
Appeal Decision

Site visit made on 13 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 28 September 2016

Appeal Ref: APP/J1915/W/16/3151833

The Bower House, The Street, Furneux Pelham, Hertfordshire SG9 0LB

- 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 David Brunner against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0120/FUL, dated 16 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is existing 4 bed dwelling to be demolished and replaced with new 6 bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the existing 4 bed dwelling to be demolished and replaced with a new 6 bed dwelling at The Bower House, The Street, Furneux Pelham, Hertfordshire SG9 0LB in accordance with the terms of the application, Ref 3/16/0120/FUL, dated 16 January 2016, 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: 3000.P.001, 3000.P.002, 3000.P.003, 3000.P.004 Rev A, 3000.P.005 Rev A, 3000.P.006 Rev A, 3000.P.007 Rev A, 3000.P.008 Rev A, 3000.P.009, 3000.P.010 and 3000.P.11 Rev A.
 - 3) No development shall commence until details 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.
 - 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. Development shall be carried out in accordance with the approved scheme.
 - 5) All planting, seeding or turfing comprised in the approved scheme 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 5 years from the completion of the development die,
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are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matter

2. The name of the appellant was spelt incorrectly in the original application form. Written confirmation has been provided of the correct name, which is used above.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Furneux Pelham is a small rural village dispersed along a number of lanes with a number of historic buildings. Properties on the approach to the appeal site tend to be two storeys and front the road with little screening. The appeal site itself is situated on the north-western edge of the village and remote from most other properties. The existing dwelling is largely hidden from view along the road to the south due to its scale and the screening provided by vegetation. It can briefly be seen close up from the public footpath immediately to the west of the house and in longer distance views from the public footpath running to the north-east of the house where it appears nestled between mature trees within the wider site. As such, the overall character and appearance of the area surrounding the appeal site is green, rural and secluded.
5. The existing residential dwelling, whilst single storey, has a large footprint. It is situated beyond the boundary of Ferneux Pelham Conservation Area and is unremarkable in terms of its architectural design. Consequently, it makes a neutral contribution to the character and appearance of the area. At my site visit, there was no evidence of it being of poor construction, although I note the submissions of the appellant which highlight its poor energy efficiency. It would appear that it is capable of being retained and upgraded to be more energy efficient, notwithstanding the appellant's concerns regarding the excessive amount of work and the subsequent loss of internal space.
6. Apart from a small conservatory on the western elevation, the existing dwelling does not appear to have been extended. The appellant contends that the existing dwelling could be enlarged considerably via unexpended permitted development rights under the current General Permitted Development Order¹. I have not been provided with any drawings to illustrate such extensions or any clear evidence on the extent of the unexpended permitted development rights. As such, I cannot be certain how much larger the existing dwelling could be without the need for planning permission.
7. The proposed development would be larger than the existing dwelling in terms of footprint and height and would more than double the current volume according to the figures provided by the appellant. Notwithstanding the lack of certainty regarding unexpended permitted development rights, it is likely that the volume of the new dwelling would be materially larger than the dwelling it would replace.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

8. In terms of the effect on the character and appearance of the area, the proposed development would be taller and more conspicuous in views from the footpaths and road than the existing dwelling. However, this would be offset by the remote and secluded location of the site with the building set back from the site boundaries. Even allowing for reduced foliage in winter months, the surrounding vegetation is thick and mature and would help to screen and integrate the building. Furthermore, the design of the dwelling would replicate elements of the local area in terms of its barn-like appearance and use of sympathetic materials. The height would also be comparable to other dwellings within the village. Therefore, while it is likely to be materially larger in volume than the dwelling it would replace, the proposed development would not be visually intrusive and would maintain the green, rural and secluded nature of the surrounding area.
9. To conclude on the main issue, the proposed development would have an acceptable effect on the character and appearance of area. Therefore, it would accord with Policy HSG8 of the East Herts Local Plan Second Review (April 2007) in terms of being no more visually intrusive than the dwelling to be replaced. It would also accord with Policies HSG7 and ENV1 which, amongst other things, seek development that is well sited and compatible with its surroundings with a high standard of design to reflect local distinctiveness. There is some conflict with parts of Policy HSG8 insofar as the existing dwelling is capable of retention based on its construction and the volume of the proposed dwelling is likely to be materially larger than the existing dwelling. However, the site specific circumstances indicate that these factors would not result in an unsustainable form of development in terms of the effect on the character and appearance of the area.

Conditions

10. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used is necessary to ensure that the appearance of the development is satisfactory.
11. The appellant has indicated that they would be willing to accept conditions requiring the approval of replacement or enhanced planting to address the Council's concerns. I consider that such conditions would be necessary and relevant given the importance of vegetation to help screen and integrate the development into the surrounding area.

Conclusion

12. Despite some conflict with parts of Policy HSG8, the proposed development accords with the overall development plan. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR