



Appeal Decision

Site visit made on 9 July 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/J1915/W/19/3227127

4 The Mill, Hertingfordbury, Hertford SG14 2SB

- 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 Paul Sarahs against the decision of East Herts Council.
 - The application Ref: 3/18/1744/FUL dated 21 August 2018, was refused by notice dated 30 October 2018.
 - The development proposed is two-bay car port.
-

Decision

1. The appeal is allowed and planning permission is granted for two bay car port at 4 The Mill, Hertingfordbury, Hertford SG14 2SB in accordance with the terms of the application, Ref: 3/18/1744/FUL dated 21 August 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan TQRQM18211115930306 and PC18655 A.
 - 3) The materials to be used in the construction of the car port hereby permitted shall accord with the approved plans and the details set out on the application forms.

Preliminary Matters

2. The application form did not include a description of development; I have therefore taken it from the decision notice.

Main Issues

3. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) Its effect on the character and appearance of the designated heritage asset of the Hertingfordbury Conservation Area and on the setting of the Grade II listed buildings.

Reasons

Issue a) Whether inappropriate development

4. No 4 The Mill is one of four residential dwellings resulting from the conversion of the former mill in Hertingfordbury, on the east side of Hertingfordbury Road at the northern end of the village. Access to Nos 3 and 4 is via a private drive way to the immediate south of the Mill, which provides private parking for the dwellings and then via a pedestrian footbridge over the river running under the mill building. The Mill is listed Grade II and the terrace of properties to the south are also listed Grade II. Hertingfordbury is classified as a Group 2 village under Policy VILL2 of the adopted East Herts District Plan 2018 (District Plan) and the site lies with the Metropolitan Green Belt.
5. The proposal is to build an open fronted, covered car port to serve Nos 3 and 4 on the site of the existing parking spaces with the rear against an existing tall masonry wall.
6. The Framework 2018 sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraphs 145 and 146 set out the limited number of developments which are not considered inappropriate.
7. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions, including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'. Policy GBR1 of the District Plan indicates that national green belt policies will be applied to development proposals in the Green Belt.
8. The Council has contended that the proposal would not fall within any of the of the specified exceptions set out within the Framework. However, and although the terms are not specifically defined in the Framework, the proposal would be within the existing private parking area which provides access to and serves the residential dwellings and would provide covered parking accommodation incidental to the enjoyment of the dwellings and in very close proximity to the existing mill building. Given the above considerations and in the particular circumstances of this case I consider that the proposal would fall to be considered under criterion c of Paragraph 145 of the Framework, namely, the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.
9. The planning history to the conversion of the mill to 4 residential dwellings has been set out in the documentation and it would not appear that there have been sizeable additions to the original structure. Indeed, the Appellant has referred to the removal of substantial outbuildings within the parking area at the time of the conversion. The proposed car port would be open on all sides under a pitched roof, utilising the existing masonry wall at the back of the parking spaces. It would therefore in my view not be a disproportionate but a

very modest addition to the substantial scale of the existing residential building, comprising the former mill building. Although it would add a pitched roof, its open sides and front would reduce the apparent scale of built development. Given its small scale and open sided form as well as its siting within an existing area enclosed by development, I do not consider that it would materially affect the openness of the Green Belt.

10. Taking all of these factors together, and in the particular circumstances of this case, including the scale, proximity and siting of the proposal in relation to the dwellings it would relate to, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by very special circumstances.

Issue b) Character and appearance and setting of the listed buildings

11. The former mill and the surrounding properties fall within the designated heritage asset of the Hertingfordbury Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. The Conservation Area is focussed on the tight historic pattern of development along the main road, primarily on the east side of Hertingfordbury Road and extending out to include open land and landscaped areas on both sides of the road which provide the rural setting to the village. These open areas also contrast with the tightly developed historic core to the village comprising a wide mix of buildings from the larger scale of the former mill to smaller, former artisans' cottages.
12. The proposal would be of modest scale and set back from the street frontage in an existing area used for parking to serve the dwellings. It would have little impact on street scene views. Where views can be gained, a pitched roof outbuilding relating to the residential dwelling to the immediate south can already be seen. There is a pattern of smaller scale garages and outbuildings related to residential dwellings in the immediate vicinity, many under pitched roofs. The proposal would relate to and continue this pattern of development. I am satisfied that given its small scale and siting, the proposed car port would respect and preserve the character and appearance of the Conservation Area. The Council raised no concern in this regard.
13. The former mill and the terrace of cottages to the south of the appeal site are listed Grade II. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given its modest scale and appropriate design and proposed selection of materials I am satisfied that it would preserve the setting of the listed buildings comprising the former mill as well as the smaller terrace of cottages to the south. The Council raised no concern in this regard.

Other Considerations

14. The Appellant has drawn my attention to the several previous decisions granted by the Council in the vicinity. I have taken them into account but my decision is based on the planning merits of the proposal before me.

Conditions and Conclusion

15. In terms of conditions, the materials as specified on the application forms should be adhered to in the interests of protecting the character and appearance of the local area as well as the setting of the listed buildings although I see no need to require further details to be submitted, given the level of information already provided. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
16. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR