

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: 7th October 2016

Appeal Ref: APP/J1915/D/16/3155930

Maple Cottage, Danebridge Lane, Much Hadham, Hertfordshire SG10 6HX

- 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 G & R Lewy against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0835/HH, dated 6 April 2016, was refused by notice dated 31 May 2016.
 - The development is a proposed double storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and on protected species.

Reasons

Character and appearance

3. The site is located in a rural area amongst a small group of dwellings off Danebridge Lane. The appeal property is a large, previously extended, detached two storey dwelling set in a large curtilage with various outbuildings at the rear. The wider area is made up of agricultural fields, which gives the area an open and rural feel.
 4. From the figures given by the appellant, the proposal would result in an increase of approximately 58 square metres of floorspace, an increase of approximately 17% over the floor area of the existing dwelling. Cumulatively, the total increase in floorspace from the original dwelling would be approximately 297%.
 5. Policy GBC3(c) of the East Herts Local Plan Second Review April 2007 (LP) allows for limited extensions or alterations to existing dwellings in accordance with Policy ENV5. Policy ENV5 states that such extensions would be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.
 6. There is no definition of what would be considered to be disproportionate. However, given the undisputed figures of a cumulative increase of floorspace of
-

approximately 297%, the extension would result in a large increase in the size of the property, when compared to the original dwelling.

7. The Council have commented that one of the objectives of Policy ENV5 is to ensure the general maintenance of a supply of smaller dwellings outside of the main towns and settlements. In this case, the current dwelling is a substantial five bedroomed property and cannot be considered to be small. In this sense, the development would not offend the underlying objective of that part of Policy ENV5.
8. Turning to the massing of the proposed extension it is noted that the development would infill the rear corner of the building, albeit recessed by approximately 0.95 metres with the roof over the extended bedroom following the form of the existing roof.
9. The 'T' shape of the current building assists greatly in breaking up the bulk and massing of the building. The proposed extension, particularly at first floor level, would infill this resulting in a significant mass of building despite the 0.95 metre setback from the rear.
10. I acknowledge that the roof would retain its interconnecting elements with the additional of a further interconnecting roof over the bath/dressing area. Whilst this design aspect would help reduce the impact of the extension, it would not overcome the overall increase in bulk and massing of the development.
11. The proposed extension would not therefore retain the sense of spaciousness within its plot and would reduce the openness of the area harming its rural characteristics.
12. For the above reasons, the proposal would have an adverse effect on the character and appearance of the rural area contrary to Policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007 which amongst other matters seek to ensure that development protects and enhances the character and appearance of the area.

Protected species

13. The Council have also raised concerns over the potential effect on bats, and have referred to the previous appeal decision¹. Whilst the scope of the development, and in particular the alterations to the roof, have been significantly reduced from that scheme it is acknowledged that there would still be works to the roof of the building.
14. Whilst the Appellants have indicated that they have not seen any evidence of bats at the premises, they are mobile in their nature and may only use buildings at certain times of the year that favour a particular part of their roosting, maternity and hibernating requirements. From my site visit I saw that there were potential areas where bats could gain access through the overhanging eaves.
15. In the absence of a survey, I cannot be sure that bats would not be affected by the proposal. The appellant considers that if bats are found on site, suitable mitigation could easily be undertaken and this could be dealt with by means of a suitably worded planning condition. However, Circular 06/2005 indicates that

¹ APP/J1915/D/15/3135626

a survey should be carried out before planning permission is granted and that it should only be required by condition in exceptional circumstances. To my mind, no such exceptional circumstances exist.

16. Consequently, in the absence of any information to the contrary, I conclude that the development may have an adverse impact on bats and would therefore conflict with the biodiversity aims of the National Planning Policy Framework.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR