
Appeal Decision

Site visit made on 16 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 24th May 2017

Appeal Ref: APP/J1915/W/17/3167800
5a Highfield Road, Hertford SG13 8BH

- 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 Hoggett against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2480/FUL, dated 1 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is the demolition of existing house and erection of detached replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and erection of detached replacement dwelling at 5a Highfield Road in accordance with the terms of the application, Ref 3/16/2480/FUL, dated 1 November 2016, subject to the conditions on the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Hertford Conservation Area.
 - The effect of the development on the living conditions of the occupiers of The Lodge with specific regard to outlook.

Reasons

3. The existing dwelling at 5a is not visible from Highfield Road and the Council confirm that their objection to the development results from its impact on the Conservation Area when viewed from Balsams Close and The Arbour.
4. The appellant makes reference to planning permission for two storey front, side and rear extensions approved under application 3/14/0812/FP on 1 July 2014 which could be constructed in lieu of the proposed dwelling. This permission remains extant and is a fallback position for the appellant. In the absence of any evidence that this permission would not be carried out should this appeal fail, it is a fallback position to which I attach significant weight.
5. The existing dwelling at the site is clearly visible as one enters Balsams Close and it is read as part of that street scene. The dwellings along Balsams Close are a variety of designs with no defining character. That is not to say it does not have a pleasing quality to the area.

6. The proposed dwelling would be notably larger and bulkier than the existing dwelling and that allowed under the extant permission. The design of the dwelling would introduce a larger flank wall on the east elevation when viewed from Balsams Close. However, this elevation would be largely hidden from view by The Lodge until it is viewed from The Arbours, which reduces its overall impact.
7. In addition, the proposed dwelling would have three hipped roofs and a series of equally spaced windows at first floor level that would create a pleasant pattern to the roofscape and rear elevation. The hipped roofs also reduce the overall bulk of the building. The substantial hedge to the side reduces the visual impact the building may have. I therefore find that the size, bulk, siting and design of the building would have a neutral effect and would preserve the character and appearance of the Hertford Conservation Area.
8. On the first main issue I conclude that the proposal would preserve the character and appearance of the Hertford Conservation Area. The proposal therefore complies with Policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 which seek, among other things, to ensure that developments within a Conservation Area are sympathetic to the general character and appearance of the area.

Living Conditions

9. The Council in their decision notice refer to an “overbearing” development that, as a result of the size and siting of the proposed dwelling, would harm the living conditions of the residents of The Lodge. However, the Council has assessed this harm when compared to the existing dwelling and fail to consider the fallback position of the appellant.
10. The proposed dwelling would have a depth of 15m compared to 12.5m for the permitted extensions, although not all of the increase is to the rear as the proposed dwelling would be sited slightly forward of the existing dwelling. However, the proposed dwelling would not be sited any closer to The Lodge than the permitted extensions. I do not find this increase in the depth of the proposed dwelling to harm the living conditions so substantially when compared to the permitted extensions.
11. In reaching this conclusion I have taken into account the appellant’s fallback position to erect two storey front, side and rear extensions to the existing dwelling. On the second main issue I therefore conclude that the proposed development would comply with Policy ENV1 of the East Herts Local Plan Second Review April 2007 which seeks, among other things, to ensure that developments respect the amenity of occupiers of neighbouring buildings.

Conditions

12. As the appeal is allowed and planning permission is granted, I accept the need for conditions relating to the standard time limit and samples of materials. For certainty I also impose a condition requiring the development to be carried out in accordance with the approved plans. In order to protect the living conditions of the adjoining occupier, the windows on the first floor east elevation should be obscurely glazed. In addition, given the proximity of adjoining residential properties it is necessary to secure a construction management plan and to

restrict hours of construction. It is also reasonable that building slab levels and ground levels are agreed in order to achieve a satisfactory appearance.

13. There isn't an access to the site from Balsams Close. Concerns are raised that during demolition and construction access would be created to the site via Balsams Close which would impact on the residents living conditions. As a result, I agree that access to the site should be via Highfield Road.

Conclusion

14. I have found that the proposed dwelling would preserve the character and appearance of the Hertford Conservation Area and would not impact on the living conditions of adjoining occupiers. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development 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 samples.
- 3) There shall be no means of vehicular access to the site other than from Highfield Road.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 12103-P001-G and 12103-P002-G.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) Demolition or construction works shall take place only between 0800 to 1800 on Mondays to Fridays, and between 0800 and 1330 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) any wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) The building hereby permitted shall not be occupied until the windows at first floor level on the east elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.