 of the East Herts District Plan 2018, which seek to conserve heritage assets. As a result, the proposal would not be in accordance with the development plan.

Conclusion

13. In light of the above, the appeals are dismissed.

Michael Boniface

INSPECTOR



Appeal Decision

Site visit made on 30 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: **30 SEPTEMBER 2022**

Appeal Ref: APP/J1915/W/22/3290153

33 Wellington Street, Hertford SG14 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Simon Hart against East Hertfordshire District Council.
 - The application Ref 3/21/1803/HH, is dated 6 July 2021.
 - The development proposed is a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations at 33 Wellington Street, Hertford SG14 3AN in accordance with the terms of the application, Ref 3/21/1803/HH, dated 6 July 2021, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: P01-SRH-2021.
 - 3) Prior to the commencement of development, full details of the external materials of construction for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the Hertford Conservation Area;
 - the effect of the development upon the living conditions of the occupiers of neighbouring dwellings; and
 - the effect of the development on the highway system.

Reasons

Character and appearance of the Conservation Area

3. The appeal site is located in the Hertford Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed dwelling, constructed from varying materials palettes arranged in broadly linear patterns.
4. The proposed development would include changes in the fenestration of the building and the removal of the garage door. Whilst this would change the appearance of the appellant's dwelling, this would be viewed alongside buildings in the surrounding area that are constructed to different appearances. Therefore, the development would not be incongruous in this regard.
5. There are several terraces of houses and semi-detached dwellings nearby that feature some variations in terms of material palettes. This creates a varied character. Therefore, the proposed development would not be discordant even though the appellant's dwelling would feature a different colour material when compared to the neighbouring dwelling.
6. The proposed development would include the provision of dormer windows. However, these would be sited on the rear roof slope. Therefore, the proposed development would not be readily viewable from the public viewpoints in the surrounding area. In addition, the dormer windows due to the separation distance would not be readily viewable from the neighbouring dwellings in Fanshawe Street.
7. Several of the surrounding dwellings feature front roof lights. In result, the proposal would not erode the overall character of the surrounding area. There are also a limited number of dormer windows in the surrounding area, which lessens the effects arising from the proposed development.
8. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conform with the requirements of Policies HA1; HA4; DES4; and HOU11 of the East Hertfordshire District Plan (2018) (the District Plan); and Policy HBH2 of the Bengeo Neighbourhood Area Plan (the Neighbourhood Plan).
9. Amongst other matters, these seek to ensure that new developments avoid unnecessary uniformity in external design; preserve and where appropriate enhance the historic environment; be of a scale, proportion, form, height, design, and overall character that accords with and complements the surrounding area; and reflect and promote local distinctiveness

Living conditions

10. The proposed development would feature dormer windows in the rear roof slope. The appeal site includes a relatively large garden to the rear. Similarly proportioned dwellings are located in the wider area, including the neighbouring properties. Dwellings in the surrounding area are typically arranged in broadly linear patterns. To the rear of the appeal site are several dwellings in Fanshawe Street.
11. Although some views towards the neighbouring dwellings would be possible from the dormer windows, the general arrangement of properties in the

surrounding of the appeal site is such that views towards neighbouring properties would be typically made at an oblique angle.

12. In addition, views towards the properties in Fanshawe Street would be generally diffused by reason of the distance and the presence of landscaping. In consequence, the proposed development would not result in the loss of privacy for the occupiers of neighbouring properties.
13. By reason of the scale and positioning of the proposed dormer windows, there would not have an adverse effect upon the levels of light and outlook enjoyed by occupiers of neighbouring dwellings.
14. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conform with the requirements of Policy DES4 of the District Plan; and Policy HBH2 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that new developments protect the amenity and privacy of existing and future residents; and avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Highways

15. The proposed development features a garage and a driveway. As part of the proposed development, the garage would be converted to a room, although the driveway would remain in situ. The immediate surroundings of the appeal site can be characterised by residential accommodation. The appeal site is also near to the town centre.
16. Although the proposed development would result in the loss of a car parking space due to the removal of the garage, the proposed development would not result in the creation of additional bedroom. This means that the proposed development would not result in increased vehicle movements. In reaching this view, I have had regard to the basement alterations, which are also unlikely to result in a greater number of people visiting the site.
17. In addition, the appeal site is close to public transport routes. This means that residents would have alternative means of transport instead of use of private cars.
18. Although several of the neighbouring dwellings do not feature off-street parking spaces, the potential increase in demand for car parking spaces would be relatively small, particularly due to the nature of the appeal site's location and therefore would not give rise to adverse effects.
19. In addition, occupiers of the development would be near to the town centre and areas of public open space. These would be readily accessible via means other than private cars. In consequence, the proposed development would not result in an increase in vehicle movements owing to the accessibility of other locations. This also means that vehicles would not be displaced onto the surrounding street network, which might otherwise erode highway safety.
20. I therefore conclude that the proposed development would not have an adverse effect upon the highway system. The development, in this regard, would be in conformity with Policy TRA3 of the District Plan. Amongst other matters, this

seeks to ensure that vehicle parking provision associated with development proposals is assessed on a site-specific basis.

Conditions

21. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. Although there is a variety of materials in the surrounding area, a condition that would enable the Council to approve the details of the building materials is necessary given the character of the surrounding area.
22. The proposed development includes a side window to a porch. The Council has suggested that this be fitted with obscure glass. However, the window would serve a porch and the views towards the neighbouring property would be made at an oblique angle. Therefore, the development would not lead to an erosion of the privacy levels of the occupiers of the neighbouring property. Therefore, such a condition would not be necessary or reasonable.

Conclusion

23. For the preceding reasons, I conclude that the appeal should be allowed and planning permission granted, subject to conditions.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 30 August 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2022

Appeal Ref: APP/J1915/W/21/3286727 Wadesmill Road, Kings Hill, Ware SG12 ORD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/21/2145/TEL, dated 6 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a proposed telecommunications installation: an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Wadesmill Road, Kings Hill, Ware SG12 ORD in accordance with the terms of application Ref: 3/21/2145/TEL, dated 6 August 2021, and the plans submitted with it.

Procedural Matters

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development.
3. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of an open area adjacent to the highway. The surrounding area contains several mature trees. The topography of the vicinity

is varied in that the land slopes upwards from both sides of the road. The wider area contains a large number of residential dwellings constructed to a variety of scales and designs. These give the area a suburban character.

6. The proposed development would result in an increase in the overall level of built form. However, the increase would be kept to a minimum due to the relatively narrow width of the monopole. In addition, the proposed development's equipment cabinets would be relatively small. Therefore, the design of this element of the development would not lead to an erosion of the area's character.
7. In addition, the proposed monopole would be viewed alongside other street furniture in the vicinity. The existing street furniture in the surrounding area, such as lamp posts, are smaller than the appeal proposal would be. However, the presence of street furniture occurs on a relatively frequent basis and contributes to the area's suburban character. This means that the proposal's siting would not erode the area's character in this regard.
8. Furthermore, the appeal site would not be prominently located. There are several mature trees in the wider area which would provide a notable amount of screening. In addition, there are grass banks on either side of the road. This means that the proposed development would not be prominent when viewed from significant portions of Wadesmill Road, or the residential accommodation in the surrounding area.
9. The proposed development would be viewed against a backdrop that includes some dwellings that are constructed to different designs. This means that the proposal would be viewed alongside a more developed context. Although some of these views are of a more fleeting nature, due to distance and topography, they contribute to a more urban character. The development would not be incongruous in this context.
10. In addition, Wadesmill Road features several gentle curves. This means that there would be limited direct views of the appeal site and the proposed installation. This further reduces the prominence of the appeal proposals. This is because the effects would be limited as views of the development from further away would be diminished.
11. In consequence, the proposed development would not result in a significant change to the overall suburban character of the appeal site's vicinity.
12. The Council have suggested that the proposed development could be more suitably located in other locations. These locations have been assessed by the appellant. Whilst I have had regard to the Council's suggestion, I am conscious that if the development were to proceed in other locations, the development is likely to result in the removal of some of a tree canopy, or a reduction in the overall width of the pavement.
13. In consequence, such sites would lead to an adverse effect upon the character and appearance of the surrounding area given that the presence of mature trees is an important characteristic in defining the relevant area's more suburban character. Furthermore, the reduction in the size of the pavements is likely to deter residents from travelling to other locations on foot. These are characteristics that would not be associated with the appeal site and its surroundings. Therefore, for the preceding reasons, I do not believe that there

are suitable alternative sites that might accommodate this development. Accordingly, this suggestion does not allow me to disregard my previous findings.

14. The development, in this regard, would be in conformity with Policies ED3 and DES4 of the East Herts District Plan (2018). Amongst other matters, these require that telecommunications equipment should be sympathetically and appropriately located; and that developments reflect and promote local distinctiveness.
15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. Therefore, the proposed siting and appearance of the development would be in conformity with the Framework in this regard.

Other Matters

16. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
17. The Council has suggested conditions to be imposed in the event that I am minded to allow the appeal. However, the GPDO provides the timescales for the implementation of the development and requires that developments be carried out in accordance with the submitted details. Therefore, such conditions are not necessary.

Conclusion

18. The development would not have an adverse effect upon the character and appearance of the surrounding area arising from its siting and design. Therefore, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 21 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/J1915/W/22/3294678

Land adjacent to 1 Coltsfoot Lane, Bulls Green, Knebworth, SG3 6SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Brown against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2474/FUL, dated 24 September 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as '*Proposed new 5 bedroomed dwelling with integral double garage on former garden land at No 1 Coltsfoot Lane, situated between Nos 1 and 7 Coltsfoot Lane*'.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed new 5 bedroomed dwelling with integral double garage on former garden land at No 1 Coltsfoot Lane, situated between Nos 1 and 7 Coltsfoot Lane at Land adjacent to 1 Coltsfoot Lane, Bulls Green, Knebworth, SG3 6SB in accordance with the terms of the application, Ref 3/21/2474/FUL, dated 24 September 2021, subject to the conditions set out in Appendix A.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the *National Planning Policy Framework* (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal would be in a suitable location, with particular reference to policies concerned with accessibility to services;
 - The effect of the proposed development on highway safety with regard to visibility splays.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts and is an important material consideration. Policy GBR1

of the *East Herts District Plan 2018* (LP) sets out that planning applications in East Herts will be considered in line with the provisions of the Framework.

4. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
5. Paragraph 149 sets out exceptions to inappropriate development which includes part e); '*limited infilling in villages*'. The appeal site in this case is a parcel of land located between Nos 1 and 7 Coltsfoot Lane, as shown on drawing 2007-01 Proposed Block Plan. It would be limited in nature through the erection of a single dwellinghouse.
6. It would be located between two existing dwellings, and having spacing arrangements between the proposed and existing built form not dissimilar to those found in the local area. It would fill a gap between buildings in an otherwise built-up frontage. As such, it would represent infilling in this case.
7. Lastly it would be within the settlement of Bulls Green. During my site inspection I saw that this settlement is clustered around and along the highways such as Coltsfoot Lane, Bramfield Road, Burnham Green Road – which leads to the settlement of Burnham Green – and Queen Hoo Lane. The facts on the ground clearly indicate that this settlement is a village in planning policy terms.
8. Accordingly, whilst noting the Council's position that they consider it would not benefit from this exception, following my considerations above I find that the proposal would represent limited infilling in a village. The proposed development would therefore benefit from the exception set out in Paragraph 149, part e) and as such does not represent inappropriate development in the Green Belt. It would therefore comply with Policy GBR1 of the LP.

Character and appearance

9. The appeal site is an approximately rectangular-shaped undeveloped parcel of land that lies adjacent to the centre of the settlement of Bulls Green. I understand that it was formerly located within the residential curtilage of no.1 Coltsfoot Lane. The proposal seeks the erection of a five bedroom, two storey dwelling with integral double garage and associated access and landscaping.
10. The street scene is generally characterised by large detached or semi-detached two storey houses set back from the highway. For example, opposite the appeal site, to the north as shown on drawing 2007-01 Proposed Block Plan there are two large, detached dwellings with detached double garages within their grounds. Similarly, Nos 1 and 7 Coltsfoot Lane are also large, detached houses with footprints not entirely dissimilar to that proposed. Whilst I concur with the Council's assessment that 'there is no uniform character'¹ within this part of the settlement, it is clear that the scale, mass, and design of the proposed dwelling is not out of keeping with the character of the area.

¹ See Page 2, Paragraph 3.5, Statement of Case, East Herts Council

11. I acknowledge that there would be a change in the character of the appeal site from its currently open form to that of a developed nature through the erection of a new dwelling. However, the proposed scheme is not out of keeping with the character or appearance of this part of the settlement. The proposed dwelling would continue to be set back from the highway; as is typical of the wider street scene. Moreover it would be possible, through the use of conditions, to secure landscape improvements including soft and hard landscaping in order to promote and enhance that already found locally.
12. I therefore find that the proposed development would not result in harm to the character and appearance of the area. As such, it would accord with Policies VILL3, DES3 and DES4 of the LP, which, amongst other aims, seek to ensure that all development should be well designed and in keeping with the character of the village, that developments demonstrate how they will retain, protect and enhance existing landscape features and promote local distinctiveness.

Accessibility of services and facilities

13. The appeal site is located in Bulls Green. This settlement has extremely limited services; essentially a public house. More widely the Council confirmed in the Officer's Report that day-to-day services could be provided in Burnham Green, Datchworth, Watton at Stone and Welwyn Garden City. These are all in three miles of the appeal site. Access to the national arterial route of the A1(M) is also within a similar distance from the appeal site.
14. The initial journey to access these services would take place along the narrow, unlit and winding country roads that lead to the settlements. In practical terms, these would not be conducive to occupiers with young children, older persons, or people with mobility issues. In terms of bus services, I understand that these are infrequent; roughly one or two journeys a day. The reality, therefore, is that future occupiers are likely to be reliant upon private motor vehicles for a majority of their journeys when accessing local services in nearby settlements.
15. Paragraph 105 of the Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Existing residents of Bulls Green will presumably also utilise a number of transport solutions to meet their day-to-day needs. The appeal site is not entirely well-placed for future residents to access day-to-day services and facilities other than by traveling via private motorised transport. At the same time, future residents would utilise transport modes similar to neighbouring occupiers. The fact of rural life is that private motor vehicles are typically the primary mode of transport. Nonetheless, it is possible, through the use of appropriately worded planning conditions to secure an electrical vehicle (EV) charging point at the appeal site, which would encourage a move away from internal combustion engine private motor vehicles.
16. Moreover, the settlements of Datchworth, Knebworth, and Burnham Green are located a short distance to the north, north west and south west respectively. These provide further day to day services and facilities such as village halls, pre-schools, public houses, railway stations, and/or convenience stores. A little further to the north is Stevenage, and to the south west is Welwyn Garden City, with the A1(M) located a short drive from the appeal site. These larger

settlements will no doubt provide further services for existing residents of the settlement and potentially for future occupiers of the proposal.

17. Future occupiers would likely be reliant upon private motor vehicles for most day-to-day activities. The site is, nonetheless, served by infrequent bus routes, with railway stations and access to the A1(M) located a short distance from the appeal site. It would also be possible for future occupiers to use other public transport options such as taxi services from nearby larger settlements such as Welwyn Garden City. There is also the opportunity to provide an EV charging point which would encourage the move to electrical vehicles.
18. Accordingly, the proposal would be in a suitable location, with particular reference to policies concerned with accessibility to services, given these considerations above. I therefore find that the proposal would accord with Policies DPS2, VILL3, and TRA1 of the LP, which, amongst other aims, seek to ensure a range of sustainable transport options are available to occupants. It would also accord with the aforesaid Policies of the Framework, including recognising the different needs between urban and rural areas.

Highway safety

19. In terms of highway safety, I note that the visibility splays lie outside of the appeal site, the Appellant has demonstrated (see Drawing 2007-12 Rev A at Appendix 10 of their statement) that the provision of the splays is possible. There is no evidence suggesting that these would not be appropriate to the scale and size of the proposed development. I am reinforced in this conclusion by the fact the local highways authority has not objected to the proposal on highway safety grounds.
20. There are trees to the west of the access which are subject to a Tree Preservation Order (TPO). These lie outside the appeal site, but potentially within the required visibility splays. I note the Council's concerns that a full tree survey has not been submitted. However, as the Council acknowledge whilst there may be some pruning of the trees required, it is not likely that the trees would need felling. Moreover, any works to the tree(s) subject to the TPO, if required, would require further approval from the local planning authority. It is also possible, through the use of appropriately worded planning conditions, to secure landscaping within the appeal site which would fulfil the requirements of s197 of the TCPA and the duty for the preservation or planting of trees.
21. Accordingly, the proposal would accord with Policies TRA2 and DES3 of the LP, which, amongst other aims, seek to ensure safe and suitable access can be achieved for all users.

Other Matters

22. A number of concerns have been raised by interested parties. I now consider these before considering the imposition of any planning conditions and a final conclusion.
23. In terms of the proposal setting a precedent elsewhere within or nearby to the settlement, it is well established planning practice that each proposal is considered on its own merits; as I have done here. Granting permission in this case does not mean that other similar proposals would also have to be granted.

24. I note concerns raised over ecology and the potential presence and/or usage of the site for bats, birds and other species. An ecological survey has been undertaken by a person holding both Bat and Great Crested Newt Licenses issued/approved by Natural England, and membership of the Chartered Institute of Ecology and Environmental Management (CIEEM). Put simply, this report does not find any significant ecological impact arising from the development on protected species. Given the paucity of detailed evidence to the contrary I see no reason to disagree.
25. My attention has been drawn to a dismissed appeal decision from 2019, ref 3208037 at Rats Castle Cottage nearby. However, this relates to a different site, within a specific context (for example the setting of a Grade ii listed building). It does not, therefore, alter my assessment of the scheme before me.
26. In terms of concerns over privacy and overlooking, in the main openings would be situated to the front and rear of the proposed building. These would either overlook the highway and front 'garden' area of the building, or the rear garden area. Any views of adjacent dwellings would be at oblique angles and over a distance given the angles and relative layout of building footprints. There are windows proposed in the flank wall as shown on drawing 2007-04 serving bedrooms 3 and 4 as labelled on the plans. These could be conditioned so as to be obscured glazed and fixed shut, which would mitigate any overlooking from them.
27. In terms of loss of light, there are gaps between the existing and proposed buildings – which for Nos 1 and 7 include garages (built or otherwise approved). The height of the proposed building is not dissimilar to the adjacent buildings, and the rear gardens face approximately south. The combination of the gaps between the built form, relative building heights and layouts, and the south facing aspect mean that any loss of direct and/or indirect light is likely to be minimal and not materially harmful to neighbouring occupiers.
28. The appeal site would be accessed over Common Land, which the Appellant understands is subject to different legislative considerations and applications. That is a separate matter for the main parties to resolve elsewhere.
29. Taking into account other matters raised by interested parties, I do not find, whether individually or cumulatively, they provide justification for the dismissal of the appeal scheme.

Conditions

30. A number of conditions have been suggested by the local planning authority. I have considered these in light of Paragraph 56 of the Framework and the national Planning Practice Guidance and the use of planning conditions. The Appellant has confirmed agreement to the suggested conditions in their final comments.
31. Conditions requiring the proposal to be started within three years and in accordance with the submitted drawings are reasonable and necessary to provide certainty.
32. Conditions requiring details of the vehicle access (including gradients and surface water drainage arrangements) and visibility splays are necessary in order to minimise extraneous material being discharged onto the public

highway. Conditions requiring details of materials, ground levels, landscaping, restricting external lighting, and requiring tree protection measures are put in place are necessary in order to ensure good design.

33. Conditions requiring the installation of a specific gas fired boiler and provision of an electrical vehicle charging point are necessary and reasonable in order to reduce any impacts on air quality on existing and new occupiers.
34. Conditions restricting the exercise of permitted development rights are reasonable in this case given the sites location within the Green Belt and rural settlement. Lastly a condition requiring obscured glazing in the first floor flank windows is necessary for the reasons given in paragraph 26 of this decision.

Conclusion

35. The proposed development would accord with the adopted development plan when considered as a whole, and there are no material considerations indicating a decision otherwise than in accordance with it.
36. For the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions 3294678

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: 2007-01, 2007-02, 2007-03, 2007-04, 2007-05, 2007-06, 2007-07, 2007-08 rev A, 2007-09 rev A, 2007-10 rev A, 2007-11, 2007-12 and 2007-12 Rev A.
3. No development shall commence until details of the proposed vehicular access as indicated in the drawing (Ref 2007-12) from Coltsfoot Lane have been submitted to and approved in writing by the local planning authority. The details shall include gradient, vehicular visibilities and surface water drainage arrangements to ensure there is no water discharge onto the highway carriageway. Thereafter the works shall be carried out in accordance with the approved details.
4. Prior to any above ground construction works being commenced (including any clearing of the site), the external materials of construction for the development hereby permitted shall submitted to and approved in writing by the local planning authority. Thereafter the development should be implemented in accordance with the approved details.
5. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. Concurrent with the construction of the new access, visibility splays of 2.4 metres x 25 metres shall be provided in both (east and west) directions onto Coltsfoot Lane. Thereafter they shall be permanently maintained as such, within which there should be no obstruction to visibility between 600mm and 2 m above the carriageway level.
7. No external lighting shall be provided without the prior written permission of the local planning authority.
8. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing by the local planning authority. These shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
9. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, (or any subsequent relevant British Standard or guidance), for the duration of the works on site and until at least five years following contractual practical completion of the approved

development. In the event that trees or hedging become damaged or otherwise defective during such period, the local planning authority shall be notified as soon as reasonably practicable and no later than 14 days after such events have occurred, and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the local planning authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the local planning authority.

10. Any gas-fired boiler to be installed shall meet a minimum standard of <math><40\text{ mgNOx/kWh}</math>. Thereafter the gas-fired boiler will be maintained in good working order and shall only be replaced by another of equivalent or better emission levels.
11. Prior to occupation of the development, a single electric vehicle charging point per dwelling shall be provided. Thereafter, the electrical vehicle charging point shall be retained and maintained in good working order.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Classes A, AA, and B of the Order shall not be undertaken without the prior written permission of the local planning authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no works or development as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without the prior written permission of the local planning authority.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amending Order, no works or development as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the local planning authority.
15. The building hereby permitted shall not be occupied until the windows at the first floor east flank wall serving Bedroom 4 and Bedroom 3 as shown on drawing 2007-04 have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

*****END OF CONDITIONS*****



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/J1595/D/22/3301201

7 Ellison Close, Hunsdon, Herts SG12 8FG

- 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 Steve Lynch against the decision of East Herts Council.
 - The application Ref 3/22/0300/HH, dated 10 February 2022, was refused by notice dated 14 April 2022.
 - The proposed development is erection of single storey ground floor rear extension and erection of first floor side extension.
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Procedural Matter

1. The Council included the 'partial garage conversion and new ground floor side window opening' in the description of the development. As this more accurately describes the development I will use this in my decision below.

Decision

2. The appeal is dismissed in respect of the first floor side extension.
3. The appeal is allowed and planning permission is granted for single storey ground floor rear extension, partial garage conversion and new ground floor side window opening at 7 Ellison Close, Hunsdon, Herts SG12 8FG, in accordance with the terms of application ref: 3/22/0300/HH dated 10 February 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted, which for the avoidance of doubt only relates to the single storey ground floor rear extension and partial garage conversion and new ground floor side window opening, shall be carried out in accordance with the following approved plans: 001/P3 (site location plan); 003/P3 (site plan); 010/P3 (existing plans); 011/P3 (existing roof plan); 040/P3 (existing elevations); 050/P4 (proposed site plan); 100/P5 (proposed ground floor plan); 101/P4 (proposed roof plan); 400/P5 (proposed elevations).
 - 3) The materials to be used in the external surfaces of the development shall be as specified on the submitted application forms / plans or such other materials, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Main Issue

4. The main issue is the impact on the character and appearance of the host dwelling and wider street scene.

Reasons

5. The appeal site is located within a small cul-de-sac development of recently constructed dwellings of contemporary design. Whilst there is some variation in terms of the size, design and appearance of the dwellings, they provide a distinctive group of well designed, harmonious buildings. They generally comprise one and a half or two storeys, with some common features such as pitched roofs and attached single storey elements to the side.
6. The dwelling on the appeal site is one of three identical properties located on the north side of the cul-de-sac. They all have pitched roofs with attached flat roof garages with parapet edge, set back from the front elevation. The first floor accommodation is set partly within the roofspace such that the dwellings are of one and a half storey appearance.
7. The proposed first floor side extension would be above the existing garage and thus set back from the main elevation of the dwelling, with slightly lower ridge height and would be of a design and appearance that would reflect the simple pitched roof form of the host dwelling. However, notwithstanding the above, it would add considerable bulk to the dwelling when viewed in the street scene, appearing as a competing element to the host dwelling.
8. It would also result in the loss of the existing parapet edged, flat roofed garage which is a particular feature of this small group of three dwellings. The uniform appearance of the single and one and a half storey elements of this group, created by the dwellings and their attached garages, provides a pleasant rhythm and pattern to the existing group that would be harmfully disrupted by the proposed first floor addition.
9. I note that some of the other dwellings in the close have attached pitched roof garages. However, these generally appear as separate elements, albeit attached to the main dwelling by flat roofed links, to full two storey dwellings and thus do not appear as a dominant or competing element.
10. The Appellant has provided a number of local examples of first floor and two storey extensions within the local area; however, I have considered the appeal proposal in the light of the particular site circumstances having regard to the distinctive design of the host dwelling and the group of which it is a part. I do not therefore find these examples to be comparable.
11. I therefore find that the proposed first floor extension would be harmful to the character or appearance of the host dwelling and wider street scene. It would thereby conflict with Policies VILL1, HOU11 and DES4 of the East Herts District Plan (2018) which seek a high standard of design and layout that promote local distinctiveness, are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition to the dwelling. In addition, I find that the proposal would not contribute towards achieving well designed places nor would it result in the creation of high quality, beautiful and sustainable buildings and would therefore fail to satisfy the National Planning Policy Framework.

12. However, I concur with the Council's view that the single storey rear extension and partial garage conversion would be sympathetic to the host dwelling. The extension would continue the form and height of the parapet roof of the garage roof to which it would be attached thus appearing as a complementary addition. The proposed side opening would not introduce any unacceptable overlooking. I therefore find no conflict with the above DP policies in respect of these elements of the proposal.

Conclusions

13. I find that the proposed first floor side extension would be unacceptable for the reasons set out above.

14. However, I find that the single storey rear extension and partial garage conversion would be acceptable. As these elements are physically severable and separate elements of the overall development I intend to issue a split decision. In respect of these elements conditions to relate to the approved plans and to require matching materials are necessary in the interests of proper planning and visual amenity.

15. I therefore conclude that this appeal should be dismissed in part and allowed in part.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 20 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMi IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/J1915/W/21/3285461

Land at Bishops Stortford North, Bishops Stortford, CM23 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Bishops Stortford North Consortium against East Hertfordshire District Council.
- The application Ref X/21/0150/CND, dated 29 March 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref 3/13/0804/OP granted on 2 April 2015.
- The development proposed is *Erection of up to 2,200 dwellings inclusive of affordable housing; green infrastructure, amenity and formal and informal recreation space; landscaping; development of 2 mixed use local centres; residential development (use Class C3) and the potential for other community/cultural/leisure (Use Class D1 & D2); the potential for commercial floorspace (Use Class B1 a, b and c); a primary school and associated facilities; a further primary school; 4 new junctions (A120, Hadham Road, Rye Street and Farnham Road); estate roads and public transport route; footpaths/cycleways; site profiling/earthworks; a noise bund with barrier; a sustainable drainage system; utilities services including foul water pumping stations; 2 residential garden extensions; and the demolition of 3 dwellings (All matters reserved with the exception of full details of the appearance, landscaping, layout and scale of the residential element of Phase 1 and Access for Phases 1 & 2).*
- The details for which approval is sought are: Condition 1, section b) which states; *As part of the first reserve matters submitted pursuant to condition 1(a), a Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Phasing Plan.*
- The reason given states: *To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF. (sic).*

Decision

1. The appeal is allowed and the Phasing Plan for the Eastern Neighbourhood details submitted pursuant to condition No. 1. b) attached to planning permission Ref 3/13/0804/OP granted on 2 April 2015, in accordance with the application Ref X/21/0150/CND dated 29 March 2021 and the plan submitted with it labelled 1719/PP/100 Rev C and details contained at Paragraph 3.4, sections i) to x) inclusive, page 3 to 4 of the Statement of Case written by CMYK (Planning & Design) October 2021, are approved.

Background and Preliminary Matters

2. The local planning authority did not issue a decision within the typical timeframe (eight weeks being around the 24 May 2021 as per the registration letter dated 8 April 2021). It also decided to not submit a statement of case as part of the appeal process. It is therefore unclear as to whether the local planning authority would or would not have approved the submitted details had it been in a position to do so.
3. A recommendation to refuse the details was submitted to the District Council by Hertfordshire County Council as the local highways authority, dated 6 May 2021. I have taken this into account in framing the main issue in this case.
4. The main issue is whether the submitted Phasing Plan submitted pursuant to condition 1. b) of the original planning permission is adequate to discharge the condition.

Reasons

5. The submitted drawing (1719/PP/100 REV C) shows the phasing of the Eastern Neighbourhood would take place in ten phases. Within the Appellant's *Statement of Case* October 2021, at paragraph 3.4, the rationale and further detail behind each stage. This details when the road infrastructure would be put in place to serve the approved development.
6. I agree with the County Council this is not as visibly easy to read as a Gantt Chart. It is, nonetheless, clear that the Appellant has carefully considered how the site will come forward and balance the need for construction traffic against the convenience of new and existing residents and businesses. Moreover, the details submitted satisfy the wording of the condition which sets out that 'a *Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels*' is required.
7. With regard to specific numbers in each phase, I understand that there are other Reserved Matters and conditions which would need to be discharged in order to provide specific housing numbers and locations. Nonetheless, the overall size of the parcels, their phasing, and their connections to the wider road network are clear.
8. I therefore find that the submitted details – which include both the submitted drawing and the details in Paragraph 3.4 of the *Statement of Case* – are adequate in order to discharge Condition 1. b) of the original outline planning permission.
9. To be clear I have not considered any other details or conditions, nor have I discharged them. These remain extant as per the original permission Ref 3/13/0804/OP, or have/will be dealt with separately.
10. For the reasons given above I conclude that the appeal should be allowed and the details pursuant to condition 1. b) only are approved.

C Parker

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **5th September 2022**

Appeal Ref: APP/J1915/D/22/3295202

Legges Cottage, Fanhams Hall Road, Wareside, Ware SG12 7SD

- 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 D Birchenough against the decision of East Herts Council.
 - The application Ref 3/21/2754/HH, dated 28 October 2021, was refused by notice dated 10 January 2022.
 - The proposed development is timber framed storage shed with open bays and a clay tiled roof (retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located in an isolated location within open countryside. It comprises the residential property, Legges Cottage, a Grade II listed building, and its extensive residential curtilage / garden area. Further residential properties lie to the east of Legges Cottage all served by a shared gated entrance off Fanhams Hall Road, a 'restricted' byway.
4. The area of garden within which the building the subject of this appeal is located to the west of the cottage and its immediate garden area and is separated from it by hedging. The Council confirms that planning permission was granted for a change of use of the land from agricultural to residential a few years ago. However, whilst it has a residential use, it appears as a separate less 'domesticated' area, though I note that it appeared to be mown and new planting had been carried out.
5. The existing building for which retrospective permission is sought is located towards the northern boundary of this area and is accessed via a separate access marked by a timber gate off the byway. A belt of trees lies to the north of the building extending along the boundary with the byway and the public footpath that runs from it in a south-westerly direction to the west of the appeal site. These trees provide some screening but the existing building is visible from both these rights of way.
6. The site and its surroundings lie within an area designated as 'rural area beyond the green belt' in the East Herts District Plan (2018) (DP) in respect of which policy GBR2 states that in order to maintain this countryside resource, which is valued for its open and largely undeveloped nature, certain listed

types of development will be permitted provided they are compatible with its character and appearance. This includes the replacement 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 its surroundings. It also includes the limited infilling or partial or complete redevelopment of previously developed sites subject to certain criteria.

7. The appellant contends that there were a number of previously existing buildings on the site which the new building has replaced. Aerial photos show that there were two buildings sited towards the north of the site though of considerably smaller footprint. Other photos show a shed and what appears to be a couple of similar collapsed structures. Whilst the Appellant contends that these buildings had a similar volume to the existing building, on the basis of the information provided it would seem that the new building is significantly larger.
8. The Appellant also suggests that the new building has resulted in a beneficial improvement to the visual appearance of the site and setting of the listed building through the replacement of 'several dilapidated buildings dotted around the site'. The photographs provided appear to show that at least a part of the site was unkempt with some of the structures having collapsed. However, it is my view that the extent of the evidence provided is insufficient to demonstrate this point conclusively.
9. Whilst I acknowledge that the building is not prominent within the wider landscape, I agree with the Council that it can be seen from various points along the byway and nearby footpath, including through the gated access that has been created. Whilst the existing trees along the northern boundary of the site do provide some screening the size and scale of the building is nevertheless evident. At the time of my site visit there were persons using the byway though I acknowledge that its use by vehicular traffic is limited.
10. Overall, whilst I agree that the building has the appearance of a traditional 'rural' barn, it is my view that, by virtue of its size and scale, it detracts from the open character of the site and its surroundings and is therefore not appropriate to the character, appearance and setting of the site bearing in mind the aim of the policy to maintain the open and largely undeveloped nature of the rural area.
11. DP policy HOU11 relates to development within residential curtilages, including residential outbuildings. Although the land on which the building has been built has only relatively recently been given permission for a change of use to garden land, it appears to be common ground between the parties that it can be considered to be within the curtilage of the property and that therefore this policy is relevant. However, the policy takes a similar approach in terms of requiring development to be appropriate to the character, appearance and setting of the existing dwelling and surrounding area and for the reasons set out above, I do not find this to be the case.
12. I therefore find that the development results in conflict with DP policies GBR2, HOU11 and DES4, the latter which also seeks to ensure that development complements its surroundings.

Other Matters

13. I have had regard to the National Planning Policy Framework which seeks to ensure that the planning system contributes to the achievement of sustainable development. The Appellant has highlighted various aspects that are considered to contribute towards the economic and social objectives, including the contribution to the local economy and the benefits arising to the Appellant in providing a secure storage building. However, for the reasons set out above I find that the development is harmful to the natural environment, nor is it sympathetic to local character or the intrinsic character of the countryside. Overall, the negative aspects are such that the development does not contribute to achieving sustainable development.
14. The Appellant has referred to another site relating to an extension to a garage at a residential property. However, the site circumstances do not appear to be comparable and I note that the garage is located much closer to the host dwelling than is the case with this appeal. In addition, as set out above, I do not agree that the building the subject of this appeal is 'not visible from any aspect within the public realm' as suggested by the Appellant and in any event, the visibility of the development is not the only matter to consider in the context of relevant policy.
15. The Appellant also makes reference to a possible fall-back position but appears to concede that permitted development rights do not apply in this case. In any event, there is no evidence in the form of a lawful development certificate and thus this matter cannot be given any weight.
16. It appears to be common ground that the building lies within the setting of the listed building, Legges Cottage, but that no detrimental impact arises. I concur and agree that the setting of the heritage asset would be preserved.

Conclusion

17. I conclude that the development fails to accord with the development plan and there are no material considerations that indicate a decision otherwise.
18. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 2 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/J1915/D/22/3299433

4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/3073/HH, dated 9 December 2021, was refused by notice dated 1 March 2022.
 - The development proposed is the erection of a single storey detached double garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mrs Faye Dowd on the planning appeal form, whereas the name appearing on the application form lodged with the Council is Mr Chonnor Dowd. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Chonnor Dowd is the appellant in this case.
3. The reason for refusal refers to Tree Preservation Order (Ref TPO 119 T1). I have assumed this is a typographical error because the reference given on the Tree Preservation Order before me is (No 19) 1976.
4. The appellant has made an application for costs against the Council. This application is the subject of a separate decision.

Main issue

5. The main issue is the effect of the proposed development on the amenity, character and appearance of the local area, with particular regard to the protected oak tree adjacent to the site.

Reasons

6. An oak tree, which is referred to hereafter as the tree, is situated just beyond the front garden of the appeal property. It is protected under Tree Preservation Order (No 19) 1976 (TPO). TPOs offer a mechanism for providing legal protection to trees of significant amenity value, particularly where they are under threat. As an attractive specimen and a substantial and prominent feature within the street scene to which No 4 belongs, the tree makes a significant and positive contribution to the visual amenity of the local area.

7. While the tree is outside the site, the proposed garage would be within its root protection area (RPA) and beneath the canopy, as would most of the new hard surface area leading to it. The RPA is regarded as the minimum area around a tree that contains sufficient roots and rooting volume to maintain the tree's viability. It is an area where the protection of the roots and soil structure is to be treated as a priority.
8. The excavation work required for the building's foundations, drainage and laying of services, if necessary, would all take place within the RPA of the tree, which could cause significant damage to its roots. The stability of the ground that currently anchors the tree could also be disrupted by the development. For all these reasons, the proposal has the potential to cause harm to the tree.
9. The appellant has therefore sought specialist advice and submitted an Arboricultural Method Statement (AMS). The AMS includes a tree survey (TS), a tree protection plan (TPP) and an Arboricultural Impact Assessment (AIA). The AMS states that it has been prepared in accordance with the BS 5837:2012¹. The TS places the tree into category A1.2, which includes trees of high quality with a remaining lifespan of at least 40 years. Any reasons to justify mitigating harm to the tree must, therefore, be convincing.
10. The AIA recommends that protective barrier fencing and temporary ground boarding are put in place around the new addition, as shown on the TPP. It also states that the foundations of the new garage should be designed to an engineering specification with arboricultural advice with any excavation carried out under arboricultural supervision. While I have no doubt that the types of foundation design and general methods of construction outlined in the AIA can be a reasonable form of mitigation against tree damage, the evidence does not clearly demonstrate which particular method would be achievable in this case given local conditions and the development proposed.
11. With a concrete base on compacted clean hardcore to a certain depth, as proposed, so close to the tree, it is difficult to see how its roots, most of which are likely to be in the top 600mm of soil, would not be affected. Damage may also be caused by compaction of the soil structure or from the diversion of rainwater under the built footprint. Based on the evidence before me, therefore, I cannot be certain that the new development would not result in root damage to the tree given the extent of construction within its RPA.
12. I have carefully considered whether a condition could be imposed to ensure that the development is constructed in a way to safeguard the tree. However, it would be inappropriate to secure the fundamentals of construction by condition without reassurance beforehand that the specific method proposed can be delivered on site.
13. There is an existing single storey building just beyond the front garden of No 4, which is also close to the tree and also falls within its RPA. From what I saw, this building appears to have been in place for some time and the circumstances that led to its construction are not before me. Therefore, I share the Council's opinion that the existing building does not, in itself, set a precedent for further development within the RPA not least because additional harm cannot be justified on the basis that some harm may already exist.

¹ BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*

14. Overall, the evidence points to an uneasy and discordant relationship between the tree and the proposed development. From the submitted evidence, the appeal scheme could cause significant harm to the health and longevity of the tree. Such harm has the potential to significantly reduce the positive contribution made by the tree to the visual amenity, character and appearance of the local area. Accordingly, the appeal scheme conflicts with Policy DES3 of the East Herts District Plan, which states that development proposals must demonstrate how they will retain, protect, and enhance existing landscape features that are of amenity value. It is also at odds with an aim of BS 5837:2012, which is to ensure that a harmonious relationship between trees and structures is achieved that maintains in the long term.
15. The appellant has indicated a willingness to revise the scheme and alter the size and location of the proposed garage in the light of any concerns raised. However, the *Procedural Guide: Planning Appeals - England* advises that the appeal process should not be used to evolve a scheme. It adds that what is considered at appeal should essentially be what was before the local planning authority, and on which interested people's views were sought. My remit is therefore to assess the proposal as it is shown on the plans and detailed in the written evidence.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, which includes a representation in support of the proposal, I conclude that the development sought would be contrary to the development plan when taken as a whole. There are no material considerations to suggest a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

Gary Deane

INSPECTOR

Costs Decision

Site visit made on 2 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Costs application in relation to Appeal Ref: APP/J1915/D/22/3299433 4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd for a full award of costs against East Hertfordshire District Council.
 - The appeal was made against the refusal of planning permission for the erection of a single storey detached double garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Guidance states that costs that are unrelated to the appeal are ineligible.
 3. That the Council should have determined the application quicker and responded sooner with its concerns about the submitted Arboricultural Method Statement (AMS) is in little doubt. The decision notice, which is dated 1 March 2022, is more than 11 weeks after the application was received. The consultation response from the Council's Landscape Officer, dated 3 February 2022, raising an objection to the scheme in the light of the AMS was sent at the end of the 8-week determination period. The applicant's frustration with this delay is understandable.
 4. However, the AMS, which supported the proposal, is dated 15 April 2021. It was therefore available well in advance of the application submission made in December 2021. The Officer's report cross refers to the consultation response from the Council's Landscape Officer, which assessed the AMS. The Council, therefore, had regard to the AMS in their consideration of the proposal. The application was then refused planning permission because the Council reached a different judgement on the evidence presented in the AMS. The document itself was not ignored nor is there any convincing evidence that the Council withheld planning permission regardless of the findings in the AMS.
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5. The AMS appears to have been prepared at short notice to support an earlier application for a different scheme, which also included an extension and alterations to the house. The AMS was prepared quickly, and I have no reason to doubt that the applicant incurred extra expense as a result. However, these costs were incurred in relation to the previous application and were not part of the appeal process associated with the proposal before me. Having gone to the considerable expense of commissioning the AMS the applicant is also critical of the Council's failure to then take the document into account. However, this criticism similarly relates to the earlier application and not this appeal scheme.
6. It is not uncommon for new development and associated operations to take place close to protected trees, as the applicant points out. However, to carry out work within the root protection area of these trees requires justification and a technical solution agreed beforehand to prevent damage to the tree(s). The onus is on the developer to provide that information and reassurance.
7. There is an existing garage just beyond the front garden of No 4, which is also close to the protected oak tree and falls within its RPA. However, the presence of this existing structure does not justify the proposal for the reasons given in my decision. Finally, there is no evidence that the Council's Landscape Officer was not appropriately qualified to comment on the application.

Conclusion

8. Overall, for the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **5th September 2022**

Appeal Ref: APP/J1915/D/22/3298779

Andor, Slough Road, Allens Green, Sawbridgeworth CM21 0LR

- 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 Tony Burches against the decision of East Herts Council.
 - The application Ref 3/22/0076/HH, dated 13 January 2022, was refused by notice dated 14 March 2022.
 - The proposed development is removal of conservatory and proposed loft conversion and two storey rear extension and insertion of rooflights to the front.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property comprises one half of a semi-detached pair of chalet bungalows. The dwellings are set back from the road frontage behind well planted front garden areas with driveway and parking. The appeal site is located in a relatively isolated rural area in the small settlement of Allens Green within a small group of dwellings that provide a 'ribbon' of development fronting this part of Slough Road.
4. The proposed development includes alterations to the roof at the front of the dwelling to create a single extended roof form. Whilst this would result in a slight change to the appearance of the semi-detached pair, given that the dwelling has already been extended at the front, I do not consider that this would be unacceptable.
5. The main element of the proposal is the loft conversion and two storey rear extension. The existing dwelling has been previously extended to the rear though the proposal would involve the removal of the existing rear conservatory. However, the overall size of the proposed extensions would result in a substantial addition to the property.
6. In terms of its design, it would incorporate a central flat 'crown' roof with half-hipped end resulting in an addition of considerable bulk. This design would not reflect the simple hipped roof form of the host dwelling and would thereby appear as an incongruous addition. Furthermore, taking account of its considerable scale and given that its overall height would match that of the

host dwelling, it would introduce an overly large and dominant addition which would fail to be subservient to the host dwelling.

7. I therefore find that the proposal would be harmful to the character and appearance of the host dwelling and wider area. It would thereby conflict with Policies GBR2, VILL3, HOU11 and DES4 of the East Herts District Local Plan (2018) which seek a high standard of design and layout that promotes local distinctiveness, extensions that are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition to the dwelling.
8. I also find conflict with the National Planning Policy Framework which seeks well designed places that function well and are sympathetic to local character.
9. The Appellant has drawn my attention to the recently constructed two storey detached dwellings to the south east of the appeal site which I noted on my site visit. Whilst these appeared to be sizeable properties, the circumstances in which they were permitted is unclear. In any event, the appeal proposal consists of an extension to an existing dwelling and has been assessed against the relevant policy context taking into account the particular site circumstances.
10. The proposal would provide improved living accommodation for the Appellant's family but this benefit does not outweigh the harm identified above.

Conclusions

11. For the above reasons I find that the proposal would fail to comply with the development plan and there are no material considerations that indicate a decision otherwise.
12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 9 August 2022

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **5th September 2022**

Appeal Ref: APP/J1595/D/22/3299209

47 Cambridge Road, Sawbridgeworth CM21 9JP

- 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 Steve Caudle against the decision of East Herts Council.
 - The application Ref 3/22/0171/HH, dated 24 January 2022, was refused by notice dated 25th March 2022.
 - The proposed development is to replace three single roof dormers with a new singular crown roof dormer to the front elevation, replace five single roof dormers with a new singular crown roof dormer to the rear elevation, a new crown roof dormer to the north facing elevation roof and three no. rooflights to the south elevation roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact on the character and appearance of the host dwelling and wider area.

Reasons

3. The appeal site lies in a residential 'backland' location to the rear of properties fronting Cambridge Road, accessed via a narrow drive between nos. 45 and 49. The main part of the site is rectangular in shape with the existing dwelling, an L shaped chalet bungalow, sited towards the side (south) and rear (west) boundaries. The dwelling has a pitched tiled roof with individual dormers and rooflights. The main garden area lies to the front of the dwelling in the northern part of the site.
4. The proposed long single crown roof dormers would be set within the existing pitched roof, replacing the existing pitched roof dormers on both roofslopes of the west 'wing' and providing a new single dormer on the north facing roofslope of the south 'wing'. Policy HOU11 of the East Herts District Plan (2018) (DP) states that roof dormers may be acceptable if appropriate to the design and character of the dwelling and surroundings and should generally be of limited extent and modest proportions so as to not dominate the existing roof form.
5. In contrast to the above, the proposed dormers are large additions, extending across almost the whole width of the roofslopes on which they are proposed. In addition, they would occupy almost the whole depth of the roofslopes. As such they would be overly dominant additions. Furthermore, the overly large scale and crown roof design of the dormers would fail to reflect the simple

- pitched roof form of the existing dwelling, resulting in a 'top heavy' appearance.
6. Whilst the dwelling is not readily visible from the main road, the proposed dormers would nevertheless fail to be sympathetic to the design and appearance of the host dwelling. It is noted that the roof of the dwelling can be seen from the car park of the football club to the rear of the site, albeit there is some existing screening that limits the view.
 7. I find that the proposal would be harmful to the character and appearance of the host dwelling and wider area. It would thereby conflict with DP Policy HOU11 and Policy DES4 which seek a high standard of design and layout that promotes local distinctiveness, and seeks to ensure that extensions are of a size and scale that are appropriate to the character of the dwelling and surrounding area and generally appear as a subservient addition.
 8. With regard to the National Planning Policy Framework, I find that the proposal would fail to contribute to achieving well designed places nor would it result in the creation of high quality, beautiful and sustainable buildings.

Other Matters

9. The Appellant suggests that the single large roof dormers are necessary to achieve adequate head height within the existing first floor bedrooms and bathrooms. However, it appears to me that whilst they would allow for larger usable areas, they are not essential to achieve reasonable room sizes given the existing arrangement whereby the first floor rooms are served by individual pitched roof dormers. The harm identified is not outweighed by this consideration.

Conclusions

10. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR