
Appeal Decision

Site visit made on 21 November 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/J1915/W/16/3159086

Land north of 10 Sadlier Road, Standon, Ware, Hertfordshire SG11 1PU

- 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 Mrs Lauren Hennessey against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0917/FUL, dated 13 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is a new dwelling with associated car parking and new vehicular and pedestrian access to the highway.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling with associated car parking and new vehicular and pedestrian access to the highway at Land north of 10 Sadlier Road, Standon, Ware, Hertfordshire SG11 1PU, in accordance with the terms of the application, Ref: 3/16/0917/FUL, dated 13 April 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area.

Preliminary Matters

3. Drawings 22, 25 and 26 show the front elevation of the proposed dwelling set back from the front elevation of 10 Sadlier Road. However, this set back or design break is not entirely clear on the floor plans, which appears to be a mistake. I have therefore considered the appeal scheme on the basis of the setback shown on the front and side elevations and the site/roof plan.

Reasons

4. The appeal site encompasses the northern section of the curtilage of 10 Sadlier Road, a semi-detached house set back from the street behind a front garden. The properties in Sadlier Road are generally arranged in semis of a similar scale and form and are sited around a small green. The properties are also positioned in a discernable building line that follows the geometry of the street and affords a clear pattern to the street's built form. Many of the properties in the road have been altered and extended, including two storey side extensions.
 5. The appeal scheme would involve the erection of a new dwelling attached to the northern flank of 10 Sadlier Road (No. 10). The proposed dwelling has
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- been designed so that it would appear as a two storey extension to No. 10. It would echo the gabled form, materials and the design and placement of fenestration, including the existing bay window.
6. The proposed dwelling would also be set back from the front elevation of No. 10. This design break between old and new would continue into the roof with the roof plane, eaves and ridge of the new dwelling set at a lower level. As a consequence, the proposed dwelling would have the outward appearance of a harmonious and conventional two storey extension, which would comfortably integrate into the existing street scene and not appear unduly prominent. As such, it would be an imaginative design response to the constraints of the site.
 7. A dwelling can often have a different character to an extension and therefore a dwelling can appear cramped where an extension would not. In this respect the proposed house would be narrower, lower and deeper than surrounding houses. It would also be located on a smaller plot. However, these limitations would not be unduly apparent because the proposed dwelling would have the outward appearance of a subservient 'extension' to No. 10. Consequently, the donor property would retain the appearance of a semi-detached property, albeit 'extended', rather than becoming part of a conventional terrace that could otherwise appear incongruous in the street scene of Sadlier Road.
 8. There would be some physical indicators that the proposed structure is a dwelling rather than an extension. These being the subdivision of the existing rear garden, a separate entrance and the presence of parking in the front garden. However, the subdivision of the rear garden would not be apparent in views from the public realm and the depth would be consistent with the properties either side. The separate entrance would be in the side elevation of the proposed dwelling and would thus appear as a secondary entrance to an 'extended' dwelling. These aspects would therefore have very little impact on the character and appearance of the area and could not be considered harmful.
 9. The front garden would need to be carefully designed so that the overarching design concept is not lost through an insensitive subdivision of this space. This can be addressed through a suitably worded planning condition that requires a landscaping scheme to be submitted and approved. The proposed parking area is modest and would not appear incongruous given the presence of off road parking elsewhere in the street, including the large area of hard standing in the front garden of the property to the immediate north of the appeal site.
 10. The proposed dwelling would erode the existing gap between No. 10 and the property to the immediate north. These gaps are important to the character and pattern of development in the street. However, the appeal scheme would retain a gap with the side boundary of the plot in which it would be sited and would have a scale, form and appearance similar to other two storey extensions permitted nearby. The appellant has also suggested that the extension at 9 Sadlier is now a separate dwelling (9a). I have no reason to disagree. As such, the proposed development would not harmfully erode the existing gap or the pattern of development in the street and would not therefore, appear discordant in this context.
 11. In summary, as the addition would not have the conspicuous appearance of a separate dwelling it would not appear 'shoe horned' into the site or an obvious departure from the semi-detached form of surrounding buildings, which is the prevailing character of the built form in the area. Moreover, as the new

dwelling would be read as an 'extension', the host semi would not appear as a terrace and the small plot size would not be unduly evident. Therefore, the proposal would not harmfully erode the spacious character of the area or undermine the pattern of development in the vicinity of the appeal site.

12. I therefore conclude that the proposed development would preserve the character and appearance of the area. Consequently, the proposal would adhere to Policies HSG7, ENV1 and OSV1 of the East Hertfordshire Local Plan Second Review April 2007. These policies together seek to secure developments that are well related to existing buildings and areas. These aims are consistent with Paragraph 58 of the National Planning Policy Framework.

Other Matters

13. The appeal property may be subject to deeds and covenants that could preclude the erection of a new dwelling. However, these are legal matters that fall outside the scope of the planning system. As such, this is not a matter that would alter my conclusion on the main issue. Similarly, the concerns expressed in relation to any potential effect on an existing boundary wall, fence and outhouse is a civil matter that is likely to fall under party wall legislation and is thus not a matter to be considered as part of this appeal. Additionally, I share the conclusions of the Council that the appeal scheme would not harm the living conditions of the occupants of the neighbouring property, to the immediate north, due to the intervening distance.

Conditions

14. I have had regard to the advice in the Planning Practice Guide and consider all of the conditions recommended by the Council are necessary to make the development acceptable, subject to some minor alterations.
15. In addition to the standard commencement period, it is necessary in the interests of safeguarding the character and appearance of the area to impose conditions requiring implementation in accordance with the submitted drawings, for materials to be approved and for a landscaping scheme to be implemented and maintained. In the interests of safeguarding the living conditions of future occupants and neighbours, it is necessary to require the implementation of boundary treatment and for the first floor bedroom window to be obscured in accordance with the Council's Planning Officer's report.
16. The landscaping condition is a pre commencement condition as these details need to be approved up front before construction starts, as the position and type of landscaping could have a bearing on construction works. It is not necessary for any other conditions to be engaged at a pre commencement stage. The drawings condition will address the discrepancy in the plans.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall be carried out strictly in accordance with the following approved drawings:
 - Drawings 21, 22, 25, 26 and 27

Notwithstanding drawings 23 and 24, the hereby approved dwelling shall not be positioned flush with the front elevation of 10 Sadlier Road. The development shall otherwise be carried out strictly in accordance with all other aspects of Drawings 23 and 24.

- 3) Before they are first applied or erected, details of the external materials of the hereby approved dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) Prior to the first occupation of the hereby approved dwelling, details of all boundary walls, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details with the boundary walls, fences and other means of enclosure installed and erected prior to the first occupation of the hereby dwelling.
- 5) Notwithstanding the submitted details, no works or development shall take place until details of both hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include: (a) car parking layouts (b) hard surfacing materials (c) planting plans (d) schedules of plants, noting species, planting sizes and proposed numbers/densities (e) implementation timetables.
- 6) All hard and soft landscaping works shall be carried out in accordance with the details approved in Condition 5 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice.

The works approved hard and soft landscape proposals shall be carried out prior to the occupation of any part of the development or in accordance with a timetable approved in advance by the Local Planning Authority.

Any soft landscaping that, within a period of five years after plating or seeding, that is removed, dies or becomes seriously damaged or defective shall be replaced in accordance with a timetable and specification first approved by the Local Planning Authority.

- 7) Prior to the first occupation of the dwelling hereby approved, the first floor bathroom window in the northern elevation shall be finished in obscured glass in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

End of schedule