



Appeal Decision

Site visit made on 15 February 2011

by **Michael Ellison MA (Oxon)**

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

Decision date: 4 March 2011

Appeal Ref: APP/J1915/D/10/2143067

19 Gypsy Lane, Great Amwell, Ware, Hertfordshire, SG12 9RL

- 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 John Kessler against the decision of East Herts Council ("the Council").
 - The application Ref 3/10/1402/FP, dated 30 July 2010, was refused by notice dated 28 September 2010.
 - The development proposed is reconstruction of existing chalet style bungalow (detached) to form five bedroom house.
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Procedural matters

1. The appeal development was more fully described by the Council as to raise the roof and eaves to form a two storey dwelling with canopy to front elevation.

Decision

2. I dismiss the appeal.

Main issues

3. The main issues in this case are the impact of the development on the street scene of Gypsy Lane and its impact on the living conditions of adjoining occupiers by reason of a potential overbearing effect.

Reasons

Impact on the street scene of Gypsy Lane

4. Although it lies within the settlement envelope of Great Amwell, Gypsy Lane has the feeling of a country lane. The houses are mainly detached, and not set back by a uniform distance from the carriageway; nor are the plots of an entirely uniform size. The appeal property in particular is set back from the road by around 35 metres, much more than any other property I observed along Gypsy Lane.
5. The appeal property is currently a chalet bungalow with first floor dormers. The appeal proposal is to increase the height of the roof of the property by almost 2.5 metres to the ridge and by around 2.15 metres to the eaves in order to form a full two storey dwelling. Although the footprint of the building would not change, the dwelling would have a much more imposing presence in the street scene.

6. There are some two storey dwellings in other parts of Gypsy Lane, but neighbouring properties on the south side of the road are mainly either single storey or dormer bungalows. The two storey house opposite the appeal property sits on a much wider plot.
7. I consider that the increased height of the appeal property, along with the relatively narrow width of the front elevation facing Gypsy Lane and the extent of the set back from the road (which already paradoxically draws attention to the property), would underline the extent to which it would be out of keeping with neighbouring dwellings.
8. The Development Plan for the area includes the East Herts Local Plan Second Review ("the LP"), which was adopted in April 2007. Certain policies of the LP have been saved to continue in operation by direction of the Secretary of State under the Planning and Compulsory Purchase Act 2004. They include Policy ENV1, which requires developments, including building extensions, to relate well to the massing and height of adjacent buildings and the surrounding townscape.
9. I conclude that the appeal proposal would not meet that requirement of saved LP Policy ENV1, and would thereby have an adverse impact on the street scene of this part of Gypsy Lane.

Impact on the living conditions of adjoining occupiers

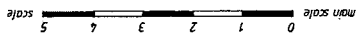
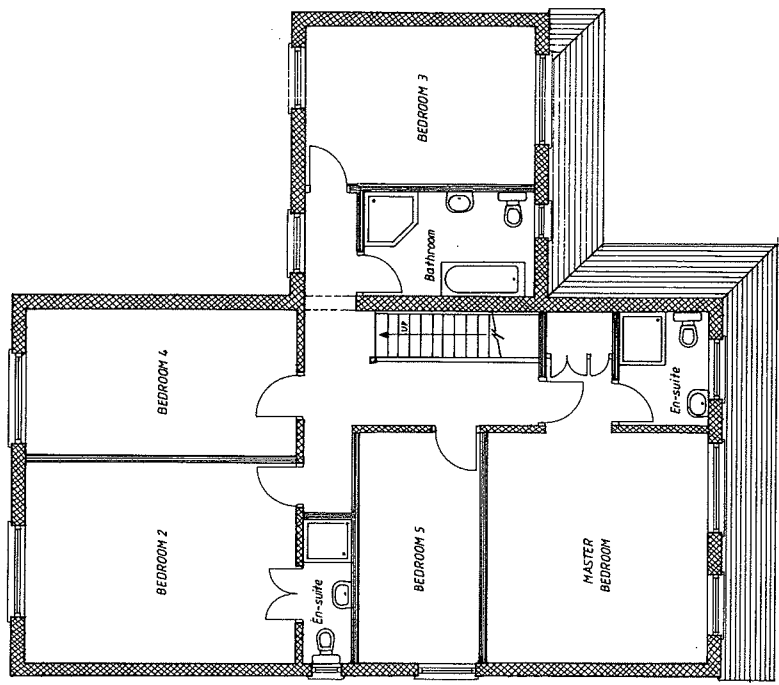
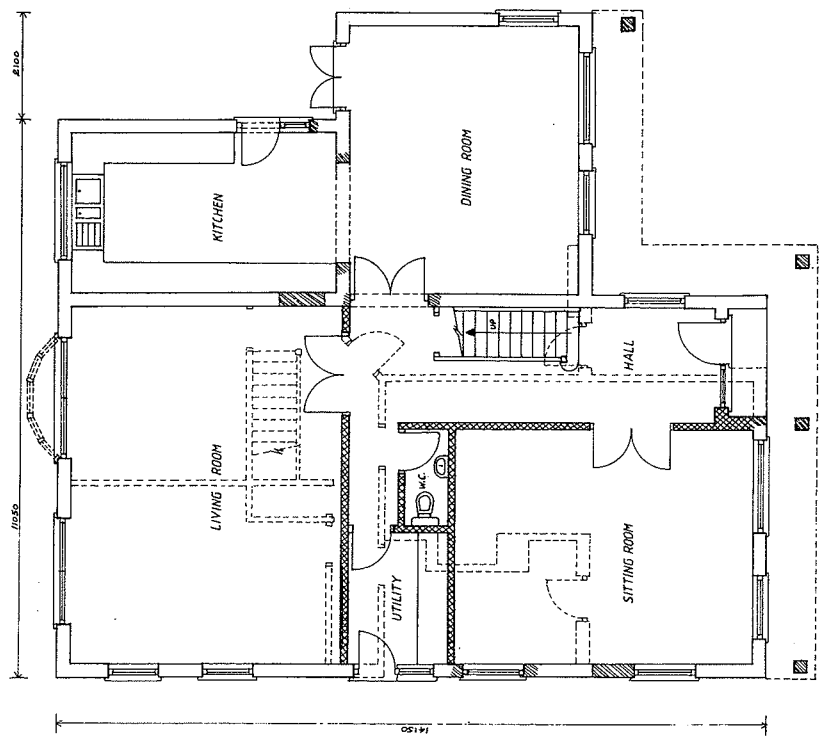
10. The Council considered that the increase in ridge height proposed at the appeal property would not have any significant impact on the amenities of the occupiers of the adjoining property at 21 Gypsy Lane. At the written request of the occupiers of that property, I viewed the appeal site from the rear garden of 21 Gypsy Lane. Having done so, I do not share the Council's view.
11. The increase in the height of the appeal property would be very obvious from the rear windows and the rear garden of 21 Gypsy Lane. The eaves height of part of the elevation along that boundary would increase from 3 metres to 5.15 metres, only 1.5 metres from the boundary with 21 Gypsy Lane. Because of the staggered siting of the two houses, this would have an impact on the area immediately behind the rear elevation of 21 Gypsy Lane, which is a prime area for enjoying the facilities of the rear garden. The impact of the increase in height would be emphasised by the unavoidable loss of some of the existing planting along the boundary of the appeal property. Together, these factors would result in the appeal development having an overbearing impact on the adjacent property and its occupiers, contrary to saved Policy ENV1 of the LP.

Overall conclusion

12. Since I have concluded that the appeal development would have an adverse impact on the street scene of Gypsy Lane and on the living conditions of the adjoining occupiers at 21 Gypsy Lane, the appeal must be dismissed.

Michael Ellison

INSPECTOR



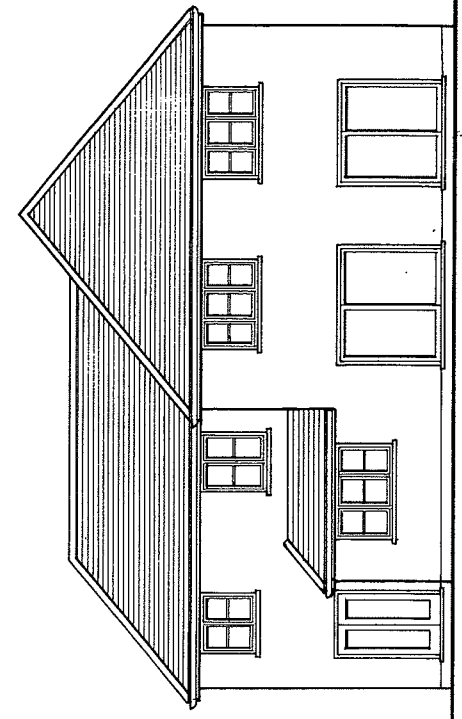
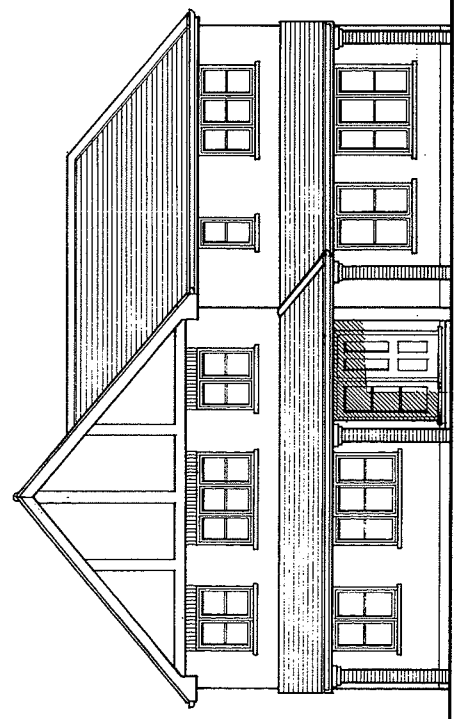
EXTERNAL FINISHES:
 WALLS — GROWN PINEWOOD REPAIRING WITH RED FINISH
 BLOCKWORK, SQUARE CORNERS & PIPES
 FLOORS — RED / BROWN / PINK TILING
 LIPS OF BRICKS, ASPHALT WALK TO GROUND FLOOR
 OVER KITCHEN
 ROOFS & VENTILATION — PINEWOOD APPROVED OR WHITE CPVC.

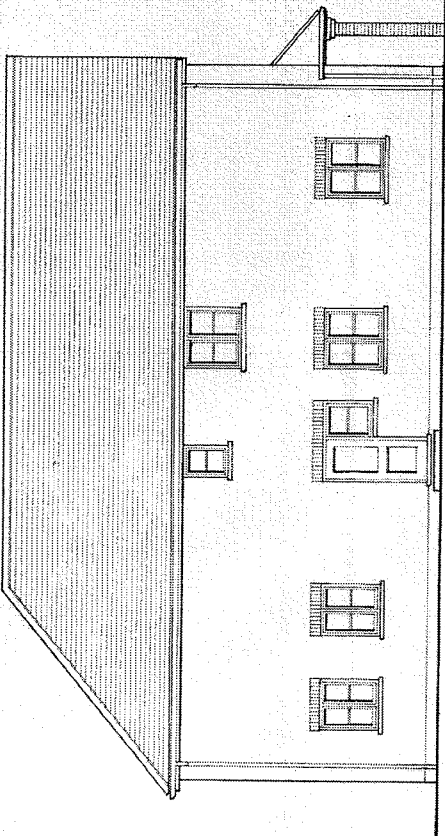
3/10/14 02 /fp RECEIVED - 3 AUG 2010



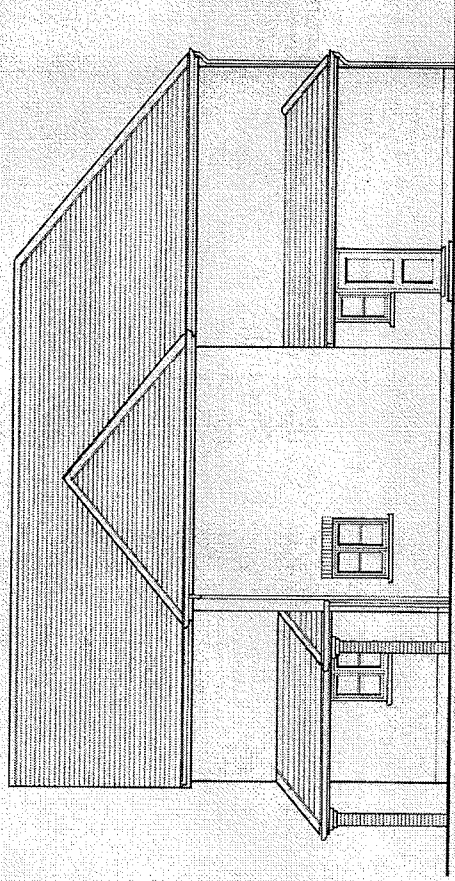
RECONSTRUCTION OF CHALET
 BUNGALOW TO FORM 5 BED HOUSE
 19 GYPSY LANE
 AMWELL WARE HERTS. SG12 9RL
 SCALE 1:50
 APRIL 2010
 DRG. NO. 732/2

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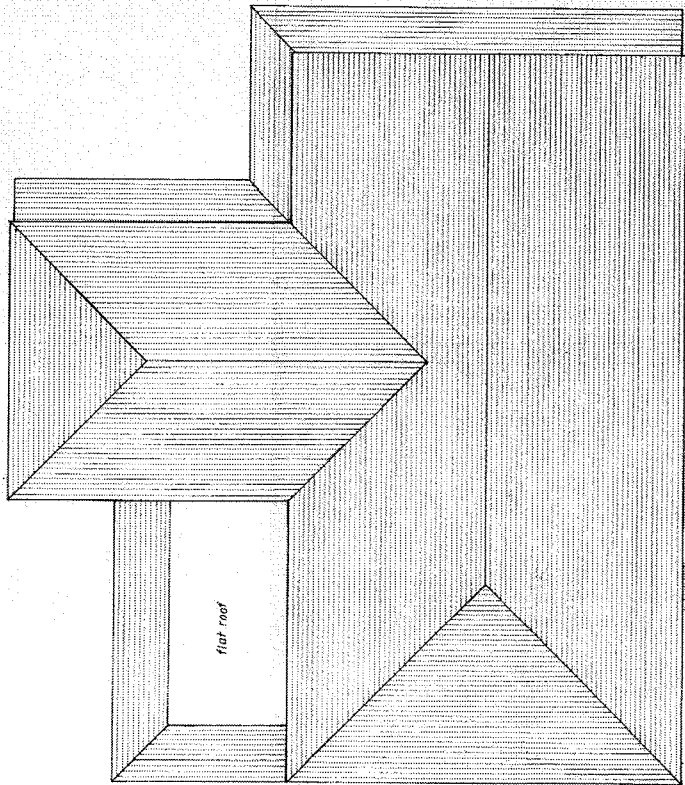




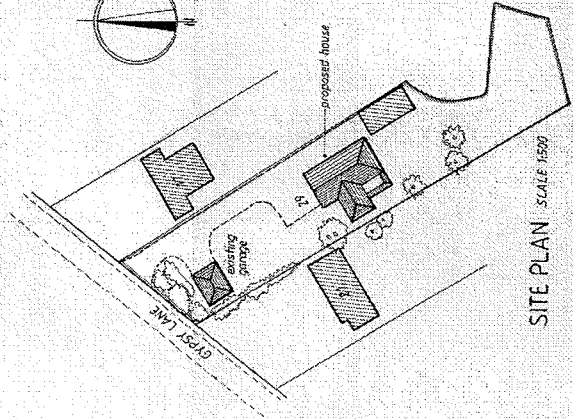
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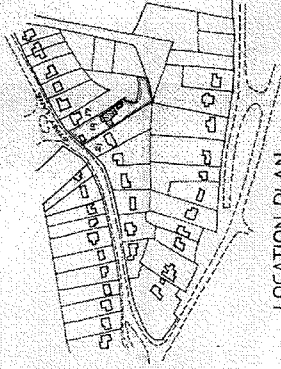
SIDE ELEVATION (S.W.) PROPOSED



ROOF PLAN PROPOSED



SITE PLAN SCALE 1:500



LOCATION PLAN SCALE 1:2500

RECONSTRUCTION OF CHALET
 BUNGALOW TO FORM 5 BED HOUSE
 19 GYPSY LANE
 AMWELL WARE HERTS. SG12 9RE

RECEIVED - 5 JUL 2010
 SCALE 7:50
 JULY 2010
 DRG. NO. 731/3

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S/110/1407/FP