



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: 26 October 2022

Appeal Ref: APP/J1915/W/22/3296846

The Old Orchard, Old Hertingfordbury Road, Hertingfordbury SG14 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Tamar Garber against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0689/OUT, dated 16 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is the construction of 4-bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with access, appearance, and scale to be determined at this stage. I have assessed the proposal on the same basis.
3. Reference is made in the reason for refusal to Policy HSH4 of the Sele Neighbourhood Area Plan 2018-2033 (NP). I have assumed this to be an error because it is NP Policy HSHE4 that appears to be most relevant to the proposal.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area with particular regard to trees.

Reasons

5. The site is part of an undeveloped woodland bank situated between Old Hertingfordbury Road and Ladywood Road within the main built-up area. The trees on the site are covered by Tree Preservation Order P/TPO/403 (TPO). The main purpose of the TPO is to safeguard the woodland as a whole. The site also falls within a defined green corridor, to which the NP refers.
6. From what I saw, the trees on the site form an area of natural mixed woodland that despite its overgrown appearance adds to the visual amenity and sylvan character of the local area. The site also has an important screening function because the trees within it form part of a larger green buffer between the busy A414 on one side and existing houses along Ladywood Road on the other.
7. The proposal is to erect a detached dwelling towards one side of the site with access from Old Hertingfordbury Road. A similar development on the opposite side of the site to the proposal was recently dismissed at appeal. By relocating

the new addition, as proposed, and providing specialist arboricultural evidence to support the new development, the appellant considers that the objections raised to the earlier scheme have been addressed and resolved.

8. The appellant's Tree Protection Plan indicates that tree losses would be confined to an area of Hawthorn scrub towards the northwest corner of the site (denoted G8) and a Hawthorn tree (denoted T5) near to the highway frontage of the site. Each of the trees to be removed is identified in the appellant's Tree Survey as category C, which is of low quality. On that basis, the appellant's Arboricultural and Planning Integration Report (A&PIR) concludes that no significant or important trees would be removed to facilitate the proposal.
9. Even so, these existing trees have a combined amenity value, and they make a positive and important contribution to the woodland, as a whole. It is also possible, as the Council points out, that additional tree loss may result from the need to keep the areas required on either side of the new access free from obstruction to ensure adequate visibility. Therefore, I am unable to share a central finding of the A&PIR, which is that the proposal would not have a significant impact on the local or wider landscape.
10. Although there is a pair of houses on Old Hertingfordbury Road just to the west of the site and residential properties along Ladybrook Road to the north, there is a strong visual interconnectivity between the site and the green landscape corridor of which it forms part. In that context, the proposed development would obtrude into this undeveloped woodland bank, palpably extending built form into the landscape. It would transform its character from a natural area of greenery to one occupied by a substantial built form where people would live and visit. That obtrusion would be most keenly felt in views from Old Hertingfordbury Road close to the proposed access point. From this location, the intrusion would be evident because the landscape buffer of which the site forms part would be significantly eroded by the proposal. These concerns are compounded by my general impression during the mid-afternoon site visit that Old Hertingfordbury Road and the paths that lead north from it, which provide a welcome opportunity to appreciate the woodland, appeared to be well used.
11. It is also likely that the proposal would be apparent from some properties on Ladybrook Road. In these views, the appeal scheme would introduce new built form into an undeveloped vegetated area that, at present, positively contributes to semi-rural character of land adjacent to these properties. With its collection of trees and scrub, the site blends seamlessly into the wider landscape corridor. These aspects of the site encompass the characteristics of the local area as it is experienced from nearby houses. From this direction, the proposal would appear as a visually disruptive addition to the local area.
12. For these reasons, the character of the landscape corridor and its role as a buffer would be unduly eroded through the introduction of new built form. The layout and landscaping of the proposal could, to some extent, mitigate the visual impact of the development. These are matters reserved for subsequent approval. Additional planting in the form of 6 semi-mature trees, as illustrated in the draft planting plan, would have a greening effect, and go some way to mitigate the loss of trees, as proposed. Over time, the new trees would grow with the finished building appearing as a residential property set in landscaped grounds, with some consequent benefits for biodiversity. However, the new trees would be younger than those to be replaced and would not offer the same collective visual amenity value. It is also likely that the new built form and the

access to it would be visible from Old Hertingfordbury Road notwithstanding detailed design considerations. Consequently, the proposal does not overcome the concerns raised in relation to the previous appeal.

13. In reaching this conclusion, I have had regard to the Council's recent decision to grant planning permission for a development of 4 dwellings on land adjacent to 202 Hertingfordbury Road. On the face of it, there are obvious parallels to be drawn between this development and the proposal before me given their location within the same green corridor and the effects on trees and the local topography. However, the decision notice and Officer's report provided relate to a proposal to amend the details of the previously approved scheme. From the submitted information, it is unclear on what grounds the Council found the principle of development to be acceptable on this site. From what I saw, this example also clearly demonstrates the significant impact that new development can have on the street scene and the local area to which it belongs, as the appellant's photographs show. Even if the Council has been inconsistent in subsequently deciding to withhold planning permission in this case, this is insufficient reason to permit otherwise unacceptable development. In any event, each proposal should be assessed on its own merits, which I have done.
14. On the main issue, I conclude that the proposed change from an undeveloped woodland bank to residential development would have an adverse impact on the woodland character of the site and would erode the landscape buffer. It would therefore materially harm the character and appearance of the local area. As such, the appeal scheme conflicts with Policies DES2, DES3 and DES4 of the East Herts District Plan and NP Policy HSHE4. These policies aim to ensure that new development respects the character of the site and its surroundings; safeguards green corridors; and demonstrates how existing landscape features of amenity value will be retained, protected, and enhanced.
15. No objection is raised to the design of the new dwelling or to the materials proposed. Once complete, the dwelling would add to the supply of housing, which national policy encourages. The site is also reasonably well connected to public transport and local services and facilities, which lends support to the sustainability credentials of the appeal scheme. However, sustainability has an environmental objective, which includes a need to conserve and enhance the natural environment. Since the proposal would not do so, the balance of planning policy does not support the appellant's case.
16. The site was identified as suitable to accommodate one dwelling in 6-10 years following the Council's call for sites as part of its Strategic Land Availability Assessment. However, this process was some time ago. It predates current development plan and national policies against which the proposal is to be assessed. As such, this matter carries minimal weight in support of the appeal.
17. The appellant considers that the proposed development would assist in removing criminal activity and anti-social behaviour on the land. However, there is nothing before me to indicate that the only way to resolve these issues is to develop the site in the manner proposed.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 6 September 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/J1915/D/21/3284358

56 Bayford Green, Bayford SG13 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Oliver & Kristina Riley against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0759/HH, dated 17 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is the removal of conservatory and replacement with single storey extension, single storey side infill extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal property comprises a semi-detached two-storey dwelling situated on the eastern side of Bayford Green which is a cul-de-sac located within the Green Belt. The property features a single storey rear extension, a conservatory and a large rear garden.
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5. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (c), the extension or alteration of a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy GBR1 of the *East Herts District Plan 2018* (the 'Local Plan') is consistent with this in that it states that proposals will be considered in line with the provisions of the Framework.
6. The Council states that the original dwelling had a floor area of approximately 88.98 sqm and that when taking into account subsequent extensions and the proposed development, the resultant dwelling would have a floor area totalling 185.56 sqm. This would represent an increase in floor area above the original dwelling of approximately 108.5%. These figures differ significantly from the figures put forward by the appellant. Indeed, the Appeal Statement states that the original dwelling had a floor area of 101.73 sqm and that the existing dwelling has a floor area of 165 sqm. They also contend that the resultant dwelling would have a floor area of 172 sqm and that therefore the proposed extensions would represent an increase in floor area above the original dwelling of 62.2%.
7. It is considered that even when taking the lowest figure put forward by the appellant, an increase of 62.2% in floorspace above the original dwelling would be significant. However, I acknowledge that a considerable amount of the development would replace the existing conservatory and a portion would consist of an infill to an area of hardstanding between the main rear wall and the conservatory. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, the NPPF refers to 'size' in the context of this, which can reasonably be interpreted as a reference to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the overall increase in floor area when seen in conjunction with previous extensions, together with the proposed increase in depth and height of the rear extension and volume of roofscape would quite clearly result in substantially greater visual bulk to the resultant dwelling. I find that the scale of the extensions would subsume the size and form of the original dwelling and would therefore represent a disproportionate form of development.
8. On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the Framework, as detailed above, and Policy GBR1 of the Local Plan which together seek to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the increase in depth and height of the dwelling would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
10. Furthermore, the increase in bulk and volume due to the proposed pitched roof and enlarged depth when compared with the existing conservatory means the proposal would also have a greater visual impact on the openness of the Green Belt. Additionally, the proposed development would appear as an excessively bulky addition when compared to the lightweight appearance of the existing conservatory given it would feature timber cladding and a tiled roof.

11. Whilst the appellant opines that there would be limited views of the development, it would feature prominently in the streetscene given the orientation of the dwelling and the neighbouring property to the south being set back from the road. The proposed extension would therefore be easily visible to pedestrians and motorists travelling northwards on Bayford Green as well as to adjacent occupiers.
12. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.

Other considerations

13. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. In this regard, the appellant states that the adjacent property at No.58 features rear extensions of a similar scale to the proposal. I appreciate that the development would have a comparable footprint to the neighbouring rear extensions. However, given the extension at No.58 has a flat roof, it is not entirely comparable to the proposed development which would feature a pitched roof. The development would appear significantly bulkier than the neighbouring extension in light of the proposed volume of roofscape. It would thus be read as an incongruous and discordant addition to the appeal property. I therefore attach only very limited weight to this consideration.
15. Furthermore, the appellant states that the proposal would allow for improved energy efficiency. Whilst I appreciate this may be the case, such improvements can be achieved without the erection of an addition of this scale. This consideration therefore only attracts very limited weight.

Planning Balance and Overall Conclusion

16. I consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. On balance, the very limited weight attributed to the other considerations in this case does not clearly outweigh the harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 6 September 2022 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

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

an Inspector appointed by the Secretary of State

Decision date: 4th October 2022

Appeal Ref: APP/J1915/D/21/3289274

Tharbies Farmhouse, Rook End, High Wych CM21 0LL

- 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 J Bayley against the decision of East Herts Council.
 - The application Ref 3/21/1412/HH, dated 26 May 2021, was refused by notice dated 21 October 2021.
 - The development proposed is erection of a detached outbuilding comprising home office, secure garage and gym.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Procedural Matters

3. The appeal site is located within a Green Belt. The Council in assessing the proposed development have concluded that the outbuilding would not result in a disproportionate addition over and above the size of the original building and therefore falls within the exception stated in Paragraph 149 (c) of the National Planning Policy Framework (Framework) of development which are not inappropriate in the Green Belt. I find no reason to disagree given the scale of the proposal.
4. As the proposal relates to the setting of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is whether the proposed development would preserve the setting of Tharbies Farmhouse (a Grade II listed building).

Reasons for the Recommendation

6. Tharbies Farmhouse is located at Rook End to the north of the village of High Wych, in an area of open fields and farmland with mature hedges. Its significance, insofar as it relates to this appeal, lies in the evidence of a

prominent historic farmhouse. I note that historic farm dwellings have a variety of settings, and that the enclosure of courtyards may be common. However, the area to the south of the farmhouse is largely devoid of built development. As such, the site and surrounding area has a spacious, verdant and rural character which contributes positively to the rural setting and significance of the listed building.

7. I note that the proposed outbuilding would be subordinate in scale to Tharbies Farmhouse and acknowledge the difference in ground levels. However, given the steep pitch of the main part of the proposed building, together with the dormer windows, the building would have a two-storey appearance that would detract from the prominence of the farmhouse.
8. Furthermore, the proposal would be sited forward of the principal elevation of Tharbies Farmhouse. While I note the evidence regarding enclosure, there is little evidence that a building in this location formed part of the historic layout of the former farmstead. Therefore, the scale, form and siting of the structure would erode the spacious rural setting of the listed building and harmfully diminish its prominence.
9. I also acknowledge the Paul Kick drawing and historic Ordnance Survey map which shows a building to the south of Tharbies Farmhouse. However, that building appears to have been sited some distance from the appeal proposal such that the two are not directly comparable.
10. Consequently, the proposal would fail to preserve the setting of Tharbies Farmhouse and would cause harm to its significance as a result.
11. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the limited scale of the development, the harm would be less than substantial in the terms of paragraph 202 of the Framework. Where less than substantial harm is identified, the Framework requires that harm to be balanced against any public benefits of the proposal.
12. The appellant has not put forward any public benefits that would outweigh the substantial weight attached to the harm to the setting and significance of the Grade II listed Tharbies Farmhouse.
13. Therefore, the proposal would conflict with the objectives of Policies DES4, HA1 and HA7 of the East Herts District Plan October 2018 which seek, among other things, development proposals that preserve and where appropriate enhance the historic environment of East Herts and proposals that preserve the setting of listed buildings.

Other Matter

14. I note concerns regarding the service provided by the Council. However, I have necessarily assessed the appeal based on its planning merits.

Conclusion and Recommendation

15. For the reasons given above, the proposal would fail to preserve the setting of the listed building and would cause harm to the significance of the designated asset as a result. It would therefore be contrary to the development plan as a

whole. That harm is a matter that attracts considerable weight and no public benefits have been identified that would outweigh the harm. Consequently, having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R Sabu

INSPECTOR



Appeal Decision

Site visit made on 13 September 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/J1915/D/21/3285683

17 Brookbridge Lane, Datchworth SG3 6SU

- 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 Simon Little against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1525/HH, dated 8 June 2021, was refused by notice dated 12 August 2021.
 - The development is a proposed single storey rear/side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal property comprises a detached dwelling situated on the eastern side of Brookbridge Lane in an established residential area within the Green Belt. The property features a two-storey rear extension and a large outbuilding in the rear garden.
 5. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under
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- exception (c) the extension or alteration of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy GBR1 of the *East Herts District Plan 2018* (the 'Local Plan') is consistent with this in that it states that proposals will be considered in line with the provisions of the Framework.
6. The officer report states that the original building was a bungalow with a floor area of 53 square metres (sqm). Taking the current proposal together with previous additions, the Council states there would be a cumulative increase of approximately 266% over the floor area of the original building. Whilst the appellant questions whether the size of the original dwelling stated by the Council was the size of the original dwelling as of 1st July 1948, they have not provided me with corresponding figures or calculations. Given the definition of 'original building' outlined in the Glossary to the Framework states that it is the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally, it is assumed that the Council are indeed referring to the size of the original building as it existed on 1 July 1948.
 7. Whilst the appellant states that the size of the original bungalow does not provide adequate living space for the 21st Century and would need to be extended, the property has clearly been extended and appears as a two-storey dwelling. The appellants also consider the extensions would be proportionate and that an assessment of the development based only on quantitative methods is insufficient. Turning to national guidance on measuring 'proportionality', the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, a cumulative increase in floorspace of 266% would be significant. Whilst the appellant contends the extension would be small and would be a logical rounding-off of the footprint of the property, the increase in footprint, built form and volume of the dwelling would result in greater visual bulk. I therefore find that the scale of the extension, viewed together with previous additions, would subsume the original dwelling and would be disproportionate.
 8. On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the Framework, as detailed above, and Policy GBR1 of the Local Plan which together seek to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect. The additional bulk and volume as a result of the increase in width of the rear projection would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in footprint, bulk and volume means the proposal would also have a greater visual impact on the openness of the Green Belt. However, it would not feature prominently in the streetscene, nor would it be visible to adjacent occupiers to the north and east.
10. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.

Other considerations

11. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. In this regard, the appellant opines that the proposal would not harm the character of the dwelling or area and would adhere to Policies VILL2, HOU11 and DES4 of the Local Plan. The proposal's compliance with standard housing and design policies is not the issue at hand as the refusal relates to the development's conflict with local and national Green Belt policy. An absence of harm in this regard does not lend positive or negative weight to the proposal.
13. I have had regard to the photographs provided by the appellant within Appendix A to the Appeal Statement. I recognise that a number of properties in the surrounding area also feature alterations and extensions, such as at Nos 5 and 67 Brookbridge Lane. However, I have not been provided with the full details and background to these cases and whilst I cannot therefore conclude that the circumstances are directly comparable and relevant to the proposal, I am mindful of the need to consider each case on its own merits. The new dwellings referred to, such as at 92 Harmer Green Lane, differ significantly in nature and scale to what is proposed and it is not clear what development was on the respective sites prior to permission being granted for those properties. Therefore, it is not clear that those schemes are comparable to the scheme before me. These considerations therefore do not lend any significant weight in support of the proposal.

Planning Balance and Overall Conclusion

14. I consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. On balance, the very limited weight attributed to the other considerations in this case does not clearly outweigh the harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 6 September 2022 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2022

Appeal Ref: APP/J1915/D/21/3289597 Christys, Albury End, Herts SG11 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr C Strachan against the decision of East Herts Council.
 - The application Ref 3/21/1927/ASDPN, dated 20 July 2021, was refused by notice dated 9 November 2021.
 - The development proposed is construction of one additional storey to the existing dwelling, to increase the height from 5.34 metres to 8.0 metres¹.
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Decision

1. The appeal is allowed, and prior approval is given under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of one additional storey to the existing dwelling, to increase the height from 5.34 metres to 8.0 metres at Christys, Albury End, Herts SG11 2HS in accordance with the terms of the application, Ref 3/21/1927/ASDPN, dated 20 July 2021, and the plans submitted with it.

Appeal Procedure

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

Preliminary Matters

3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) sets out permitted development rights for development consisting of works for the construction of up to one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
4. As detailed within the GPDO², development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the

¹ Taken from Councils decision notice and utilised on the appeal form

² Part 1, Class AA, paragraph AA.2(3)

proposal does not comply with the limitations or restrictions that are applicable to such permitted development.

5. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations.
6. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

7. The main issue is whether the proposal would accord with the provisions of Part 1, Class AA, with particular regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

8. Paragraph AA.2(3)(a)(ii) of Class AA refers to the external appearance of the dwellinghouse. However, the CAB Housing Ltd judgment³ confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
9. The proposal would create an additional floor of accommodation which would be constructed in similar materials, it would not have a window in any wall or roof slope forming a side elevation and the roof pitch of the principal part would be the same as the existing.
10. In my view, the overall height and bulk of the resultant dwelling would not be excessive and as such it would not appear as an incongruous feature upon the property or within the surrounding area. This is particularly the case given that the nearby development largely consists of two-storey detached properties set within generous curtilage.
11. In coming to the above view, I acknowledge that the existing dwelling is very wide and sits at a slightly higher land level to surrounding properties and the addition of a further storey would increase the prominence of the dwelling.
12. Furthermore, as observed on my visit to the site, the appeal property is set back from the road frontage and there is . mature hedging and trees around large parts of the appeal site. Thus, the appeal property is not seen in the immediate context of any other dwellings.
13. I have also had regard to the setting of the nearby listed building of Kennel Farm. However, in my view the proposal would not have any discernible impact on the setting of this heritage asset and would therefore accord with the heritage aims of the Framework.
14. In addition to the above, in considering the design and architectural features of the proposal it is noted that these replicate the features of the existing building. In summary, I consider that the proposal would be acceptable in terms of its external appearance.

³ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

15. In addition to the above, I have had regard to the comments raised in the representations made on the application, and in particular overlooking and privacy matters. However, the appeal property sits in a large plot and is sited a considerable distance to neighbouring properties. Given the distance between properties and the relationship between the proposed windows and the windows on these neighbouring properties, it is not considered there would be direct overlooking at a proximity which would result in detrimental loss of privacy to habitable rooms.
16. It is therefore considered that the proposal meets with all the requirements as set out and does not conflict with the requirements of Part 3(a)(ii) in Schedule 2, Part 1, Class AA.2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal would not therefore be in conflict with the aims and objectives of the Framework.

Other matters

17. I have also had regard to concerns raised regarding the procedure for neighbour consultation undertaken for the appeal proposal by the Council. However, from the evidence before me, notifications were sent to all of the relevant properties in the vicinity of the site.

Conditions

18. The Council has provided as list of suggested conditions in the event that the appeal is allowed. However, these conditions duplicate the standard conditions as a set out in the GPDO and as such it is not necessary for me to impose in my decision. That said, in order for the proposal to benefit from the permitted development rights set out in the GPDO, all of the standard conditions set out at paragraphs AA.2 (2) and AA.3 3(b)-(e) must be complied with.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 7 September 2022

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH October 2022

Appeal Ref: APP/J1915/D/22/3298887

Cavehall Cottage, Wyddial, Hertfordshire SG9 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kirstie Adams against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0391/HH, dated 22 February 2022, was refused by notice dated 22 April 2022.
 - The development proposed is rear first floor extension to provide additional bedroom and accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for rear first floor extension to provide additional bedroom and accommodation at Cavehall Cottage, Wyddial, Hertfordshire SG9 0ER in accordance with the terms of the application, Ref 3/22/0391/HH, dated 22 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FGF PL 01 and FGF PL 02 Rev C.
 - 3) No development shall commence until details of the external materials have been submitted to and agreed in writing by the local planning authority (including timber cladding, slate, fenestration and rainwater goods). Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and area.

Reasons

3. The host property is a detached two storey dwelling located in a rural area and constructed from brick under a slate tiled roof with its principal elevation close to Vicarage Road. The property benefits from an existing double storey rear gable extension set on top of a single storey rendered extension spanning the full width of the rear elevation.

4. In this case there is no doubt that the size and scale proposed would cumulatively result in significant extensions and alterations to the original property. This includes from a pair of large outbuildings within close proximity to the dwelling¹. That said there is no size limit imposed by the development plan policies before me and this is a rural property set within large grounds and surrounded by open agricultural fields, trees and in an area of similar rural properties.
5. The first floor gables have been designed to sit below the base of the existing chimney and their depth would be no greater than the existing gable. The depth would also not be as 'wide' as the flank of the main dwelling and the scale, form and mass would appear as a less important addition and therefore subservient. Visually, from the prominent approach down the hill from the west I observed that the existing view to the rear of the dwelling was of the rendered side wall and roof of the existing rear first floor extension. This would be replaced by a more sympathetic view of slate roof and timber cladding, the details of which could be agreed by condition. Such materials would be entirely reflective of local distinctiveness and character and the cladding would help to visually distinguish the extension from the main building.
6. The rear floor to ceiling windows whilst undoubtedly a requirement of more contemporary living standards are not entirely uncharacteristic of such detached rural properties, are appropriately scaled and would not appear visually incongruous. Any views of the glazing and the gable projections from the closest footpath to the rear would be across a large agricultural field and with the roof of the dwelling in the background. As such the eye would not be unacceptably drawn to the proposal from its rural surroundings.
7. These judgements involve a degree of subjectivity and although I acknowledge the council's concerns that the proposal would result in large cumulative extensions, overall there would be no significant or materially harmful impact from that increase in any public views. There would be no harmful or unacceptable erosion of the character or appearance of this rural property, its rural setting or the agrarian landscape within which it sits.
8. For these reasons, the proposal would not cause harm to the character and appearance of the host property or the area. It would not conflict with Policies GBR2, HOU11 and DES4 of the East Hertfordshire District Plan 2018 which, when taken as a whole and amongst other things require such development to be of a high standard of design, that extensions are appropriate to the character and appearance and setting of the site and/or surrounding area in terms of a number of typical design considerations, reflect local distinctiveness and are generally subservient to the dwelling.

Other Matters

9. The Council's delegated report appears to question the lawfulness of the existing extensions I have referred to above and in the footnote below. However, no substantive details are provided as to the significance of this for the appeal and within the context of a Householder appeal it is not within my remit to determine whether such development is lawful. Given the nature of the proposal before me and amongst other considerations, this would be a matter solely between the council and the appellant to address. On the

¹ LPA ref: 3/16/1010/HH, 3/16/0949/PNHH and 3/16/0122/HH.

evidence before me I see no reason why it should affect my determination of this appeal or in this particular case, be a consideration that should prevent me allowing the appeal and granting planning permission. I have not therefore considered it necessary to have regard to it any further.

Conclusion

10. The proposal would be in accordance with the development plan, when read as a whole. There are no material considerations, including the National Planning Policy Framework which indicate a decision should be made other than in accordance with it.
11. I have considered the conditions put forward by the Council. Aside from the standard time limit condition, a condition is required to ensure compliance with the approved plans as this provides clarity. I note the suggestion with regard to matching materials but the approved plans refer to '*Feature Timber Cladding TBC*', it is therefore necessary for the parties to agree the details of this material, along with the other materials to be used in the construction of the external surfaces.
12. The appeal is allowed subject to the conditions above.

Richard Aston

INSPECTOR