



Appeal Decisions

Site visit made on 4 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 23 May 2011

Appeal A Ref: APP/J1915/A/11/2145158

27/27a Northgate End, Bishops Stortford, Hertfordshire, CM23 2ET.

- 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 Beaully Properties Ltd against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/0711/FP, dated 27 May 2010, was refused by notice dated 22 July 2010.
 - The development proposed is erection of terrace of 5 dwellings following demolition of existing building.
-

Appeal B Ref: APP/J1915/E/11/2145161

27 Northgate End, Bishops Stortford, Hertfordshire, CM23 2ET.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Beaully Properties Ltd against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/0952/LC, dated 27 May 2010, was refused by notice dated 22 July 2010.
 - The demolition proposed is 27/27a Northgate End, Bishops Stortford, Hertfordshire, CM23 2ET.
-

Decisions

Appeal A Ref: APP/J1915/A/11/2145158

1. I allow the appeal and grant planning permission for erection of terrace of 5 dwellings following demolition of existing building at 27/27a Northgate End, Bishops Stortford, Hertfordshire, CM23 2ET, in accordance with the terms of the application ref: 3/10/0711/FP, dated 27 May 2010, subject to the conditions set out in Annex A to this decision.

Appeal B Ref: APP/J1915/E/11/2145161

2. I allow the appeal and grant conservation area consent for demolition of 27/27a Northgate End, Bishops Stortford, Hertfordshire, CM23 2ET, in accordance with the terms of the application ref: 3/10/0952/LC, dated 27 May 2010, subject to the conditions set out in Annex B to this decision.
-

Main Issues

3. The main issues in respect of both appeals are:
 - a) The effect of the redevelopment upon the character and appearance of the surrounding area, which is within the Bishops Stortford Conservation Area; and
 - b) Whether there is a case to retain the premises for employment use.

Reasons

a) *Effect upon character and appearance.*

4. The subject property comprises a two storey building that immediately abuts the back edge of pavement of Northgate End and being some 500m to the north of the town centre. It has roughcast rendered elevations with a flat roof and incorporates a series of metal Crittall windows. The building is just within the Bishops Stortford Conservation Area, which includes much of the historic core of the town.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such designated areas. Likewise, "saved" Policy BH6 of the Local Plan¹ seeks to ensure that new developments within conservation areas are sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the general character and appearance of the area.
6. The scheme before me has been carefully designed to complement so far as possible the varied form and appearance of its immediate surroundings and that of the wider conservation area. I accept that there is some merit in the Council's criticism of the location of the doorways to the front elevation, the lack of chimneys to the roof and the benefits of a more fragmented building design. However, such detailed design criteria may be difficult to achieve in practice given the proximity of the site to the back edge of pavement and the internal layout of the 5 units.
7. The benefits of the proposal in terms of their overall character and appearance outweigh these criticisms of the design. The reduction in the overall frontage, together with a pitched rather than a flat roof will be more in keeping with nearby development. The greater separation from 25 Northgate End and from Brook House will enhance the setting of the replacement building, while demolition of the existing run-down and unattractive building will enhance the appearance of the conservation area. The use of facing bricks and good quality slate, together with painted timber windows and doors, will add to these benefits.
8. Brook House, an imposing detached Georgian dwelling, is sited to the north of the appeal site. It is, however, at a higher level than the subject property and screened from it by the access to 1 Northgate Place, together with mature planting. Section 66(1) of the Planning (Listed Buildings and Conservation

¹ East Hertfordshire Local Plan Second Review (April 2007).

Areas) Act 1990 requires, amongst other things, that I have special regard to the desirability of preserving the setting of such buildings.

9. From the observations made on site I am satisfied that the appeal premises are sufficiently distant from Brook House, whilst the reduced width of the replacement building and the presence of established trees and other vegetation in between the properties will ensure that development as proposed would not directly harm the setting of this listed building.
10. I therefore conclude that development as proposed will enhance the character and appearance of the Bishops Stortford Conservation Area, as required by "saved" Policy BH6 of the Local Plan.

b) Retention of premises for employment use.

11. The premises were previously in office use but have been vacant and actively marketed over a number of years. They have a run-down appearance – a factor referred to by a previous Inspector in her decision letter of some 6 years ago at paragraph 9 (ref: APP/J1915/A/04/1169446).
12. Since 2005 the premises have remained vacant. They have been offered for sale or to let since that date, as evidenced by the information provided by the appointed agents, Mullucks Wells. Agents' boards were prominently displayed on the building at the time of my site visit. I understand that there have been no firm expressions of interest, notwithstanding that over 100 enquiries were received by the agent.
13. The premises are in poor condition, with the interior badly laid out by today's standards. The lack of on-site parking for commercial vehicles and the cost of restoring and altering the building are both factors which militate against any resumption of an employment use. I am satisfied that the possibility of retaining the premises for employment purposes has been fully explored as required by "saved" Policy EDE2 of the Local Plan.

Other Matters

14. Although I note the objections from nearby residents as to the adequacy of the access and parking provision, the Council's parking standards are expressed as maxima. Moreover, the site is within a sustainable town centre location. I therefore consider that the access and parking arrangements as indicated on the submitted drawings are satisfactory. Furthermore, the proposed layout and design of the houses will not have a significant adverse impact upon the amenity of nearby occupiers given the topography of the site and its relationship with 1 Northgate Place and nos. 9-11 Alpha Place.

Conditions

15. The Council has suggested a total of 10 conditions in respect of Appeal A and 2 conditions in respect of Appeal B should I be minded to allow the appeals.
16. I have considered these against the tests set out in Circular 11/95² and find that all are reasonable and necessary. I have, however, amended the wording

² Circular 11/95: The Use of Conditions in Planning Permissions.

of certain of the conditions to more closely reflect the model conditions contained in the circular. I also consider it necessary to slightly modify the hours during which demolition and construction works may take place.

Conditions relating to Appeal A

17. Conditions 2 and 5 will ensure that the materials to be used in the building and for the hard surfaced areas are to a high standard given the location of the site within a conservation area. Condition 10 requiring the submission of details of new windows and external doors is imposed for the same reason, as is Condition 9 controlling the type of boundary treatment to be erected and given the proximity of the western boundary to a number of protected trees.
18. Conditions 6 and 8 are necessary in order that the access to Northgate End is modified and that the parking spaces are safeguarded for the use of the dwellings. Condition 7 is designed to encourage the use of bicycles in the interests of sustainability, while Condition 3 will protect so far as possible the amenities of nearby residents from noise and disturbance during demolition and construction works. Likewise, Condition 4 will control the slab levels given the steeply sloping nature of the site.
19. As to Condition 11, otherwise than as set out in these decisions and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conditions relating to Appeal B

20. I have imposed Condition 2 to ensure that once the demolition works commence they are completed and the site cleared of all resultant rubble and debris, given the location of the site within a conservation area.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) Demolition or construction works, to include site preparation and the operation of plant or machinery, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays, 0800 hrs to 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays.
- 4) No development shall take place until full details of existing and proposed ground levels of the site in relation to adjoining land, including slab levels and ridge heights of the buildings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of the materials of all hard surfaces, including driveways and car parking areas, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to first occupation of the development hereby permitted the existing access onto Northgate End shall be modified and provided in accordance with Drawing no. 1997 15, unless otherwise agreed in writing by the Local Planning Authority.
- 7) No dwelling shall be occupied until space has been laid out within the site for the parking of bicycles in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The bicycle parking facilities shall thereafter be permanently retained.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing no. 1997 15 for 5 cars to be parked. The parking spaces so provided shall thereafter be permanently retained for use by the occupiers of the development hereby permitted.
- 9) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment, to incorporate measures to safeguard the protected trees adjacent to the boundary between the appeal site and 11 Alpha Place and 1 Northgate Place in accordance with details contained within the arboricultural report by the TPS Arboricultural Consultancy dated 28 March 2010, shall be completed in accordance with the approved details before the development hereby permitted is first occupied and thereafter permanently retained.

- 10) No development shall take place until detailed drawings of new doors and windows to a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan: Scale 1:1250.
Drawing no. 1997 5: Site Survey – scale 1:200.
Drawing no. 1997 10: Floor Plans – scale 1:100.
Drawing no. 1997 11: Elevations – scale 1:100.
Drawing no. 1997 12: Site Section – scale 1:100.
Drawing no. 1997 14: Block Plan – scale 1:500.
Drawing no. 1997 15: Site Plan – scale 1:200.
Drawing no. 1997 16: Roof Plan – scale 1:100.
Drawing no. 1997 17: Existing Elevations – scale 1:100.

Schedule of Conditions

Annex B

- 1) The demolition hereby permitted shall begin not later than three years from the date of this decision.
- 2) Upon completion of the demolition works hereby permitted the site shall be cleared of all resultant rubble and debris.



Appeal Decision

Site visit made on 4 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 16 May 2011

Appeal Ref: APP/J1915/A/11/2144779

**Land adjacent to Oaklands, Pest House Lane, High Cross, Ware,
Hertfordshire, SG11 1BG.**

- 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 Finn against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/0962/FP, dated 25 May 2010, was refused by notice dated 20 August 2010.
 - The development proposed is demolition of existing stable buildings, removal of storage containers and erection of a detached residential dwelling.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this case is the effect of the proposed dwelling upon the character and appearance of the surrounding area.

Reasons

3. The appeal site is located within the "Rural Area Beyond the Green Belt" as defined in the Local Plan¹. Within such areas inappropriate development will not be permitted ("saved" Policy GBC2); nor will permission be given for the construction of new buildings unless it is for one of the purposes set out in "saved" Policy GBC3, none of which apply in the subject case.
4. The land has frontage to and access from Cambridge Street (formerly the A10 Ermine Street). It is surrounded by open countryside, including the extended curtilage of Oaklands, and is largely screened from Cambridge Road by a mature, mixed species hedge.
5. Opposite the site and set behind a service road are semi-detached houses and bungalows together with a small builder's yard. Within the site are a series of

¹ East Hertfordshire Local Plan Second Review (April 2007).

redundant former stables or outbuildings constructed of a variety of materials, together with four modern steel storage containers.

6. I have been referred to a decision by the Council to allow, as an exception to its rural protection policies, the erection of a large detached house nearby fronting Pest House Lane (Finn House – ref: 3/03/0536/FP). The site of this dwelling was previously occupied by a scrap metal works, which the Council considered to be more harmful to the appearance of the rural area and the amenities of nearby occupiers.
7. Such considerations do not apply in the subject case given that the structures on the appeal site are single storey and are screened by the mature frontage hedging. Furthermore, any activity associated with their use would occur some distance from the houses opposite, which are separated from the site by Cambridge Road and by a service road. The private gardens of these dwellings would be unaffected by activities on the appeal site, such that any reduction in activity arising from the replacement of the existing structures with a single dwelling is unlikely to be apparent to nearby residents.
8. Although it is well designed, the new dwelling would project above the frontage hedge and be clearly visible in the landscape, as are Finn House and Oaklands. The removal of the unsightly buildings and containers is insufficient reason to allow development that is clearly contrary to the Council's adopted policies for the protection of the rural areas beyond the Green Belt.
9. In arriving at my decision I have noted the support for the proposal from the Parish Council. There were also no objections from the Highway Authority or the Council's Environmental Health Department. I have nevertheless concluded, for the reasons given above, that development as proposed would have a detrimental effect upon the character and appearance of the surrounding area and that planning permission should not be granted.

R. J. Maile

INSPECTOR



Appeal Decision

Site visit made on 5 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 6 June 2011

Appeal Ref: **APP/J1915/A/11/2144204**

Area B, Balls Park, Mangrove Road, Hertford, SG13 8QE.

- 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 City and Country Residential Limited against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/1768/FP, dated 5 October 2010, was refused by notice dated 2 December 2010.
 - The development proposed is extension to underground section of car park at Area B..
-

Decision

1. I allow the appeal and grant planning permission for extension to underground section of car park at Area B, Balls Park, Mangrove Road, Hertford, SG13 8QE, in accordance with the terms of the application ref: 3/10/1768/FP, dated 5 October 2010, subject to the conditions set out in Annex A to this decision.

Main Issue

2. The main issue in this case is whether the provision of additional car parking would encourage an unsustainable dependence on the private car.

Reasons

3. Area B is part of a major development site comprising the conversion of the Grade I listed Balls Park Mansion and Coach House and the erection of new apartments and dwellings. Balls Park is set in historic grounds of some 24 ha and is located on the outskirts of Hertford within walking distance of the town centre. A `bus route is required to pass through the Park under a Section 106 Agreement. No details have been provided to me indicating the timetable of this `bus service.
4. "Saved" Policy TR7 of the Local Plan¹ refers to the Council's car parking standards, which should be regarded as maxima. The Council has also adopted a Supplementary Planning Document (SPD) entitled "*Vehicle Parking Provision at New Development*" (June 2008). These standards are intended to promote sustainable transport choices and reduce reliance on the private car.

¹ East Hertfordshire Local Plan Second Review (April 2007).

5. Paragraph 1.6 of the SPD acknowledges that under-provision of car parking may induce a beneficial mode switch, but could also introduce operational difficulties and amenity impacts resulting from overspill parking in inappropriate locations. This is a matter referred to by the Transport Secretary in his announcement dated 3 January 2011 and highlighted in the appellant's grounds of appeal.
6. This reference to the potential amenity impacts of the under-provision of car parking and the acceptance in paragraph 1.9 of the SPD that the approach to car parking provision at new development can be fine-tuned and developed over time in the light of experience, recognises the need for flexibility in the application of car parking standards and for each case to be considered on its individual merits.
7. The scheme before me proposes a further 49 spaces, thereby increasing the overall provision from 76 to 125. Of these, 38 spaces would be at ground level and 87 underground.
8. The Council accepts that average car ownership is high in the District. There is already an approved ratio of 1.93 spaces per unit in respect of the Balls Park development, representing an over-provision of 43 spaces by reference to the Council's standards. The additional parking the subject of this appeal would increase this ratio to 2.2 spaces per unit. A previous application for 30 additional car parking spaces was refused partly on the grounds of excessive parking provision.
9. In reaching my decision to allow this appeal I have noted the support for the proposal from the Town Council and from the Landscapes Officer, subject to conditions regarding landscaping. It is also of particular relevance that the Council's Highways Department raised no objection to the proposal and commented that *"Restricting car parking within residential developments has very little impact upon car ownership levels and the number of trips. This specific proposal is unlikely to give rise to a significant increase in vehicle movements ..."*
10. The additional underground car parking will improve the setting of the listed building and the historic park by removing parked cars from the surrounding roads, whilst providing secure car parking for future occupants of the converted mansion house. In these circumstances, the proposal will provide an overall benefit whilst not resulting in any significant increase in vehicle movements.
11. I therefore conclude that development as proposed will not encourage an unsustainable dependence on the private car, as required by the Council's adopted policies and SPD.

Other Matters

12. Balls Park is within the Metropolitan Green Belt. However, given the grant of planning permission for residential development it is now classified as a major developed site. For these reasons, parking provision for the development would not be inappropriate development by reference to national guidance in PPG 2² or "saved" Policies GBC1 (i) and GBC4 of the Local Plan. Furthermore,

² Planning Policy Guidance 2: Green Belts

the detailed proposals before me, which include the removal of ventilation grilles and the provision of additional landscaping, will reduce the impact of the existing permitted car park and the extension to Area B in terms of the openness and visual amenities of the Green Belt.

Conditions

13. The Council has suggested a total of 9 conditions should I be minded to allow the appeal. I have considered these against the tests set out in Circular 11/95³ and find that all are reasonable and necessary. I have, however, amended the wording of certain of them to more closely reflect the model conditions in the circular and have elected to modify suggested Condition 6 (my Condition 5), which I consider will adequately safeguard the retained trees.
14. Condition 2 is necessary due to the possible existence of artefacts of archaeological interest. Conditions 3 and 4 will ensure that the landscaping works, including hard surfaced areas, are undertaken in accordance with a scheme to be approved by the Local Planning Authority given the proximity of the site to the listed building and its location within the historic grounds. Condition 5 is designed to protect the adjacent mature trees, which are to be retained, during construction works. Condition 6 will enable the Local Planning Authority to control the use of earth bunding and other earthworks to minimise the impact of the car park and the effect upon the historic gardens. Similar comments apply in respect of the safety railings and cycle store (Condition 7).
15. Condition 8 is imposed given that the works to construct the car park will involve substantial excavation works, which may have an effect upon surface water drainage. As to Condition 9, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

R. J. Maile

INSPECTOR

³ Circular 11/95: The Use of Conditions in Planning Permissions.

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas and hard surfacing materials. Details of soft landscaping shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development hereby permitted or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted, unless the Local Planning Authority gives written consent to any variation.
- 5) No development shall take place until full details of measures, to accord with the recommendations contained in BS5837:2005 '*Trees in relation to construction*' for the protection during construction work of the trees to be retained and notated on Drawing no. CC302.22 have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
- 6) No development shall take place until full details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding land form. Development shall be carried out in accordance with the approved details.

- 7) No development shall take place until full details of the proposed safety railings and cycle store have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until full details of a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no: CC302.24 Location Plan – scale 1:2500.

Drawing no. CC302.22 Layout at Ground Level – scale 1:250.

Drawing no. CC302.23 Layout at Basement Level – scale 1:250.

Drawing no. CC302.25 Ventilation Proposals – sections – scale 1:250.



Appeal Decision

Site visit made on 4 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 2 June 2011

Appeal Ref: APP/J1915/A/11/2143481

12 Pleasant Road, Bishops Stortford, Hertfordshire, CM23 2SJ.

- 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 E Fordham against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/1776/FP, dated 1 October 2010, was refused by notice dated 30 November 2010.
 - The development proposed is new three bedroom dwelling with off-street parking.
-

Decision

1. I dismiss the appeal.

Preliminary Matters

2. The address of the appeal site refers to 12 Pleasant Road. However, both the Design and Access Statement and the red edging on Drawing no. 10372-004 include only the side garden of no. 12. The site area referred to at Question 21 of the application form (173 m²) more closely relates to the side garden of 12 Pleasant Road, while the grounds of appeal state that the side garden has been sub-divided from no. 12 and is now in separate ownership.
3. I have therefore determined this appeal upon the basis of the description which appears within the Design and Access Statement; namely, land adjacent to 12 Pleasant Road, Bishops Stortford.

Main Issues

4. The main issues in this case are:
 - a) The suitability of the site for residential development having regard to the character and appearance of the surrounding area; and
 - b) The impact of the development upon the living conditions of nearby residents.
-

Reasons

a) Suitability of the site.

5. Pleasant Road is a private unmade street close to the centre of Bishops Stortford. The surrounding area is predominantly residential in character, with a wide variety of mostly detached and semi-detached houses.
6. Amongst other matters, "saved" Policies ENV1 (b) and HSG7 (a) and (b) of the Local Plan¹ state that infill housing development should be well sited in relation to the surrounding area and should not appear obtrusive or over-intensive, whilst complementing the existing pattern of street blocks, plots and buildings.
7. Having regard to the pattern of surrounding development I consider that the appeal site is adequate to accommodate an infill dwelling with off-street car parking given the width of the plot and the existence of open garden land to the rear, albeit not part of the appeal site.
8. The Council acknowledges that its policies do not include any amenity space standards against which proposals for new development can be assessed. I accept, therefore, that it is necessary to reach a subjective judgment on a case by case basis. The rear amenity space to serve the proposed new dwelling, with a depth of approximately 6.5m, would be less than many others hereabouts but adequate to serve a small dwelling.
9. Notwithstanding these comments, the effect of separating the former side garden of 12 Pleasant Road from that property has resulted in a 3 bedroom dwelling with only a small, hard-surfaced yard to serve no. 12. Now that the appeal site is in separate ownership the suggestion that removal of the back addition of no. 12 in order to create an increased area of garden and reduce the number of bedrooms to 2, may not be a possibility.
10. I appreciate that land ownership matters are not determinative of planning issues. Nevertheless, in the subject case development of the appeal site in the manner proposed would create a situation whereby the amenity space to serve the new dwelling would be far less than that of surrounding development and the 3 bedroom dwelling at no. 12 deprived of adequate and appropriate private amenity space.
11. In arriving at my decision I have noted that 14 Pleasant Road was sub-divided to allow the erection of a new detached dwelling. However, both nos. 14 and 16 have retained rear gardens greater than those to both no.12 and the appeal proposal combined.
12. I therefore conclude that the scheme before me represents an over-intensive form of infill development that would be out of keeping with the character and appearance of the surrounding area, contrary to the objectives of the Local Plan policies to which I have referred above.

b) Impact upon living conditions of nearby residents.

13. As part of my site visit I viewed the proposal from 10 Pleasant Road next door. The proposed new dwelling would be located approximately 2m from the flank

¹ The East Hertfordshire Local Plan Second Review (April 2007).

elevation of no. 10 and in front of the established building line of that property. Taking into account the wide variety of building lines along the street and the fact that no. 10 is similarly located in relation to 6 and 8 Pleasant Road, this relationship is considered satisfactory.

14. The angled side bay window to the living room of 10 Pleasant Road and the small secondary window to its principal bedroom at first floor level would face towards the flank elevation of the proposed dwelling. Although there would be some minimal loss of daylight/sunlight to these rooms, this is not of itself a sufficient reason to withhold permission.
15. There is a full length half landing window providing sunlight and daylight to the staircase, hall and landing of no. 10 that would face directly towards the flank wall of the new house at close range. This window does not serve any habitable rooms. Nevertheless, the impact of a two storey dwelling in such close proximity would bring about overshadowing and loss of sunlight/daylight to the detriment of this important element of the interior of no. 10.
16. For these reasons I have concluded that development as proposed will have an unacceptable impact upon the living conditions of existing and future occupiers of 10 Pleasant Road, contrary to the objectives of "saved" Policies ENV1 (d) and HSG7 (a) of the Local Plan.

R. J. Maile

INSPECTOR



Appeal Decision

Site visit made on 5 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 24 May 2011

Appeal Ref: APP/J1915/A/11/2146298
2 Fordwich Hill, Hertford, SG14 2BQ.

- 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 Matthew Rosser against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/1843/FP, dated 15 October 2010, was refused by notice dated 29 December 2010.
 - The development proposed is new dwelling, driveway and hard landscaping in land to rear of 2 Fordwich Hill fronting Fordwich Rise.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this case is the effect of the proposed new dwelling upon the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises part of the rear garden of 2 Fordwich Hill. The new dwelling would front onto Fordwich Rise and would be provided with on-site tandem parking for two cars clear of the highway. The surrounding area is characterised by modern detached and semi-detached houses set in spacious plots, including generous front gardens several metres in depth.
4. In contrast the proposed house would be located only some 1m from the back edge of pavement, with little or no opportunity for meaningful landscaping. Its somewhat isolated location between the rear elevations of 2 Fordwich Hill and 5 Fordwich Rise, together with its forward projection, would be incongruous and out of keeping in the street scene.
5. I therefore conclude that development as proposed would have a detrimental effect upon the character and appearance of the surrounding area, contrary to "saved" Policies HSG7 (a) and ENV1 (a), (b) and (c) of the Local Plan¹.

¹ East Hertfordshire Local Plan Second Review (April 2007).

Other Matters

6. The dwelling has been designed to ensure that there would be no overlooking of adjacent properties, or their gardens, from first floor windows. Indeed, the catslide rear roof slope with roof lights will assist in this regard.
7. Notwithstanding these comments, the proximity of the rear elevation of the dwelling to the boundary with 4 Fordwich Hill (less than 1m in places) will have an overbearing effect upon the rear private garden area of that property. The relative siting of the new house will also give rise to some loss of sunlight to the garden of no. 4, contrary to "saved" Policy ENV1 (d) of the Local Plan.
8. The restricted private garden available to the dwelling is untypical of the area. Whilst not of itself a reason for refusal, this nevertheless adds weight to my decision that the appeal should be dismissed.

R. J. Maile

INSPECTOR



Appeal Decision

Site visit made on 4 May 2011

by **R J Maile BSc FRICS**

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

Decision date: 27 May 2011

Appeal Ref: APP/J1915/A/11/2144701

Latchford Lodge, Latchford, Standon, Ware, Hertfordshire, SG11 1QX.

- 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 Pearman against the decision of East Hertfordshire District Council.
 - The application ref: 3/10/1855/FP, dated 13 October 2010, was refused by notice dated 7 December 2010.
 - The development proposed is demolition of existing stables and storage barns and replacement with new stables/garage building and open bay garage.
-

Decision

1. I allow the appeal and grant planning permission for demolition of existing stables and storage barns and replacement with new stables/garage building and open bay garage at Latchford Lodge, Latchford, Standon, Ware, Hertfordshire, SG11 1QX, in accordance with the terms of the application ref: 3/10/1855/FP, dated 13 October 2010, subject to the conditions set out in Annex A to this decision.

Main Issue

2. The main issue in this case is the effect of the proposed replacement buildings upon the character and appearance of the surrounding area.

Reasons

3. The appeal site forms part of the extended curtilage of Latchford Lodge, a Grade II listed building located within a small enclave of development adjacent to the River Rib. The surrounding area is rural in character.
4. "Saved" Policy GBC3 of the Local Plan¹ relates to appropriate development in the Rural Area Beyond the Green Belt. Other than in the settlements identified, permission for new buildings will not be given unless it is for one of the purposes specified in the policy. These include small-scale facilities for outdoor sport and recreation and small-scale riding and livery stables.

¹ The East Hertfordshire Local Plan Second Review (April 2007)

5. The scheme before me seeks to replace the existing stables, tackroom, barn and open storage building, which are outmoded and in poor repair, with purpose built structures having a similar footprint but with a first floor storage area above part of the principal structure. This storage area would have reduced headroom.
6. The site is below the level of the adjacent lane, from which it is separated by a mixed species hedge and one, semi-mature tree. These would be retained to screen the buildings from public view. The proposed open bay garage would be of a similar ridge height to the existing barn. However, at a height of approximately 5m to ridge the new stables/garage building would be some 1.5m taller than the existing storage barns and stables. Given the difference in levels between the lane and the appeal site and the screening provided by the hedge, I do not consider this to be a material factor.
7. Although the Council has criticised the use of materials, I consider these to be more in keeping with the setting of Latchford Lodge than those of the buildings to be demolished and they are wholly appropriate to this rural area.
8. The structures would replace buildings of similar size and are to be used for stabling, storage and garaging. They would not intrude into open countryside and therefore accord with the thrust of "saved" Policy GBC3. The design and materials also meet the objectives of "saved" Policy ENV1, which requires all development proposals to be of a high standard of design and to reflect local distinctiveness.
9. I therefore conclude that development as proposed will not adversely affect the character and appearance of the surrounding area.

Other Matters

10. The replacement buildings are located within the curtilage of a listed building. Although slightly larger in terms of ridge height and overall floor area they are nevertheless of a high quality design and materials and will enhance the setting of the listed Latchford Lodge.
11. The Council's Conservation Officer has suggested that it would be preferable if the buildings were constructed in black weatherboarding and with slate roofs. However, the listed building is described as having a weatherboarded addition and a steep old red tile roof. I have included a condition relating to the choice of materials, and no doubt the Council will revisit this matter when agreeing to the discharge of that condition.

Conditions

12. The Council has suggested a total of 8 conditions should I be minded to allow the appeal. I have considered these against the tests set out in Circular 11/95² and find that all are reasonable and necessary. I have, however, amended the wording of certain of the conditions to more closely reflect the model conditions contained in the circular. I have also chosen to impose a simplified Condition 6, which I consider affords adequate protection to the tree and the hedge screen.

² Circular 11/95: The Use of Conditions in Planning Permissions.

13. Conditions 2 and 7 will ensure that the materials to be used in the buildings and the windows and doors are to a high standard given the location of the site within the rural area. Conditions 3, 4, 5 and 6 are necessary in order that the replacement buildings have a low profile, that the existing hedge and tree are retained and protected during construction works and that landscaping works, including hard surfaced areas, are undertaken in accordance with a scheme to be approved by the Local Planning Authority, given the proximity of the new buildings to the listed Latchford Lodge.
14. Condition 8 is as required by the Environment Agency and is necessary given the proximity of the site to the River Rib. As to Condition 9, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until full details of existing and proposed ground levels of the site in relation to adjoining land, including slab levels and ridge heights of the buildings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping shall include the materials of paved areas and other hard surfaces. Details of soft landscape works shall include planting plans; written specifications, including cultivation and other operations associated with plant and grass establishment; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development hereby permitted or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted unless the Local Planning Authority gives written consent to any variation.
- 6) The existing tree and mature hedge to the east of the existing buildings and shown on Survey Drawing no. EPS/LS/9971 shall be retained. No development shall take place until full details of measures to accord with the recommendations contained in BS5837:2005 '*Trees in relation to construction*' for the protection during construction works of the retained tree and mature hedge have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

- 7) No development shall take place until detailed drawings of new doors and windows to a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) The development hereby permitted shall be carried out in strict accordance with the recommendations contained in the Flood Risk Assessment (FRA) dated 1 May 2009 produced by Environmental Protection Strategies Ltd (ref: UK09.0724) and the following mitigation measures detailed within sections 6.0 and 7.0 of the FRA:
 - a) Flood water can freely enter and exit the proposed development.
 - b) No ground rising occurs within flood zone 3.
 - c) Flood resilience measures are incorporated into the design of the development.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no. 2615/2616/01: Location plan – scale 1:1250.
 - Drawing no. 2615/2616/02: Site plan – scale 1:500.
 - Drawing no. 2615/2616/03: Existing stables, floor plan and elevations – scale 1:100.
 - Drawing no. 2615/2616/04: Existing barn, floor plan and elevations – scale 1:100.
 - Drawing no. 2615/2616/05: Existing storage building (no. 3) floor plan and elevations – scale 1:100.
 - Drawing no. 2615/2616/06: Proposed new stables/garage building, plans and elevations – scale 1:100.
 - Drawing no. 2615/2616/07: Proposed open bay garage, plans and elevations – scale 1:100.
 - Drawing no. EPS/LS/997-1: Site survey – scale 1:250.



Appeal Decision

Site visit made 17 May 2011

by **Richard High BA MA MRTPI**

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

Decision date: 20 May 2011

Appeal Ref: APP/J1915/D/11/2149301

3 Hollybushes, Panshangar, Hertford, Herts, SG14 2NA

- 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 Mathew Silva, against the decision of East Herts Council.
 - The application Ref 3/10/2165/FP, dated 3 December 2010, was refused by notice dated 1 February 2011.
 - The development proposed is two storey side and single storey rear extensions.
-

Decision

1. I allow the appeal, and grant planning permission for two storey side and single storey rear extensions at 3 Hollybushes, Panshangar, Hertford, Herts, SG14 2NA in accordance with the terms of the application, Ref 3/10/2165/FP , dated 3 December 2010, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: HB01.

Main issues

2. 3 Hollybushes is one of a pair of semi-detached cottages and lies in the Green Belt. The main issues are:
 - 1) whether the proposed development would be inappropriate development for the purposes of PPG2 and development plan policy;
 - 2) the effect of the development on the openness of the Green Belt and the purposes of including land within it;
 - 3) the effect of the development on the character and appearance of the existing building;
 - 4) whether there are any material considerations sufficient to clearly outweigh any harm to the Green Belt and any other harm thereby justifying the proposal on the basis of very special circumstances.
-

Reasons

Whether the development would be inappropriate

3. PPG2 *Green Belts* indicates that the extension of existing dwellings is not inappropriate development in the green Belt provided it does not result in disproportionate additions over and above the size of the original dwelling. This approach is reflected in saved Policies GBC1 and ENV5 of the East Herts Local Plan second Review 2007.
4. The proposed extension to the side would more than double the width of the main structure of the original dwelling, excluding the small stairwell which projects to the side. It would also replace the small conservatory to the side. To the rear there would be a single storey extension which could be built as permitted development, but in assessing the overall increase in size in relation to the original building it should be taken into account. Figures submitted by the Council indicate that the total increase in floorspace proposed is about 88sq m which amounts to an increase of 111%. While the appellant has suggested that the actual increase is slightly less it is not disputed that the development would at least double the size of the original building.
5. No indication is given in development plan policies of what a disproportionate extension may be in quantitative terms, but the Council has indicated to the appellant that an increase of some 50-60% over the original floorspace would be acceptable. It is clear to me that in this case the development would change the dwelling from a small cottage into a substantial four bedroomed house and in my judgement it could not reasonably be regarded as other than a disproportionate addition. I therefore conclude on the first issue that the development would be inappropriate for the purposes of PPG2 and Saved Policies GBC1 and ENV5 of East Herts Local Plan Second Review April 2007. Development which is inappropriate in the Green Belt is by definition harmful.

The openness of the Green Belt and the purposes of including land within it

6. Any extension of the footprint of the building would clearly reduce the openness of the Green Belt to an extent. 3 Hollybushes is a fairly small dwelling on a plot of generous proportions. While the width of the dwelling would be substantially increased, the proposed extension would not add greatly to the proportion of the plot covered and there would remain a very substantial gap between the side wall and the side boundary. Viewed from the side on the approach along Hertford Road the mass of the building would be somewhat increased by the double gable which would replace the single existing gable projecting from the pitched roof. However, the depth and height would be unchanged except for the single storey rear extension which could be built as permitted development. I conclude on the second issue that there would be a small loss of openness in the Green Belt that would add slightly to the harm I found by reason of inappropriateness. The development would not be harmful in relation to the other purposes of including land in the Green Belt.

The character and appearance of the existing dwelling

7. The proposed extension would increase the width of the dwelling and in so doing would restore a balance with its neighbour at No.2. The two dwellings have never had the same appearance and the front facing gable of No.3 is the

dominant feature on the south elevation. This would remain the case as the ridge of the extension to the side would be lower than that of the existing building. From the side, the two gables would appear subordinate because they would be lower than the existing ridge and slightly set in from the main back wall. The use of matching materials and detailing of the brickwork around windows which can be secured by condition would make this a sensitive addition to the existing building. I therefore find that the proposed extension would not be harmful to the character and appearance of the existing building and in this sense consistent with Policy ENV5.

Whether there are any material considerations sufficient to clearly outweigh any harm to the Green Belt and any other harm thereby justifying the proposal on the basis of very special circumstances.

8. The existing living accommodation at 3 Hollybushes is very restricted by modern standards. The kitchen/dining area is very small and the bathroom leading off the kitchen is separated from the upstairs bedrooms by a steep and narrow staircase. It is therefore clear to me that a substantial extension would be necessary to achieve the standards of space and facilities that can reasonably be expected now and I have attached substantial weight to this consideration.
9. The adjoining cottage at 2 Hollybushes was originally smaller than No.3 and has been extended substantially. I accept the appellant's calculation that the increase was 122% of the original size rather than the 81% suggested by the Council. This compares with the increase of about 110% proposed at No.3. The Council has placed considerable weight on its conclusion from this figure that the proposed extension is proportionately much greater than that at No.2. This is clearly not the case, though in absolute terms the extension proposed at No.3 is a little larger. The proposed extension would restore the balance between the two cottages and the increase in the width of No.3 would be comparable to that at No.2. I have attached substantial weight to the relationship of the extension to that which has been carried out at its neighbour.
10. I also note that substantial extensions could be built as permitted development, though, because two storey extensions more than 2m wide to the side would require planning permission, I am not persuaded that these offer a realistic fallback position that would address the accommodation deficiencies of the dwelling. I have therefore only attached slight weight to this factor.
11. The scale of the existing accommodation, the substantial extensions to the neighbouring cottage and the development which could be undertaken as permitted development are all material considerations to be weighed against the harm I have found in relation to the Green Belt. I conclude that together they do amount to very special circumstances which clearly outweigh the harm I have found by reason of inappropriateness and loss of openness.

Conditions

12. I have considered the need for the imposition of conditions and accept that those suggested by the local planning authority should be imposed. In addition to the standard condition on the timescale for implementation a condition

requiring matching materials is necessary to protect the character and appearance of the area. Condition 3 is imposed as otherwise than as set out in this decision and conditions, it is necessary that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

13. I have considered all other matters raised and conclude that the appeal should be allowed.

Richard High

INSPECTOR



Appeal Decision

Site visit made on 24 May 2011

by Clive Hughes BA (Hons) MA DMS MRTPI

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

Decision date: 27 May 2011

Appeal Ref: APP/J1915/D/11/2150914

Briarwood, Westland Green, Little Hadham, Ware SG11 2AH

- 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 John Marshall against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/2237/FP, dated 22 December 2010, was refused by notice dated 9 February 2011.
 - The development proposed is side extension.
-

Decision

1. I dismiss the appeal.

Reasons

2. The main issues are whether the proposals would accord with the development plan concerning extensions to dwellings in the rural area; and the effect of the proposed development on the character and appearance of the host property and the surrounding area. The appeal property comprises a detached dwelling set in a substantial curtilage within the countryside. The immediate area is characterised by occasional dwellings set in a sylvan landscape which includes areas of woodland. The proposed development involves an extension to the ground floor and a new bedroom at first floor level with two dormer windows.
3. According to the Council's calculations, and not challenged by the appellant, the property has been previously extended from a small bungalow of 95 sq m to a rather more substantial chalet bungalow of 147 sq m. The extension now proposed would further increase the floor area to around 201 sq m. Policy GBC3 of the *East Herts Local Plan Second Review 2007* relates to the rural area beyond the Green Belt and permits limited extensions to existing dwellings. The supporting paragraph says that there is a strong restraint on inappropriate development in this area. This property has been previously extended and the extension now proposed, taken together with previous extensions, would result in a cumulative increase in floor area of over 100%. This would be much more than the limited extensions permitted by the cited policy; it would disproportionately alter the size of the original dwelling. The development would therefore conflict with Policies GBC3 and ENV5 of the Local Plan.
4. In terms of the impact on the character of the host property, the existing dwelling is visible from the road, both at the site entrance and through gaps between boundary trees. The combination of the side extension and the increase in the scale of the roof would harmfully alter the appearance of the dwelling. In particular, the existing front elevation is reasonably well balanced

with a small dormer window located centrally on the roof and at the mid point between prominent front gables. The extension would result in this balance being lost and the two storey element dominating the small scale gabled frontage. The roof would appear as being unacceptably bulky and prominent; from the side the extent of the roof with the two projecting dormer windows would appear out of keeping with the more modest proportions of the existing dwelling. This would all fail to complement the design of the host property and be detrimental to its appearance. This in turn would harmfully impact on the character of the area. The dwelling would become more visible with the unsympathetic scale and form of the extension being visible from the road. This would be contrary to Policies ENV1, ENV5 and ENV6 of the Local Plan.

5. I have taken account of the desire of the appellants to extend their home but this property has already been significantly extended. I saw the scale of other dwellings in the vicinity, some of which are very substantial. However, the extension now proposed needs to be considered in the light of previous extensions to this property; in this context the cumulative extent of the additions would not be limited in extent. In addition it would be harmful to the appearance of the host property and to the character and appearance of the area. The development would be contrary to the provisions of the development plan and so I dismiss the appeal.

Clive Hughes

Inspector



Appeal Decision

Site visit made 17 May 2011

by **Richard High BA MA MRTPI**

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

Decision date: 24 May 2011

Appeal Ref: APP/J1915/D/11/2149776

101 High Wych Road, Sawbridgeworth, Hertfordshire, CM21 OHH

- 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 T Kebble, against the decision of East Herts Council.
 - The application Ref 3/11/0021/FP, dated 7 January 2011, was refused by notice dated 1 March 2011.
 - The development proposed is erection of proposed detached double garage.
-

Decision

1. I allow the appeal, and grant planning permission for the erection of proposed detached double garage at 101 High Wych Road, Sawbridgeworth, Hertfordshire, CM21 OHH in accordance with the terms of the application, Ref 3/11/0021/FP, dated 7 January 2011, 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 materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 10121/S/001, 10121-P-001.

Main issue

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

Reasons

3. 101 High Wych Road is at the end of a row of houses served by an access road which runs parallel to High Wych Road. The access road connects with High Wych Road to the west of the appeal site and the proposed garage would stand approximately on a continuation of the line of the access road. I accept that on paper this appears to be a prominent position well forward of the house. However, the site is bordered on both the east and northern sides by solid timber fencing and there is a substantial hedge between the fence and High Wych Road. This would mean the site would be very well screened when
-

viewed either looking across High Wych Road or approaching from the west. Although this hedge would provide less screening in the winter months when not in leaf, it would still reduce the prominence of the garage.

4. There is a distinct break in the character of this part of High Wych Road between No.101, at the end of the service road, and No.101a which is a substantial dwelling and stands forward of Nos.101-113. The land also falls somewhat to the east particularly beyond No.101. Views along the service road to the east are therefore closed by the fence and No.101a. While the garage would be closer to the road than No.101a, it would not be intrusive as it would be a relatively small feature in relation to the hedging beside it. A tree in the garden of No.101a just beyond the fence and a larger tree close to the road in front of No.101a would form a backdrop. The garage would not, in my judgement, block a view of any significance to the east.
5. In views from the east the roof of the garage would be visible above the fence between No.101a and the hedge. However, the pyramid form would limit its mass and it would not be a prominent or intrusive feature because it would be modest in scale in relation to the planting and No.101a.
6. For these reasons I conclude that the development would not be harmful to the character and appearance of the area and would comply with Saved Policy ENV1 which requires new development to reflect local distinctiveness and relate well to the massing and height of adjacent buildings.
7. I have considered the need for the imposition of conditions. A condition requiring the use of matching materials is necessary to protect the character and appearance of the area and condition 3 is required as, otherwise than as set out in this decision and conditions, it is necessary that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
8. I have considered all the other matters which have been placed before me and conclude that the appeal should be allowed.

Richard High

INSPECTOR