

Appeal Decision

Site visit made on 3 April 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/J1915/D/17/3168362

**Robins Nest Farm, Robins Nest Hill, Little Berkhamstead, Hertfordshire
SG13 8LL**

- 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 Terry Bambridge against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2133/HH, dated 22 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as demolition of existing extension and construction of new wing to house as per previous application agreed 3/16/0157/HH and amendment to LPA 3/15/0485/HH with change to roof design from pitched to gambrel to accommodate full disability access to infirmary/loft room from lift, through access and disabled access to wc/shower room. Materials change from render in orange on timber of 1st/2nd floor gable rear to matching materials brick as per ground floor. Window positions changed to accommodate as built structure and to utilise and recycle previously used windows.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Whilst I would ordinarily identify the main issues in an appeal, given the Council's contention that the development that has been carried out is of a materially different shape and design to that depicted on the application drawings, I have considered first that matter in my reasoning below.

Reasons

3. Robins Nest Farm is set back from the road, on a large plot in the Green Belt. Planning permission was previously granted for an extension ('the approved extension'), as set out in the above description. However, for the reasons given in the grounds of appeal, and to afford the applicant suitable disability access by lift to his infirmary room, the development was not carried out in accordance with the approved drawings.
4. Consequently, revised drawings were prepared and the application the subject of this appeal was submitted. However, in its officer delegated report ('report') the Council states that the development as carried out is materially different from those submitted plans.

5. On my site visit I observed that there are significant differences between the development as carried out and the development as depicted on the submitted drawings. In particular, the form of the roof is markedly different with the lower section of the gambrel roof appearing to have a steeper pitch and the upper section a shallower pitch than depicted on the drawings, thus also giving the development a greater second floor bulk. Furthermore, the top of the north-facing first floor opening appears to be higher relative to the adjacent dormer window than shown on drawing no. A/A200/PR/001 Rev D. Drawing no. 2/A600/CN/020 Rev A showing sections through the roof is also inconsistent with that drawing. There are also other discrepancies between the style and position of the fenestration as built and as depicted, such as the west facing dormer windows on drawing no. A/A200/PR/002 Rev E.
6. In its report the Council states that it based its decision on the submitted drawings rather than the works that have taken place. However, the appellant makes no reference to those discrepancies, and whilst he apparently wishes to retain the development as built, his statement makes comparisons between the approved extension and the extension as set out on the inaccurate drawings.
7. I note that Little Berkhamsted Parish Council's representation was one of 'no comment'. However, given the significant differences between the form and appearance of the development as built, and the development as set out on the drawings, I cannot be certain which scheme third party representations were based on, or whether other parties who did not comment based on the submitted drawings might otherwise have done so. The assessments by the two main parties are also based on different schemes.
8. With regard to the Council's decision, the main issue is the scheme's design and its impact on the character and appearance of the host property, although its impact in relation to the site's location in the Green Belt would also need to be considered, as would the needs of the appellant. However, given the significant discrepancies that I have noted, I am unable to properly assess those matters; and I cannot be certain that if I did base my decision on either the development as built or the development as set out on the drawings, that all parties' interests would have been properly considered.
9. Consequently, the appeal is dismissed.

Chris Couper

INSPECTOR