
Appeal Decision

Site visit made on 23 January 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 20 February 2017

Appeal Ref: APP/J1915//W/16/3160364

Marshgate Drive, Hertford, Hertfordshire SG13 7AJ.

- 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 Poole (Weston Homes Plc) against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0151/FUL, dated 1 February 2016, was refused by notice dated 15 April 2016.
 - The development proposed is the erection of a building for electricity plant on behalf of UK Power Networks together with associated landscaping (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a building for electricity plant on behalf of UK Power Networks together with associated landscaping (retrospective) at Marshgate Drive, Hertford, Hertfordshire SG13 7AJ in accordance with the terms of the application, Ref 3/16/0151/FUL , dated 1 February 2016.

Preliminary Matters

2. When I visited the site I saw that the development has already been carried out. I have dealt with the appeal accordingly.

Main Issue

3. This is the effect of the development on the character and appearance of the area.

Reasons

4. The development is located on the western side of Marshgate Drive a short distance south of the River Lea. It sits on the edge of a recently constructed residential estate known as Smeaton Court. The area to the east and north is industrial in nature.
 5. The sub-station is a diminutive structure. It has a staggered flat-roof and is faced in brickwork matching the buildings behind it. The doors are painted in the same neutral grey used extensively in and around the Smeaton Court development. The structure is surrounded on 3 sides by landscaping.
 6. The appellant has put it to me that a fall-back position exists under Part 15 Class B of the General Permitted Development Order 2015. The Council's response to that argument is that it could restrict such rights through an Article 4 Direction. However, guidance stipulates that these should only be made in
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exceptional circumstances and after local consultation. There is no evidence before me to suggest that such circumstances exist or that the Council has decided to embark on such a course of action. In fact there is nothing to suggest the Council has undertaken any work in relation to an Article 4 Direction. Consequently, I find there is no realistic prospect of the Council being able to restrict permitted development rights in this way. The fall-back position outlined by the appellant is therefore a significant material consideration and on this basis alone I conclude that the appeal should succeed.

7. Even if I am wrong about that, the character and appearance of the area is varied and I find nothing inherently sensitive about it which would justify the stringent approach taken by the Council. Taking account of its scale and external appearance and seen in the context of those unsightly industrial buildings and boundary treatments on the east side of Marshgate Drive, I cannot agree that the building is visually intrusive. On the contrary, the building compliments the general appearance of the Smeaton Court development which forms the backdrop for it in most views. Moreover, once the landscaping around it has had sufficient time to mature the building would have very little visual presence in the Marshgate Drive street scene or from the adjacent towpath which is at a lower level. Consequently, I conclude that the substation does not cause unacceptable harm to the character and appearance of the area.
8. The Council have referred to Policy ENV3 of the LP which is concerned with reducing the opportunities for crime by, inter alia, encouraging natural surveillance. As the building is overlooked at close quarters by a variety of windows, it is unclear how the development conflicts with the aims and objectives of Policy ENV3. The Council state that the building blocks views and sightlines. However, no further details are given and in any event, loss of views is not a material planning consideration to which I can attach any degree of weight. I concur with the Council that any change to the outlook of neighbouring occupiers to be limited.
9. I therefore conclude that there is no conflict with Policies ENV1, ENV2 and ENV3 of the "*East Hers Local Plan Second Review 2007*". Collectively these state that new development should adhere to the highest standards of design which reflects local distinctiveness and relates to the massing and height of adjacent buildings. There is also no conflict with the objectives of the "*Mead Lane Urban Design Framework 2014*" or the "*National Planning Policy Framework*".

Conclusion

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed. No conditions have been recommended by the Council nor do I consider it necessary to impose any.

D. M. Young

Inspector