



Appeal Decision

Site visit made on 4 August 2011

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 16 August 2011

Appeal Ref: APP/J1915/A/10/2141656

119 Hadham Road, Bishop's Stortford CM23 2QG

- 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 B McArthur-Muscroft against the decision of East Herts Council.
 - The application Ref 3/10/1545/FP, dated 25 August 2010, was refused by notice dated 19 October 2010.
 - The development proposed is replacement of the existing garage with new and an annexe over and storage below.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing garage with a new garage with annexe over and storage below at 119 Hadham Road, Bishop's Stortford in accordance with the terms of the application, Ref 3/10/1545/FP, dated 25 August 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: 119Had-Plan-001A, 119Had-Plan-002B, 119Had-Plan-003, 119Had-Plan-004, 119Had-Plan-005, 119Had-Plan-006 and 119Had-Plan-007.
 3. Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
 4. All existing trees, shrubs and natural and historic features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line and in accordance with fencing details to be agreed with the local planning authority. Such fencing shall be maintained during the course of the works. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed

without the prior consent of the local planning authority, it shall be replaced as soon as practicable and in any case by not later than the end of the next available planting season, with trees of such number, size and species, and in such positions, as has been agreed by the local planning authority.

Main issue

2. At issue is the effect of the proposal on the appearance of the streetscene, having particular regard to its location within the Bishop's Stortford Conservation Area.

Reasons

3. The Bishop's Stortford Conservation Area embraces the historic centre of the town together with some of the approaches, particularly to the east and north-west. The latter along Hadham Road encompasses the appeal site. It is characterised by properties of varying size and age, but largely in spacious settings surrounded by trees and other vegetation. Saved policy BH6 of the East Herts Local Plan Second Review (2007) sets out the development plan policy for new developments in conservation areas. It reflects the statutory duty contained in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving or enhancing the character or appearance of the area.
4. The proposed garage/annexe building would replace an existing double garage building. It would be a larger structure, both in terms of its footprint and its overall height and mass. It would be more noticeable in the streetscene than the present building. However, in its relationship to its surroundings it would maintain the present balance between built development and natural environment which is the characteristic of this part of the conservation area. It would be sympathetic in terms of its scale and other elements such that the criteria of policy BH6, as well as those of policy ENV1 relating to design and environmental quality, would be met. The appellant has drawn attention to other examples of recent development within the conservation area in the vicinity of the site. Having regard to those and to the overall scale and design of the appeal proposal, the development would preserve the character and enhance the appearance of the streetscene and the wider conservation area. It would accord with Local Plan policies ENV1 and BH6.
5. The planning permission is granted subject to the conditions suggested by the local planning authority. These are necessary to secure a satisfactory appearance to the completed development, albeit the wording has been changed in some instances in the interests of clarity.
6. In reaching this decision, regard has been had to the Draft National Planning Policy Framework document, issued for consultation on 25 July, but as this document is still in draft form and subject to change, I have accorded little weight to its policies.

Peter Horridge

INSPECTOR



Appeal Decision

Site visit made on 1 August 2011

by Vincent Maher MA (Cantab) MCD MBA MRTPI

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

Decision date: 18 August 2011

Appeal Ref: APP/J1915/H/11/2148838

Prezzo, 17-21 Fore Street, Hertford SG14 1DH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Prezzo PLC against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/1980/AD, dated 16 November 2010, was refused by notice dated 12 January 2011.
 - The advertisements proposed are two sets of face illuminated text reading PREZZO and one internally illuminated projection sign.
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Preliminary matter

1. The advertisements that are the subject of this appeal are already in position.

Decision

2. I dismiss the appeal.

Main issue

3. The main issue in this case is the impact of the advertisements on the amenity of the area and, in particular, whether they would preserve or enhance the character or appearance of the Hertford Conservation Area.

Reasons

4. The appeal site is a prominent building with frontages onto two roads in the historic core of the town within the wider Hertford Conservation Area. Shop signage in the town centre generally comprises carefully designed non illuminated or externally illuminated fascia signs that respect the historic shopfronts and buildings to which they are attached along with modest projecting or hanging signs. These features contribute to the overall high amenity value of the town centre.
5. The contrasting colour scheme of the advertisements relative to the host building, reinforced by the extent of illumination, present as a strongly dramatic sign that stands at odds with the prevailing muted signage locally. As such I find the advertisements represent insensitive additions in a prominent location in the streetscape that harm the amenity of this sensitive location and, in doing so, adversely affect the appearance of the Conservation Area.

Other matters and conclusions

6. In objecting to the proposal the Council has referred to Policy BH15 from the East Herts Local Plan Second Review. As Section 38(6) of the Planning and

Compulsory Purchase Act 2004 does not apply to applications for advertisement consent, this policy can only carry the weight of a material consideration. Compliance with this policy cannot be a decisive factor in my decision.

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

Vincent Maher

INSPECTOR



Appeal Decisions

Site visit made on 2 August 2011

by Chris Hoult BA BPhil MRTPI MIQ

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

Decision date: 19 August 2011

Appeal Ref: APP/J1915/C/10/2143642 (Appeal A)

Land off St Mary's Lane, Hertingfordbury, Hertfordshire, SG14 2LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Daniel Green against an enforcement notice issued by East Hertfordshire District Council.
- The Council's reference is E/10/0367/B.
- The notice was issued on 3 December 2010.
- The breach of planning control as alleged in the notice is the raising of land levels by the deposit of spoil.
- The requirements of the notice are to (a) cease the engineering operation to alter the levels of the land; (b) remove the imported spoil from the site; and (c) restore the land to its former levels.
- The period for compliance with all the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended ("the 1990 Act"). Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the 1990 Act does not fall to be considered.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Decision.

Appeal Ref: APP/J1915/A/11/2149295 (Appeal B)

Old Clay Pit, St Mary's Lane, Hertingfordbury, Hertfordshire, SG14 2LE

- 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 Daniel Green against the decision of East Hertfordshire District Council.
- The application Ref 3/10/2032/FP, dated 12 December 2010, was refused by notice dated 3 March 2011.
- The development proposed is the construction of a new service road from the existing access to livestock areas and a store and associated levelling work.

Summary of Decision: The appeal is dismissed.

Preliminary matters

1. The development subject of Appeal B has already taken place. The application is therefore retrospective. The works are the subject of the enforcement notice to which Appeal A refers. I deal with the appeals on that basis.
2. The appellant appealed against the notice on the grounds set out above and submitted the application which is now the subject of Appeal B. The appeal is therefore the equivalent of a ground (a) appeal against the notice. Both

appeals were subsequently linked, to be dealt with together under the same written representations procedure. I therefore deal with them as I would have done had there been a ground (a) appeal. I consider firstly whether to grant retrospective planning permission before going on, in the event that I dismiss that appeal, to consider the appeal on grounds (f) and (g). Accordingly, I deal firstly with Appeal B and then with Appeal A.

Appeal B

Background and main issues

3. The site of the works is an old clay quarry in the Green Belt just outside the village. It appears to have been worked in the late 19th/early 20thC and then tipped with waste, mainly incinerator residues, over an indeterminate period up to 1978. Proposals for a fishing lake in the 1990s were withdrawn or dismissed on appeal. In 2004, retrospective planning permission was refused for an access and car parking area and enforcement action subsequently undertaken. The notice was appealed, the outcome of which was that planning permission was granted for the widening of the access but refused for the car park.
4. The Inspector assessed these engineering operations in relation to national Green Belt policy guidance in PPG2¹. Though it appeared to me that the tipped material subject of this appeal consisted at least partly of imported waste, the Council refers to it as "spoil" and similarly describes the development as engineering operations. The Courts have accepted that waste disposal constitutes a material change of use rather than operational development. However, the policy test in paragraph 3.12 of PPG2 relates both to engineering operations and to material changes of use alike. Development is considered to be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.
5. I therefore consider the main issues to be:
 - (a) whether the formation of the roadway and associated levelling work amounts to inappropriate development for purposes of PPG2 and development plan policy;
 - (b) the effect of the development on the character and appearance of the open countryside; and
 - (c) whether the harm from 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.

Whether inappropriate development

6. The roadway broadly bisects the site, running initially east-west from its access on a shallow embankment before heading south-west, where it widens out. The previous and current works have led to two separate open low-lying areas to the north and south of it, which are flanked by steep, tree-lined former quarry sides to the south and east and by a mainly level wooded area which extends to a steep embankment running along the north-western boundary.
7. It has been formed to facilitate the use of the land by the appellant for agriculture, in particular, rearing pigs. It seems to me an unlikely location for

¹ Planning Policy Guidance Note 2: *Green Belts*.

livestock rearing, the vegetation within the open parts of the site largely consisting of scrub. He explains that it would provide a suitable locality for pigs' habit of rooting and provide much-needed open space for the current pig and cattle rearing operation which largely takes place indoors. Cattle are fed on short food and silage and a water supply can be established. While the lawful use of the site is unclear, and was not a matter before the Inspector in the previous appeal, by virtue of s55(2)(e) of the 1990 Act, its use for agriculture would not amount to development. It could be used in this way irrespective of the roadway without the need for planning permission.

8. While it has clearly provided access for vehicles involved in tipping operations, I have no reason to dispute that its main purpose once formed will be to facilitate access by farm vehicles. I noted that a number of pig arks and equipment for maintaining food and water supply to animals were dotted about the site. Although it crosses the site on an embankment, its sides have been graded to form shallow slopes and similar treatment has occurred to its side slopes as it heads further south-west. On this section, it blends in with the general fall of the land. I accept that it has a large footprint and an untidy, unfinished appearance, with which I deal in more detail below.
9. Viewed purely in terms of Green Belt policy, it has an insignificant effect on openness. It does not read as an urbanising feature and it has only a slight raised profile. It does not amount to development which would encroach on the open countryside, as one of the five purposes of including land in the Green Belt set out in paragraph 1.4 of PPG2. Accordingly, it meets the requirements of paragraph 3.12 of PPG2. Saved Policy GBC1 of the East Herts Local Plan Second Review 2007 applies the same policy test. I therefore conclude that the formation of the roadway and associated levelling work does not amount to inappropriate development for purposes of PPG2 and development plan policy. No harm to the Green Belt from inappropriateness arises.

Character and appearance

10. The site is accessed via a track along its south-eastern boundary, along which runs a public bridleway, which is accessed from the village along St Mary's Lane and runs through pleasant open countryside, with fields to the north-east and the perimeter trees screening the clay pit to the south-west. Glimpsed views are obtained of houses on the edge of the village in what is otherwise a largely unspoiled rural scene. However, at the site access, wide-ranging views of the site, and of the works which have taken place, open up. Views of both the widened access, the re-graded former car parking area and the roadway as it crosses the site and continues along the far side of it are readily obtained across open land within the site.
11. The roadway is wide and has a recognisably engineered appearance. Levelling works to provide a broad, flat area mid-way along its length add to this impression. Where tipped material has been used to form the side slopes, this has been left uncovered by soils and they have an untidy, unfinished appearance along much of its length, notably on the far side from the access. It is initially flanked by post and rails fencing, which helps to blend with the rural setting, but this stops at a field gate only part-way along its length. No wider landscaping has taken place to soften its visual impact. I accept that the site as a whole still has the appearance of a one-time quarry, despite the degree of re-vegetation, but the works nevertheless appear as a visually intrusive feature, even as development to facilitate agriculture.

12. While the submitted appeal plans show original and revised contours following the works, they contain no proposals for further re-grading works or for landscaping. Reference is made in the grounds of appeal to landscaping proposals "being drawn up". Since submitting the appeal, the appellant has changed agents. Doubtless aware of this shortcoming, the present agent has, with the appeal statement, submitted further plans. These include a proposed layout incorporating a narrowing of the width of the roadway, re-grading works; topsoiling; grass seeding and tree planting.
13. While the plans plainly seek to address concerns raised by the Council in refusing permission (and by me in dealing with the appeal), they are not plans which have ever been put to it as part of the planning application process. The Council has therefore been unable to consult or notify third parties who have made representations on the application and on the appeal.
14. The appellant says that I could impose a condition on a grant of permission that landscaping and associated works be carried out in accordance with the plans. However, they are insufficiently detailed and a further condition would need to require the Council's approval of such matters as soil depths, planting specifications etc. Moreover, they introduce a further item, a suggested barn, which was not part of the original proposals. For me to deal with them in this way would be to condone an informal procedure for approving proposals which would by-pass the normal planning application process and which I consider are materially different from those originally submitted. For these reasons, I cannot take the plans into account in dealing with the appeal.
15. Given this, I conclude that the development gives rise to harm to the character and appearance of the open countryside. While the Council refers me to local plan Policy GBC1 in this respect, it deals only with the question of the inappropriateness of development in the Green Belt. Nevertheless, the development runs counter to the requirement of paragraph 3.15 of PPG2 in so far as, on account of its siting and materials, it harms the visual amenities of the Green Belt. The weight I attach to the harm to the Green Belt counts as "any other harm" in terms of the main issues I identify.

Other considerations

16. Paragraphs 3.1 and 3.2 of PPG2 make clear that considerations amounting to very special circumstances only need to be demonstrated where inappropriate development occurs, which is not the case here. Nevertheless, given that harm does arise, it is incumbent on me to deal with any considerations which might outweigh it and thereby justify a grant of permission. The only considerations raised relate to the benefits associated with allowing more beneficial use to be made of the site for agriculture. While I accept that it is a use which is consistent with the maintenance of openness in the Green Belt and with the character of the area, that merely indicates a lack of weight attaching to harm in these respects – a neutral factor in the balancing exercise.
17. The appeal statement explains in more detail its use in the context of the appellant's wider farming interests but the evidence indicates that the site was not initially acquired by the appellant's father for farming purposes. It does not on the face of it seem a suitable site for livestock, offering little potential for grazing. There is no evidence as to what more suitable sites might have been considered and rejected by him in favour of this one, and why, other than that this is a site which he owns. There are no wider landscaping or other

improvement proposals for the site as a whole. In the light of this, I conclude that the harm arising is not outweighed by other considerations.

Conclusions

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

Appeal A

Ground (f) appeal

19. The initial appeal was on the basis that a planning condition could reduce the extent of the works, though how that might be achieved in the absence of a ground (a) appeal is not addressed. There is now a linked s78 appeal and I am therefore in a position to consider the planning merits of lesser steps. The purpose of the notice is plainly to remedy the breach by reinstating the land to its condition before it took place. I acknowledge the appellant's concern that that would leave it in the form of an un-restored clay pit, whose potential for beneficial use would be reduced. However, that is the form in which it has slowly re-vegetated and blended into the wider landscape over the years. I accept that there would be some short-term disturbance to bridleway users and local residents from lorry movements involved in removing the material.
20. It follows from my reasoning on the s78 appeal that I consider that, as an alternative, re-grading and landscaping works as shown in the plan submitted with the appeal statement (ref. 232-11.2A) could, as a lesser step, go some way towards addressing any injury to amenity caused by the breach. The appellant suggests that the steps required could be varied so that the width of the roadway is reduced as shown on the plan, with any excess spoil used in re-grading works to reinstate downward slopes to match the original contours.
21. Such a requirement is in my view insufficiently precise without more detailed consideration of resulting contours. However, a more fundamental difficulty relates to the powers available to me under s176(1)(b) of the 1990 Act, in that I could only vary the terms of the notice provided I am satisfied that it will not cause injustice to the local planning authority. In relation to the s78 appeal, I make the point that the Council has not been able to consider the plan through the normal planning application process nor has it been able to consult third parties who have made representations. It follows from this that to base the steps required on the same plan would cause it injustice in so far as it would be similarly deprived of an opportunity to do so.
22. Given this, and in the absence of any other basis on which to require lesser steps, I therefore revert to the purpose of the notice to remedy the breach. The steps required seek to achieve this by requiring the cessation of the engineering operation, removing the spoil deposited on the site and reinstating the land to its former levels. The strict basis of the appeal on this ground is that they exceed what is necessary to achieve this purpose. However, it is plain that they do not. Accordingly, the ground (f) appeal must fail.

Ground (g) appeal

23. Cessation of any further deposit of spoil could take place in the short term, if not immediately, and has in any event occurred. However, I consider that a period of 1 month is too short to remove the deposited material from the site,

given the need to find a suitable alternative site and make appropriate arrangements. To condense the works into such a period would also increase any risk to bridleway users from lorry movements concentrated over a short period and give insufficient flexibility with regard to weather conditions. An extended period for compliance with those steps involved in the reinstatement of the site is required. I conclude that a reasonable period would be 6 months, as requested, and I shall vary the notice accordingly, prior to upholding it. The appeal under ground (g) therefore succeeds.

Decisions

Appeal Ref: APP/J1915/C/10/2143642 (Appeal A)

24. The appeal is allowed on ground (g) and the enforcement notice is varied by, in Section 6(b) and 6(c), the deletion of 1 month and the substitution of 6 months as the period for compliance. Subject to this variation, the notice is upheld.

Appeal Ref: APP/J1915/A/11/2149295 (Appeal B)

25. The appeal is dismissed.

C M Hoult

INSPECTOR



Appeal Decision

Site visit made on 1 August 2011

by **Vincent Maher MA (Cantab) MCD MBA MRTPI**

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

Decision date: 18 August 2011

Appeal Ref: APP/J1915/D/11/2152791

35 Station Road, Sawbridgeworth, Hertfordshire CM21 9JY

- 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 Pauline Doyle against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0288/FP, dated 28 February 2011, was refused by notice dated 5 May 2011.
 - The development proposed is a vehicle crossover and new hardstanding.
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Preliminary matter

1. The Council's description of the development is clearer than that provided by the appellant and I have therefore relied upon it.

Decision

2. I dismiss the appeal.

Main issues

3. The two main issues in this case are: (a) whether sufficient detail has been provided to enable the application to be assessed; and (b) whether the proposal would have a detrimental impact on the setting of nearby listed buildings and, more broadly, whether it preserve or enhance the character or appearance of the Sawbridgeworth Conservation Area.

Reasons

4. The appeal site has one off street car parking space and shares a drive with the adjacent property at 37 Station Road. Exiting the site in a car, especially in reverse gear, is likely to be a difficult manoeuvre for a number of reasons. These include the slope of the drive leading up to the intersection with Station Road; traffic volumes on Station Road; levels of on street parking I observed on the southern side of the street which forced westbound vehicles into the middle of the road; and, finally, the absence of a pavement by the appeal property which means that a car reversing out has to drive directly onto the road. A mirror has been placed at the intersection between the drive and Station Road to aid visibility.
5. In considering the first main issue in this case, Diagrams C and D show the location of the crossover and the dimensions on the hardstanding but do not demonstrate if safe visibility splays could be achieved. This is a pertinent consideration in this case given the absence of a pavement by the appeal property. I accept there is a deficiency in the application drawings submitted.

6. Turning to the second main issue, the current off street parking space is partially hidden from view. The new parking area would be sited on a raised and considerably more exposed part of the front garden. It would require the removal of a length of closeboard timber front fencing. The front garden of the appeal property forms an integral part of the setting of the pair of listed buildings and the extensive hardstanding sought would have a significantly adverse effect on their setting. More broadly, the proposal would adversely affect the appearance and character of the Conservation Area too because of its prominence in the public domain. I observed in the neighbourhood how off street parking has been sited in less visible locations or screened by landscaping. For these reasons, the proposal is at odds with LP Policies BH6 and ENV1.
7. I have carefully reviewed the appellant's concerns about current parking conditions on the site. It does not follow that it is necessary or desirable in planning terms to establish a second parking space in the position shown.
8. For the reasons given above, I conclude that the appeal should be dismissed.

Vincent Maher

INSPECTOR



Appeal Decision

Site visit made on 4 August 2011

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 9 August 2011

Appeal Ref: APP/J1915/D/11/2155202

19 The Forebury, Sawbridgeworth CM21 9BD

- 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 S Robson against the decision of East Herts Council.
 - The application Ref 3/11/0371/FP, dated 3 March 2011, was refused by notice dated 4 May 2011.
 - The development proposed is to demolish existing two storey rear projections and construction of new two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two storey rear projections and the construction of a new two storey rear extension at 19 The Forebury, Sawbridgeworth in accordance with the terms of the application, Ref 3/11/0371/FP, dated 3 March 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 development hereby permitted shall be carried out in accordance with the following approved plans: 11/1197/01, 11/1197/02, 11/1197/03 and 11/1197/04.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. The new window openings in the first floor flank elevations shall be glazed in obscure glass and shall be permanently retained as such.

Main issue

2. At issue is the effect on the character and appearance of the existing dwelling.

Reasons

3. Saved policy ENV6 of the East Herts Local Plan Second Review (2007) sets out criteria for considering applications for extensions to dwellings. It amplifies the more general considerations in policy ENV5, and the wider criteria relating generally to design and environmental quality set out in policy ENV1. Criterion
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- (a) of policy ENV6 is that the design and materials of extensions should match or be complementary to those of the original building and its setting. The new extension would be of similar materials and exhibit similar design principles, such as the choice of fenestration and the use of roofs of matching pitches, to the original building. The roof plan would be altered by the introduction of a second main ridge parallel to the original one, with a valley between. To the extent that this is a noticeable feature, it would complement the original design and add interest to the overall composition.
4. There is concern about the depth of the extension. However, much of it would replace existing two-storey rear projections. The long flank wall to the western elevation is already a characteristic of the existing building, albeit the rear part of this wall is formed by a flat roof two-storey extension. This is an incongruous feature, detracting from the present appearance of the property. The new extension would resolve this incongruity both in replacing the flat roof with a pitched roof and in achieving a more proportionate fenestration.
 5. Criterion (d) of policy ENV6 says that "flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated". The proposed extension incorporates an area of flat roof within the valley between the parallel ridges. However, this is not in itself a "flat-roofed extension", such as that which currently exists at the rear of the house, detracting from its pleasant appearance, and which would be removed in these proposals. The flat roof in the appeal scheme is simply a minor element of the overall design of the extension. As such criterion (d) is not relevant.
 6. Were this part of the design nevertheless contrary to criterion (d), there are material considerations for making an exception to the requirements of the policy in this instance. These include its contribution to the overall design of the proposal, and the fact that it would not be noticeable in any normal views of the property.
 7. While concerns have been raised about the possibility of overlooking of adjacent properties from the new windows to bedrooms 2 and 4, the distances involved are such that no diminution of privacy is likely. The risk of overlooking from the new side windows to ensuite bathrooms can be addressed by the suggested condition requiring obscure glazing.
 8. Overall, the proposals would accord with the requirements of policies ENV1, ENV5 and ENV6. Even if there were conflicts, these are outweighed by the benefits arising from the removal of the existing flat roof two storey extension and achieving a more harmonious design to the overall building. In granting permission, conditions have been imposed along the lines suggested by the council, to ensure a satisfactory appearance to the completed development and to safeguard the privacy of adjoining residents.

Peter Horridge

INSPECTOR



Appeal Decision

Site visit made on 4 August 2011

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 24 August 2011

Appeal Ref: APP/J1915/A/11/2153233

325 Ware Road, Hertford SG13 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by T Clark and P Whiting against the decision of East Herts Council.
 - The application Ref 3/11/0403/FP, dated 14 March 2011, was refused by notice dated 9 May 2011.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling at 325 Ware Road, Hertford in accordance with the terms of the application, Ref 3/11/0403/FP, dated 14 March 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 development hereby permitted shall be carried out in accordance with the following approved plans: DRS/111/01, DRS/111/02 Rev B, DRS/111/03 Rev B and DRS/111/04 Rev A.
 3. Details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
 4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
 5. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the

- next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. The dormer window in the south elevation shall be obscure-glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.
 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), no further windows, doors or openings of any kind shall be inserted in the south roof slope of the dwelling without the prior written permission of the local planning authority.
 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the local planning authority.

Main issues

2. At issue is the effect of the proposal on the character and appearance of the area and on the living conditions of future residents.

Reasons

3. Number 325 is a detached house fronting onto Ware Road. The appeal site forms the rear part of its back garden, where there is a detached double garage located at the head of an adopted road which provides rear access to a number of properties on Ware Road. The proposal involves the demolition of the garage and the construction of a three bedroom dormer bungalow located at right angles to this road.
4. The rear garden slopes down significantly from Ware Road, so the new bungalow would be cut slightly into the bank and be about 5m below the floor level of 325. To accommodate the change in level, a retaining wall of some 1.4m high, surmounted by a 1m boundary wall, would be constructed between the two sites. It would extend around two sides of the bungalow. The bungalow would have no garage. Instead 2 parking spaces would be provided on a driveway leading from the turning head of the rear access road. The garden would be to the north of the bungalow, where there is a mature oak tree.
5. The scheme follows the dismissal on appeal of an earlier proposal for the erection of a bungalow. The inspector was concerned about the size of the bungalow and its proximity to the southern, eastern and western boundaries. This would leave little space for landscaping to assimilate it into the local environment, and make the proposal appear as an overdevelopment of the site. Additionally he was concerned about elements of the design of the building, and the lack of useable garden space as it would have been dominated and shaded by the oak tree.
6. These considerations continue to be reflected in the council's reasons for refusal of the present scheme, despite the appellants' attempt to address them

by reducing the size of the new building, moving it further from the boundaries and increasing the area of garden. It seems to me that the concerns previously addressed have now been overcome. There is at least 2m between the walls of the new bungalow and the boundaries. This will allow space for some landscaping. The gap would be greater on the western side where it is closest to the nearby public highway. This, coupled with the reduction in its size, means that the bungalow would no longer appear excessive in relation to the size of the plot. Notwithstanding the introduction of a rear dormer to house a shower room, the design of the building has been simplified. It no longer has an awkward appearance that would harm the appearance of the area. The amount of useable garden area has been increased, and is sufficient to meet the needs of a family occupying the dwelling. Overall, the development would not adversely affect the character and appearance of the area, or the living conditions of future residents. As such there would be no conflict with the provisions of saved policy ENV1 of the East Herts Local Plan Second Review (2007).

7. In granting permission, conditions have been imposed along the lines suggested by the council, in the interests of securing a satisfactory appearance to the completed development and of protecting the living conditions of neighbouring residents. As the size of the dwelling has been a material factor in the consideration of this and the earlier dismissed appeal, these interests justify a condition withdrawing permitted development rights for extensions.
8. In reaching this decision, regard has been had to the Draft National Planning Policy Framework document, issued for consultation on 25 July, but as this document is still in draft form and subject to change, I have accorded little weight to its policies.

Peter Horridge

INSPECTOR



Appeal Decision

Site visit made on 4 August 2011

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 10 August 2011

Appeal Ref: APP/J1915/D/11/2154792
22 Rivershill, Watton at Stone SG14 3SD

- 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 Timothy Percival against the decision of East Herts Council.
 - The application Ref 3/11/0508/FP, dated 24 March 2011, was refused by notice dated 18 May 2011.
 - The development proposed is single storey and two storey side and rear extensions, replacing existing garage and conservatory.
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Decision

1. The appeal is dismissed.

Main issue

2. At the issue is the effect of the proposal on the character and appearance of the streetscene.

Reasons

3. No objection is raised to the rear extensions. The concern is with the side extension, whereby the garage would be moved forward and a two-storey extension constructed behind and partly above the garage. The garage would continue to occupy the full width of the gap between the main house and the side boundary, while the two-storey element would be set in from this boundary.
4. Properties on this side of Rivershill generally exhibit a rhythm in their spacing. The gaps between the houses allow views over the recessed garages to the wooded areas beyond. This gives this side of the road a semi-rural feel appropriate to its location on the edge of the settlement. Earlier two-storey extensions to some of the houses have already had a harmful effect by removing these gaps. This has significantly urbanised the semi-rural appearance, and in some cases has led to a 'terracing' effect. More recently, a proposal for a two-storey side extension right up to the comparable side boundary at the adjoining property (24) was dismissed on appeal in 2002.

5. The extension proposed in this appeal seeks to address these concerns. It would set back the first floor part of the extension by 1m from the boundary, leaving a gap of around 2m overall between the adjoining two-storey elements. This setback accords with criterion (b) of saved policy ENV6 of the East Herts Local Plan Second Review (2007), which specifically addresses the problem of 'terracing effects'. However, any such positive advantage is outweighed by the fact that the garage would be brought forward to the front building line. In this location, its pitched roof would have a similar effect of filling up the space between the two properties at first floor level. This would curtail the views beyond, and the rhythm of the properties on this side of the road would be lost. The overall effect of the extension would be damaging to the pleasant character and appearance of the streetscene. While the proposal appears to address the specific criteria contained in saved policy ENV6 of the Local Plan, such compliance is outweighed by its conflict with saved policies ENV1 and ENV5.

Peter Horridge

INSPECTOR



Appeal Decision

Site visit made on 4 August 2011

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 9 August 2011

Appeal Ref: **APP/J1915/D/11/2155483**

1 Town Farm Crescent, Standon SG11 1NA

- 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 Peter Mumford against the decision of East Herts Council.
 - The application Ref 3/11/0587/FP, dated 2 April 2011, was refused by notice dated 9 June 2011.
 - The development proposed is removal of existing garden room, new garden room and new garage.
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Decision

1. The appeal is dismissed.

Main issue

2. At issue is the effect of the proposal on the appearance of the streetscene.

Reasons

3. Town Farm Crescent is a cul-de-sac of detached and semi-detached houses on the north side of the A120 Stortford Road. Number 1 is on the left-hand side of the entrance to the cul-de-sac. Town Farm Crescent rises up from Stortford Road such that number 1 is elevated above the carriageway of the adjoining main road, from which it is separated by a bank and verge. Along the boundary between its curtilage and the highway is a timber fence, supplemented by vegetation particularly to the front of the property. There is also a large silver birch tree in the highway verge. The vegetation along the boundary at the front of the property is mirrored by similar vegetation on the opposite side of Town Farm Crescent. Together, these frame the entrance of, and screen views into, the cul-de-sac.
 4. The garden room would replace an existing garden room between the side elevation of the house and the site boundary. The garage part of the extension would project in front of the garden room. It is said that the existing vegetation would be retained and supplemented. However, it is difficult to see how the extension could be constructed without the removal of much of this vegetation, or that there would be adequate space between the new garage and the site boundary for replacement planting to soften the impact of the new building. As a result, the proposal would change the present character of the
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entrance to Town Farm Crescent. It would give it a harder built edge and remove the pleasant symmetry whereby the entrance is framed by the vegetation to each side.

5. While there are other extensions in Town Farm Crescent, none are in as prominent a location as this proposed extension at the entrance to the cul-de-sac. The proposal would harm the appearance of the streetscene, and would be contrary to saved Policy ENV1(I) of the East Herts Local Plan Second Review (2007), in particular criteria (a) and (g).

Peter Horridge

INSPECTOR