

Appeal Decision

Site visit made on 19 September 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28th September 2016

Appeal Ref: APP/J1915/D/16/3155178

10 Maple Avenue, Bishops Stortford, Hertfordshire CM23 2RR

- 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 David Howes against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0652/HH, dated 18 March 2016, was refused by notice dated 12 May 2016.
 - The development is described on the application forms as a proposed new garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage with games room above at 10 Maple Avenue, Bishops Stortford, Hertfordshire CM23 2RR in accordance with the terms of the application, Ref 3/16/0652/HH, dated 18 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BA/1848/226 and BA/1848/227.
 - 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 dwelling.

Procedural Matter

2. The Council in their decision notice have described the development as the erection of a detached garage with games room above. The appellant has also used that description on the appeal form. Given that this description better reflects the proposal, I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area (with particular regard to the character of the Bishops Stortford Conservation Area).

Reasons

4. The appeal site is located on the north side of Maple Avenue, and as I understand it, following an appraisal, now forms part of the extended Bishop Stortford Conservation Area. Maple Avenue is a residential street with
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generally large properties set in spacious plots with large mature trees and landscaping on the street frontage. From my site visit I saw several large prominent garages along Maple Avenue, some of which had steep roof pitches and/or accommodation in the roof. The appeal dwelling is set well back from the highway and has been recently extended in a sympathetic style and scale.

5. Whilst the proposed garage includes accommodation in the roofspace, and has an eaves height greater than a normal garage, it would still be much lower than the recent extension and would not appear disproportionately large. Its overall appearance would reflect its host dwelling.
6. The garage would occupy part of the existing space between the house and the boundary. However, there would still be a gap of approximately 1.8 metres between the extension and the garage. There would also be a small landscaped area to the boundary given the angle of the garage to the boundary. Given the scale of the garage, together with the remaining gap, I consider that it would not appear unduly cramped nor would it be out of character with the wider area.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.
8. In this case, the existence of several prominent garages in the area, together with the siting of the garage and the retained gap between the extended house and the proposed garage would not, to my mind, give rise to any harm to the character or appearance of the Conservation Area.
9. For the above reasons, the development would not result in harm to the character and appearance of the area, or the character of the conservation area. Therefore, I find that the proposal would accord with Policies ENV1, ENV5, ENV6 and BH6 of the East Herts Local Plan Second Review April 2007 which, amongst other things, seek to ensure that new development protects the character and appearance of the area and the Conservation Area. The proposal would also accord with the design and conservation principles of the Framework.

Other matters

10. I have also had regard to the comments raised in the representations on the application, including matters relating to noise, cooking smells, privacy, drainage and human rights.
11. In relation to noise, the proposal is for a domestic garage with a games room above. The overall use of the building would be domestic and as such it is unlikely to give rise to undue noise and disturbance. In terms of cooking smells whilst there is a small kitchenette proposal on the upper floor, even if this was utilised for the cooking of food, I consider that this would not give rise to any significant additional smell or fumes. In consideration of all of the above, the development would not affect the peaceful enjoyment of adjoining dwellings and would not conflict with Article 1 of the first protocol of the Human Rights Act 1998.
12. Turning to the matter of privacy, the upper floor has windows in the front and rear elevations, in addition to rooflights which face the host dwelling. Given the relative angle of the garage, I consider that it would not result in any

overlooking to 12 Maple Avenue, and there would be sufficient distance between the rear facing window and 12b Maple Avenue to ensure that there would not be any significant loss of privacy. Taking all of this into consideration, the development would respect the occupiers right for private and family life as detailed in Article 8 of the Human Rights Act 1998.

13. In addition to the above, I have also considered the effect on drainage in the area. Whilst there have not been any details provided of the intended drainage for the building, given the scale of development I consider that this would be suitably dealt with through the Building Regulations.

Conditions

14. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials is also appropriate in the interest of the character of the area.

Conclusion

15. Taking all matters into consideration, for the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR