

Appeal Decision

Site visit made on 11 July 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/J1915/D/17/3174987

Bramley, The Ford, Little Hadham, SG11 2BW

- 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 M Mahon against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2707/HH dated 3 December 2016 was refused by notice dated 10 February 2017.
 - The development proposed is a loft conversion, raising the original roof height by 600mm and construction 2 no. pitched roof dormer windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development (1) on the character and appearance of the host dwelling and whether it would preserve or enhance the character or appearance of the Conservation Area, and (2) on protected species.

Reasons

Character and Appearance

3. The appeal property is a detached two storey dwelling situated in Little Hadham, within a Conservation Area. The surrounding properties have a variety of different forms and are set at varying distances from the road. The presence of trees and vegetation in front garden areas is evident in views along the highway. The wider locality, beyond the rear boundary of the site is made up of fields, which together with the aforementioned factors, gives the area a spacious, rural character.
 4. The proposal seeks consent to raise the height of the roof and for a rear dormer window. The dormer would have a width of around 7.5m and a projection of around 2.3m from the rear roof slope. Whilst I acknowledge its large size, it would be set noticeably away from the gable ends of the property and also down from the ridge. Given the size of the host dwelling, I do not consider that the dormer would dominate the rear roof slope. I acknowledge that the flat roof design differs from the roof form of the host dwelling and others in the
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locality. However, a noticeable proportion of the rear roof slope would have a traditional pitched form. I note the presence of a right of way to the rear, but I was able to see at the time of my visit, that dense vegetation largely screens the rear of the site from the area beyond.

5. The Council raise no objection to the raising of the height of the roof or the insertion of a side facing window at second floor level. Given the set back of the appeal property from the highway and the variation in the roof heights in the area, I have no reason to disagree with this position.
6. I conclude that the development would not impact adversely on the character and appearance of the host property and would preserve the character and appearance of the Conservation Area. I therefore find that there would be no conflict with Policies ENV1, ENV5, ENV6 and BH5 of the East Herts Local Plan Second Review (Local Plan), which seek, amongst other matters, a high standard of design and proposals to be sympathetic to the character and appearance of the area. There would also be no conflict with Sections 7 and 12 of the National Planning Policy Framework (Framework).

Protected Species

7. The second reason for refusal relates to the lack of a bat assessment being submitted with the appeal application. Hertfordshire Ecology state that if bats are present, they will be affected given the significant impact to the existing roof.
8. The appellant has stated that a bat survey was not a condition of validating or determining the application and is a matter that could be addressed by a condition. However, it is necessary to establish the presence or otherwise of protected species prior to the granting of planning permission, as there cannot be certainty about the outcome of the survey/assessment and whether or not suitable mitigation (if required) could be put in place.
9. Although Hertfordshire Ecology have suggested a condition, their consultation response is clear that information should be submitted prior to the determination of the application. In the absence of a survey/assessment and given the location of the site close to a River and a Local Wildlife site, which are likely to be important habitats for foraging and commuting bats, I cannot be sure that bats would not be affected by the proposal.
10. I appreciate the appellant's comments that a survey/assessment would need to be undertaken without any certainty on other planning considerations, such as the acceptability of the size of the dormer. However, for the reasons set out above, I do not consider that a condition would be appropriate and that information in relation to bats is required prior to the determination of the appeal application.
11. Accordingly, in the absence of this information, it has not been demonstrated that the development would not have a harmful effect on protected species. The proposal would be contrary to Policy ENV16 of the Local Plan which states that development which may have an adverse effect on protected species will only be permitted where harm to the species can be avoided. The proposal would also be contrary to Paragraph 118 of the Framework.

Conclusion

12. I have found in the appellant's favour in relation to the issue of the effect on the character and appearance of the host dwelling and the Conservation Area. However, I conclude that the appeal proposal would in the absence of information on bats, be unacceptable in relation to protected species.
13. For the reasons given above and having considered all other matters raised, including compliance with Building Regulations and improvements to the insulation of the property, as well as the proposal not having any adverse effect on the living conditions of neighbouring occupants, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR