



Appeal Decision

Site visit made on 1 June 2011

by **Jim Metcalf MRTPI**

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

Decision date: 13 June 2011

Appeal Ref: APP/J1915/A/11/2147215

Hormead Village Hall, Great Hormead, Buntingford, Herts, SG9 0NR

- 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 Hormead Village Hall Management Committee against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/0033/FP, dated 5 January 2010, was refused by notice dated 25 August 2010.
 - The development proposed is refurbishment; front, rear, side extensions; first floor extension; demolition of the 1905 building and new vehicular and pedestrian access and formation of new building plot to the rear of the site for a detached dwelling house with dwelling and landscaping.
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Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues are the effect of the development on highway safety and on the character and appearance of the surrounding area.

Reasons

3. Hormead Village Hall fronts the B1038, a local distributor road, on the approach to the village from the west. The hall, serving Great and Little Hormead and Hare Street, was built in 1905 and extended in 1965 and 1975. The Management Committee have considered various schemes to upgrade the hall over the years. Planning permissions were granted for an extension in 1999, and for a new village hall, in 2002.
4. It is proposed to demolish the oldest part of the building, refurbish the more modern parts and extend to the rear into part of the car park. A further area at the rear would be developed with one detached house. Proceeds from the sale of that plot would contribute to the refurbishment of the Hall.

Highway safety

5. The Village Hall sits towards the front of its site. An access at the side leads to the car park. The car park is not laid out. The Council calculate that it would accommodate about 30 cars if laid out in a formal manner and more like 40 if
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parking was haphazard. The capacity of the car park would be reduced by the extension to the hall and the new house, leaving space for about 15 car parking spaces. The Council's standards, set down in Appendix II of the East Herts Local Plan Second Review (LP), recommend a maximum of about 31 spaces should be provided for a community hall of the size proposed.

6. The appellant maintains that on most occasions their car park would be adequate to meet demand. On the other hand local residents submit that the existing car park is sometimes inadequate. It is reasonable to anticipate that the new hall would be used more often and be more popular than the existing facility. To increase provision the appellant has agreed with an adjoining owner that the forecourt to his farm buildings can be used as an overspill car park with room for about 10 spaces. These spaces would not be available during weekday working hours or between 25 July and 1 October.
7. Even with the overspill car park it is possible that from time to time cars may park on the road. This is not uncommon with community venues when larger events are held. The Highway Authority advises that cars parked on the road to the west of the site would be a hazard because of the alignment of the road and the forward visibility available to drivers passing parked cars. However, about 11 cars could park comfortably, without raising highway safety issues, on the road to the east.
8. In total about 36 spaces would therefore be available, in the car park, the overspill and in safe places on street if and when such numbers were needed. In August and September and during the working day there would be 10 less spaces available. I believe that this flexible approach to car parking provision, for a hall where there would be occasional peaks in demand for car parking space is sensible. Overall the car parking package would be satisfactory and accord with LP Policy TR7 that states that actual provision of car parking will be determined on a site specific basis.
9. To ensure that any parking on the road takes place safely a Traffic Regulation Order (TRO) would be needed. The Highway Authority explains that a TRO need not be in place prior to the occupation of a new hall. Rather they suggest that there be a period of time to assess the actual need for restrictions. This approach would require the appellant to complete a legal obligation under S106 of the Town and Country Planning Act 1990 to contribute towards the making of a TRO should one prove necessary. The appellant would be willing to enter into a S106 agreement on this basis.
10. However, in the absence of a S106 agreement to facilitate a TRO as needed there is a likelihood that cars visiting the hall would park on the B1038 in places where this would prejudice highway safety. This would be contrary to LP Policy TR7, and there is no legal commitment to address the issue.

Character and appearance

11. The forecourt to the farm buildings that would be used for overspill car parking is in a rural area as defined in the LP. The forecourt is hard surfaced, is used by farm vehicles to access the buildings and is separated from open agricultural land by the buildings. LP Policy GBC3 states that the limited extension or alteration to community facilities is appropriate in such an area. Although the use of the forecourt for parking does not strictly fall into this category it is

connected with such development. Furthermore, the Council acknowledge that refurbishing the hall, financed by the new house, are special circumstances that justify departing from LP Policies.

12. The occasional use of the forecourt to park cars would have a strictly limited effect on the openness or the character and appearance of the rural area at the edge of the village. This, and the direct connection with a development that the Council regard as a justifiable departure from the development plan, would make the overspill car park acceptable as an exception to LP Policy GBC3.

Other matters

13. Houses in Half Acre Lane back onto the village hall site. Because the extension behind the hall would run deeper into the site it would be more prominent in the outlook of houses that currently back onto the open car park. However, the size and position of the proposed hall, the length of the Half Acre gardens and the intervening fences, buildings and landscaping mean that the hall would not have a significantly detrimental effect on the outlook from the houses or gardens. The new house would sit adjacent to boundaries with Rose Cottage, Half Acre Cottage and Quinn House. At its nearest it would be about 8m from the boundary with Rose Cottage. The position of the new house, combined with the length of the existing gardens and proposed landscaping would mean that the house would not have a significantly detrimental effect on the outlook from the existing houses or gardens or their privacy.
14. I note that the Council have not objected to the development on the basis of any harm that might be caused to the amenities of neighbours, either in terms of outlook or noise and nuisance and I accept their analysis on these issues.
15. The Council have not objected to the proposal on the basis of the sites location within the Great Hormead Conservation Area. The hall would be well designed with appropriate materials, landscaping and regard to existing trees. Conservation Area Consent to demolish part of the hall as part of the refurbishment was granted in March 2010. I consider that the scheme would preserve the character and appearance of the conservation area.

Conclusions

16. I have taken into account all other representations submitted in connection with the appeal. These include the views of the Parish Council and the letters supporting and objecting to the development. I conclude that the development would have strictly limited effect on the character and appearance of the area and that, subject to the implementation of the package of proposals for parking cars, there would be no significant effect on highway safety.
17. However, a S106 agreement has not been made that sets down the legal commitment of the appellant to finance a TRO to control parking on the B1038 should this prove necessary. Without such agreement I am not satisfied that parking on the road would not prove hazardous and such an agreement cannot be required by condition. Accordingly I dismiss the appeal.

Jim Metcalf

INSPECTOR



Appeal Decision

Site visit made on 1 June 2011

by **Jim Metcalf MRTPI**

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

Decision date: 16 June 2011

Appeal Ref: APP/J1915/A/11/2146764

Little Thele, Hertford Road, Great Amwell, Ware, SG12 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Dileto against the decision of East Herts Council.
 - The application Ref 3/10/1508/FP, dated 18 August 2010, was refused by notice dated 18 October 2010.
 - The application sought planning permission for 'Minor alterations to exterior elevations previously approved (3/06/2260/FP)' without complying with a condition attached to planning permission Ref 3/07/1048/FP, dated 10 July 2007.
 - The condition in dispute is No12 which states that:
Prior to the first occupation of the dwelling hereby permitted, the existing dwelling and outbuildings, as shown for demolition on plan reference 958/D of planning application reference 3/05/1153/FP, shall be demolished in their entirety, all resultant rubble and debris removed from the site, and the site reinstated where necessary in accordance with details pursuant of condition 8 of this permission.
 - The reason given for the condition is:
In the interests of the character and appearance of the area, in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.
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Decision

1. I dismiss the appeal.

Background information

2. In 2005 planning permission was granted for a replacement dwelling at Little Thele. Subsequently planning permissions were given to amend the design, siting and external appearance of the new house and to build a detached garage. In particular planning permission was granted (ref 3/07/1048/FP) in July 2007 for 'Minor alterations to exterior elevations previously approved (3/06/2260/FP)' subject to conditions. Condition No 12 requires the demolition of the original house in accordance with Policy GBC1 of the East Herts Local Plan Second Review April 2007 (LP). The site is in the Green Belt.
3. A replacement house has been built. The Council explain it has been built in accordance with a further planning permission (ref 3/01/1597/FP), granted in September 2007, for 'amended scheme for replacement dwelling to include roof lights and rear dormer previously approved under ref 3/07/1048/FP'. Condition No 12 attached to that permission is similar to that attached to permission ref

3/07/1048/FP. I have dealt with the appeal on the basis of the application submitted and as set out in the title panel above. The original house has not been demolished. The appellant wishes to convert it for storage and maintenance use.

Main Issues

4. I consider that the main issues are whether retaining the original house:
 - would be inappropriate development in the Green Belt,
 - whether there would be any other harm to the Green Belt and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. Little Thele sits in a large garden fronting Hertford Road. The new house has been built towards the front of the site. The original property sits behind the new house largely shielded from view from the road. There is also an elongated barn building and a store/shelter that appear to have been used for agricultural type activities in the past. To the north is a small wood that has been acquired by the appellant.
6. 'Planning Policy Guidance 2: Green Belts' (PPG2) explains that inappropriate development is, by definition, harmful to the Green Belt. The replacement of an existing dwelling need not be inappropriate development providing the new dwelling is not materially larger than the dwelling it replaces. PPG2 advises that local planning authorities should make clear the circumstances (if any) under which replacement dwellings are acceptable. LP Policies GBC1 and HSG8 reflect this approach and state that, subject to certain criteria, replacement dwellings will be considered where the original dwelling is of poor appearance or construction not capable of retention, and not contributing to the character or appearance of the surroundings.
7. The Council judged the original house unworthy of retention in 2005 on the basis of a structural survey. The new house was clearly intended as a replacement property. Retaining the original house would conflict with the approach to development in the Green Belt set down in PPG2 and elaborated in LP Policies GBC1 and HSG8. Retaining the original house would amount to inappropriate development that is, by definition, harmful to the Green Belt.
8. Retaining the original house would reduce the openness of the area, compared with the situation anticipated when Condition 12 was imposed. Openness is the most important attribute of Green Belts. The loss of openness would detract from the character and appearance of the area and Condition 12 was designed to avoid this. The appellant proposes to demolish the store and approximately half of the long barn to address this issue. However, Condition 12 itself required the demolition of certain outbuildings although I have not been provided with information that identifies which buildings were involved. Furthermore, the original house is higher than the barn and store and consequently more intrusive. In altering the original house for use as a store it is proposed to make it 'barn like and rural' in appearance. However, in shape it

would remain a two storey house in contrast to the more basic rural nature of the outbuildings. I acknowledge that the original house is now screened from the road by the new one, and that the somewhat unsightly outbuildings are more readily visible. However, the presence of both the new house and the original house, albeit adapted, together on the site would reduce its rural nature and consequently detract from the character of the Green Belt.

9. The appellant has commissioned a management plan for the small wood. To carry out the necessary work equipment and tools will be needed and it is submitted that these must be stored in the adapted house. However, I am not convinced that the outbuildings and large garage are not suitable for this purpose. It seems the outbuildings have fulfilled a somewhat similar function before and the wood was acquired in the knowledge that Condition 12 required the demolition of the original house.
10. Circular 11/95 'The Use of Conditions in Planning Permissions' gives guidance on the fair, reasonable and practical imposition of conditions when granting planning permission and states they should only be imposed when they satisfy various tests. Retaining the original house would lead to inappropriate development and cause harm to the character of the Green Belt. The benefits of any other considerations, including adaptation for use in connection with managing the adjacent wood, do not clearly outweigh the significant harm arising from its inappropriateness, and the harm it would cause to the character of the Green Belt. Very special circumstances to justify the retention of the original house do not exist.
11. In terms of the guidance in Circular 11/95 I am satisfied that Condition 12 is necessary and justified to prevent the harm I have identified, by reason of inappropriate development and to the character of the Green Belt and with no very special circumstances that outweigh such harm. Retaining the original house would conflict with PPG2 and LP Policies GBC1 and HSG8. Accordingly I dismiss the appeal.

Jim Metcalf

INSPECTOR



Appeal Decision

Site visit made on 20 June 2011

by **Mike Fox BA (Hons) Dip TP MRTPI**

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

Decision date: 27 June 2011

Appeal Ref: **APP/J1915/A/11/2148904**

Congregational Church Hall, Chapel Lane, Little Hadham, Ware, Herts, SG11 2AY

- 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 Little Hadham Congregational Church against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/2090/FP, dated 23 November 2010, was refused by notice dated 26 January 2011.
 - The development proposed is the conversion of a church hall to form a two bedroom residential dwelling and the insertion of 2 no. rooflights.
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Decision

1. I allow the appeal and grant planning permission for the conversion of a church hall to form a two bedroom residential dwelling and the insertion of 2 no. rooflights at the Congregational Church Hall, Chapel Lane, Little Hadham, Ware, Herts, SG11 2AY, in accordance with the terms of the application Ref 3/10/2090/FP, dated 23 November 2010, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 10397-P001, dated October 2010, entitled *Proposed Plans and Elevations*.
 - 3) The materials to be used in the construction of the external surfaces of the building works hereby permitted shall match those used in the existing building.
 - 4) No development shall take place until full details of the hard surfaced areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing No 10397-P001 for parking and such space shall be retained at all times for this use.
 - 6) All existing hedges shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on site in connection with the development hereby permitted. Any parts of the hedges or hedgerows removed without the local planning authority's consent or which die or become, in the opinion

of the local planning authority, seriously diseased or otherwise damaged within five years from the date of this permission shall be replaced as soon as is reasonably practicable, and in any case by not later than the end of the first available planting season in accordance with a planting scheme that has been submitted to and agreed in writing with the local planning authority.

Introduction and main issue

2. The appeal property is a redundant church hall in the village of Hadham Ford and its Conservation Area. The main issue is whether its conversion to a residential dwelling would compromise the Council's settlement strategy, with particular reference to community facilities.

Reasons

3. Hadham Ford is a category II village where *East Herts Local Plan Second Review* (April 2007) (LP) policy OSV2 may permit infill development, providing there would be no unacceptable loss of housing, employment, sport, recreation, open space or community facilities. It also requires other criteria to be satisfied, including the need not to be significantly detrimental to the amenities of the adjoining area or nearby occupiers, and the need to respect the character of the surrounding area. Subject to satisfying these criteria, the appeal proposal would accord with the LP policy OSV2.
4. In my view the key criterion from the above list is whether the proposal would amount to an unacceptable loss of a community facility. LP policy LRC11 addresses this issue with two tests; either (a) whether suitable alternative facilities are provided on site, in the locality or relevant catchment area; or (b) it can be demonstrated that the facility is no longer needed and that there is insufficient demand to make an alternative community facility available.
5. In relation to test (a), a village hall in Hadham Ford already exists, to the north of the appeal property, in the village and within walking distance of its inhabitants. Information in the village hall shows a wide range of regular weekly activities, whilst there are some gaps, including a few evening slots, to accommodate additional activities should the need arise. From my site visit, the purpose built village hall appears to be large enough to accommodate the needs of a village of the size of Hadham Ford. It also has an extensive car park. I am therefore satisfied that the proposal would satisfy test (a). Given that policy LRC11 is predicated on an either/or basis, test (a) alone is sufficient to justify the proposal.
6. Turning to test (b), however, the appeal property has not been used for community facilities for several years. The appellants have explained why the appeal property would not be suitable for business/tourist/leisure or community use. Although this information has not been presented in the form of a business case, no compelling evidence of unmet community need has been made, or anything amounting to a business case to show how the appeal property could meet these needs, even if I were to dismiss the appeal. I therefore consider that, on balance, the proposal would also pass test (b), although as I have stated above, the policy only requires one of the two tests to be satisfied.
7. These considerations are repeated in other local plan policies, such as OSV2 and GBC9. Nothing elsewhere in the local plan, however, persuades me that

there is a strong enough policy argument to dismiss a proposal to bring into use a building which has been unused for several years and is in danger of becoming an eyesore within a Conservation Area, which would not leave the village without adequate community facilities and which would make a modest contribution to local housing requirements.

8. In relation to the main issue, I consider that the proposal for the conversion of the appeal property to a new dwelling would be sustainable in relation to the criteria for a category II village. It would also not result in an unacceptable loss of community facilities in Hadham Ford, in view of the existing adequate and well located village hall.
9. Several other concerns were raised by local residents and the parish council. I consider that the increase in vehicular traffic resulting from the proposal is likely to be minimal and significantly less than that generated by a community use. Furthermore, the highway authority has not objected on highway safety grounds and I see no reason to disagree. The proposal, which provides for one parking space, would not be contrary to the Council's Supplementary Planning Document *Vehicle Parking Provision at New Development*, which sets a maximum standard of 1.5 parking spaces for a 2 bedroom dwelling.
10. Turning to concerns over the impact on the living conditions of the neighbouring occupiers of Brook House and Ford Cottages, I consider that any overlooking and loss of privacy would not be unduly greater than existing levels, a point the Council also makes. Regarding environmental impact, I have imposed a condition to ensure that all existing hedges and hedgerows shall be retained, unless shown in the approved drawings to be removed. The proposed physical changes are primarily internal and I consider that the proposal would preserve the character and appearance of the Hadham Ford Conservation Area, whilst were I to dismiss the appeal, there would be the prospect of continuing neglect and disrepair, detrimental to the streetscene.

Conditions

11. The conditions in my formal decision are largely based on those suggested by the Council and slightly amended in the light of Circular 11/95 *The Use of Conditions in Planning Permissions*. Condition (2) is for the avoidance of doubt and in the interests of proper planning. Conditions (3), (4) and (6) are in the interests of the character and appearance of the area. Condition (5) is in the interests of highway safety.

Conclusion

12. I have found that the proposal would not be compromise the Council's settlement strategy, especially in relation to community facilities, and would therefore not be contrary to national policy or the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR



Appeal Decision

Site visit made on 1 June 2011

by **Jim Metcalf MRTPI**

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

Decision date: 15 June 2011

Appeal Ref: APP/J1915/A/11/2148518
28 High Street, Puckeridge, Ware, SG11 1RN

- 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 Esta Dennis against the decision of East Herts Council.
 - The application Ref 3/10/2123/FP, dated 1 December 2010, was refused by notice dated 26 January 2011.
 - The development proposed is the erection of two attached dwellings.
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Application for costs

1. An application for costs was made by Ms Esta Dennis against East Herts Council. This application is the subject of a separate decision.

Decision

2. I allow the appeal and grant planning permission for a the erection of two attached dwellings at 28 High Street, Puckeridge, Ware, SG11 1RN in accordance with the terms of the application, Ref 3/10/2123/FP, dated 1 December 2010, subject to the conditions in the attached schedule.

Main Issue

3. I consider the main issue is the effect on highway safety.

Reasons

4. No 28 High Street, in the centre of Puckeridge, is used in part as an estate agent and as a three bedroom house. The deep garden at the rear has a narrow access from the street and a number of outbuildings. No 28 High Street is a Grade 2 Listed Building in the Puckeridge Conservation Area. The two new houses would be built behind the main property. The houses would be linked and extend into the site beyond the existing outbuildings with two gardens beyond. Two parking spaces and a small amenity area would be laid out for the residents at No 28 High Street. There would be no on-site parking provision for the residents of the new houses.
 5. The access that leads into the site has an unsatisfactory junction with High Street. Limited width and visibility, especially to the south, prejudice the safety of pedestrians and vehicles on High Street when vehicles use the access. However, the layout proposed, with no car parking spaces for residents of the
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new houses, would not lead to any increase in use of the access. The Highway Authority has no concerns that the development would have an adverse effect on the highway network. Restricting the space for cars on the site may indeed mean there is less vehicular use of the access than at present.

6. Policy TR7, and Appendix II, of the East Herts Local Plan Second Review (LP) sets down maximum standards for car parking provision and explains that actual provision will be determined on a site by site basis. Puckeridge is a village identified in the LP as suitable for small scale housing development, in part because of the availability of passenger transport. There are public car parks in Huntsman Close, close to the appeal site that would be relatively convenient for residents. Parking is controlled on High Street to minimise interference with traffic. Although the LP standards indicate that three car spaces be provided with two houses of the size proposed these are 'maximum' requirements. In the circumstances I regard it unlikely that the development of the two houses without car parking spaces would lead to significant on street parking or other situations that would threaten highway safety.
7. The Council have not objected to the proposal on the basis of the location in the grounds of a Listed Building and the Puckeridge Conservation Area. The houses would fit in with the grain of development and would have a design, form, size and siting in keeping with the locality. Listed Building Consent for the demolition of outbuildings to accommodate the two houses was granted in August 2010. I consider that the scheme would preserve the character and appearance of the conservation area and the setting of the Listed Building.
8. I have taken into account all other representations including the views of the Parish Council and neighbours. The Council are satisfied that there would not be a significantly detrimental effect on the privacy or outlook of neighbours, because of the position and design of the houses and the screening along boundaries. I accept this analysis.
9. The Council have suggested that if planning permission is granted conditions should be imposed to secure an archaeological investigation, because the site is in an Area of Archaeological Significance in the historic core of the village, and to approve details of boundary treatment, materials and landscaping. These conditions are important to ensure that the development fits satisfactorily into the conservation area. I have adapted the boundary condition to ensure that it includes provision to prevent cars parking in the grounds of the new houses. Conditions to ensure that the car parking spaces for the existing house are provided and that the landscaping scheme is carried out are needed to ensure the development is implemented as approved.
10. I conclude that the development would not have a significantly adverse effect on traffic safety through either any increased use of the access or the lack of car parking spaces. Accordingly, I uphold the appeal.

Jim Metcalf

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 208243DWG010 Rev D, 208243DWG011 Rev D, 208243DWG012 Rev D, 208243DWG013 Rev H, 208243DWG014 Rev D.
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The details shall include provision to prevent the parking of cars in the grounds of the dwellings. The boundary treatment shall be completed before the dwellings are occupied and shall be retained thereafter. Development shall be carried out in accordance with the approved details.
- 5) 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.
- 6) The dwellings shall not be occupied until space has been laid out within the site in accordance with drawing No 208243DWG012 Rev D for two cars to be parked, for use by the residents of No 28 High Street.
- 7) 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 and these works shall be carried out as approved. These details shall include hard surfacing materials; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwellings or in accordance with the programme agreed with the local planning authority. If within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.



Appeal Decision

Site visit made on 7 June 2011

by **Laura Graham BSc MA MRTPI**

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

Decision date: 16 June 2011

Appeal Ref: APP/J1915/D/11/2152222

2A, Crescent Road, Bishops Stortford, Herts CM23 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms S Bhatti against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/2199/FP, dated 13 December 2010, was refused by notice dated 9 February 2011.
 - The development proposed is a two storey side extension to an existing detached single family dwelling; a new wall within the rear garden; minor remodelling of the front driveway; and enlarging an existing dormer window to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension to an existing detached single family dwelling; a new wall within the rear garden; minor remodelling of the front driveway; and enlarging an existing dormer window to the rear at 2A, Crescent Road, Bishops Stortford, Herts CM23 5JU in accordance with the terms of the application, Ref 3/10/2199/FP, dated 13 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 development hereby permitted shall be carried out in accordance with the following approved plans: 280.P.001, 280.P.002, 280.P.003, 280.P.004, 280.P.005, 280.P.050, 280.P.051, 280.P.052, 280.P.053, 280.P.054, 280.P.055, 280.P.056.
 - 3) 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.

Main Issue

2. I consider the main issue to be the effect of the appeal scheme on the character and appearance of the surrounding area.

Reasons

3. The Council raises no objections to various elements of the appeal scheme including the solar panels, the chimney, the alterations to the front driveway and garden and the extension to the rear dormer window. It also notes that

the construction of the proposed wall would not require planning permission. I also find those aspects of the scheme uncontentious.

4. Crescent Road is characterised by residential properties of varying ages and architectural styles. The appeal property is a style of chalet bungalow that was popular in the 1960s. The proposed side extension is in a more contemporary style, incorporating, for example, different materials such as glass bricks in the front wall and sections of flat roof. I consider the glass elements in the front elevation would bring visual relief to an otherwise blank wall. I note that Policy ENV6(d) of the East Herts Local Plan Second Review 2007 (the Local Plan) states that flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in exceptional circumstances. Although the appeal scheme incorporates a section of flat roof at first floor level, it also includes a section with a low pitch, which would add visual interest when seen from the public realm. The Council considers that the rear elevation of the extension would be bland with unbalanced fenestration. However, the design of the host dwelling is not symmetrical and in my view the proposed extension would provide a visual balance to the wide gable on the other side of the rear elevation. I consider that the design of the extension would complement rather than imitate the architectural style of the original building.
5. Whilst details of the design would be a departure from the form and materials of the host dwelling, the overall massing and scale of the extension would make it visually subservient to the original house. Furthermore, the siting of the proposed extension would ensure that significant space remains around the building, and the mature boundary landscaping would soften the impact of new development. Taken overall, I consider the proposed extension would add a contemporary element to the evolving street scene. I conclude it would not harm the character and appearance of the surrounding area, and would not compromise the objectives of policies ENV1, ENV5 and ENV6 of the Local Plan.
6. In addition to the standard time condition, I have imposed a condition requiring the submission of samples of external materials to the Council in the interests of visual amenity. It would not be appropriate to require the use of matching materials as one of the key features of the design of the extension is the use of contemporary materials. For the avoidance of doubt and in the interests of proper planning, I have imposed a condition that the scheme shall be built in accordance with the submitted plans.
7. I have taken account of all other matters raised, but find nothing to alter my decision that the appeal should be allowed.

Laura Graham

Inspector



Appeal Decision

Site visit made on 20 June 2011

by **Mike Fox BA (Hons) Dip TP MRTPI**

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

Decision date: 24 June 2011

Appeal Ref: APP/J1915/D/11/2152326

Dowers, Cherry Green Barns, Cherry Green, Westmill, Buntingford, Herts, SG9 9NQ

- 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 G Page against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0263/FP, dated 17 February 2011, was refused by notice dated 6 April 2011.
 - The development proposed is the construction of a glazed link between the house and the detached games room.
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Decision

1. I allow the appeal and grant planning permission for the construction of a glazed link between the house and the detached games room at Dowers, Cherry Green Barns, Cherry Green, Westmill, Buntingford, Herts, SG9 9NQ, in accordance with the terms of the application Ref 3/11/0263/FP, dated 17 February 2011, and the plans submitted with it.

Main Issue

2. In my view the main issue is the effect of the completed proposal on the character and appearance of the house and detached games room at *Dowers*, the wider complex of buildings at Cherry Green Barns and the countryside.

Reasons

3. The appeal property, *Dowers*, comprises a residential building which was designed to resemble a converted barn, a detached games room and another outhouse. *Dowers* is located at the south-west edge of a compact group of buildings known as Cherry Green Barns, which are neighbours to *Cherry Green Farmhouse*, a grade II listed building to the north-east.
4. The glazed link is a single storey structure, about 4m long and about 2m wide, which connects the house with the games room. It has a straightforward, functional design and although its glazing extends from the slightly elevated platform at its base to the eaves on both sides, it is modest in size and its roof is lower than both host buildings. As such, it is subservient to them and has not compromised their integrity. Moreover, its roof tiles are not out of keeping with the dark roof tiles on the main house, which itself contrasts with the red tiles on the roof of the games room.
5. Its visual impact on the rest of Cherry Barns is constrained by the arrangement of the other buildings, which limit any views to within a short distance of the

appeal structure. Although it is visible from the agricultural land to the south, it does not detract from views from the public footpath, some distance away to the south-east. Its impact on the setting of *Cherry Green Farmhouse*, over 20m to the north-east and with no direct views of the glazed link, is minimal.

6. I consider that the appeal development would not harm the character and appearance of the main house or the games room, or its wider context, and is not therefore contrary to *East Herts Local Plan Second Review (2007)* policies ENV1 (a), GBC3 (c), ENV5 or ENV6 (a), which address compatibility, scale and materials. Neither does it conflict with national policy, as expressed in Planning Policy Statement 5 *Planning for the Historic Environment*. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR