



Appeal Decision

Site visit made on 15 October 2019

by Rajeevan Satheesan BSc PGCert MSc Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/J1915/D/19/3233209

The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ

- 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 Mrs Caroline Bantick against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0439/HH, dated 01 February 2019, was refused by notice dated 31st May 2019.
 - The development proposed is the extension of the existing annex ancillary to the main dwelling from a 1 bedroom to a 2 bedroom annex.
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Decision

1. The appeal is allowed, and planning permission is granted for the extension of existing annex ancillary to main dwelling from 1 bedroom to 2 bedroom annex at The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ in accordance with the terms of the application, Ref 3/19/0439/HH, dated 01 February 2019, subject to the conditions set out on the attached schedule.

Procedural Matter

2. Revised drawings (drawings Nos BAN.FEB.19 B Page 1 of 2 and Page 2 of 2) were submitted to the Council at the application stage, which are referred to in the Decision Notice. These revised drawings show a window proposed in the rear elevation of the annex, replacing the proposed doors previously shown on the original drawings. For consistency I have therefore considered the appeal on the basis of these revised drawings.

Main Issue

3. The main issue is whether the proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes.

Reasons

4. The appeal site relates to an existing ancillary annex building used in connection to the main dwelling of The Old Thatch, a Grade II listed building.
5. Amongst other things, Policy HOU13 'Residential Annexes' of the East Herts District Plan, 2018 (District Plan) states that residential annexes will be permitted where: (a) the accommodation forms an extension to the main

dwelling and is capable of being used as an integral part of the dwelling or forms a separate outbuilding which is close to and well related to and have a clear functional link to the main dwelling; (b) the scale of the annexe does not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant.”

6. With the exception of the two modest sized dormer windows proposed, all of the works would be within the footprint existing structure, with the design and materials to match the existing building. Whilst I appreciate the Council’s concerns regarding the proposed overall floor space of the annex, most of the development currently exists, and as such the proposals would simply make efficient use of the existing annex, converting currently underused loft and/or storage space.
7. The proposal would provide the occupiers of the development with better quality living space, whilst preserve the character and appearance of the area. Under the ‘principle of development’, the Officer’s Report states that “the development incorporates very limited floor area increase in the building..... and will not result in a disproportionate increase in the size of the building”.
8. The current proposal relates to a relatively modest sized extensions/alterations to the existing annex which is already in used ancillary to the main dwelling. The Council also confirm that the annex is located close to (approximately 4m¹ away) the main dwelling and thus has a close physical relationship with the main dwelling. In addition, access to the annex from the rear garden would be maintained and in this respect the annex would continue to have a clear functional link with the main house.
9. An appropriately worded condition would ensure that the annex would continue to be occupied as an ancillary part of the main house and not as a separate dwelling, in accordance with criterion (a) of Policy HOU13. Furthermore, owing to the modest size and scale of the extensions, with matching materials also proposed, the extended annex would be in keeping with the surrounding development and would remain subservient to the original dwelling. Indeed, the Officer Report raises no objections to the proposal with regards to ‘character and appearance’, and states that the proposal “is considered to appear appropriate to the character and appearance of the surrounding rural area”. In this regard the proposal also complies with criterion (b) of Policy HOU13.
10. Furthermore, I note there is no objection from the Council with regards to criterion (c) and (d) Policy HOU13, which relates to the parking of vehicles and Policy HOU11 (Extensions and Alterations to Dwellings, Residential Outbuildings and Works within Residential Curtilages).
11. I therefore conclude that proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes. In this respect I find no conflict with Policy HOU13 of the District Plan.

Other matters

12. The annex building lies close to and within the curtilage of The Old Thatch, which is a one and a half storeys C16 Grade II listed building comprising a

¹ Distance taken from the Officer’s Report.

thatched roof and plastered walls. The Council's conservation team have confirmed that the annex was built after 1948 and therefore is not considered to be listed. I also note that the Council raised no objection to the proposal with regards to the setting of the listed building. From the evidence before me and from what I saw on site, I find no reason to disagree with the Council and conclude that the setting of the listed buildings at the Old Thatch would not be harmed.

13. I also note that the site is located within the Metropolitan Green Belt. However, owing to the modest size of the extensions proposed, the Council state that the proposal is not inappropriate development in the Green Belt and have raised no objection to the proposal on grounds of loss of openness or harm to the Green Belt. I find no reason to disagree with the Council's assessment on this matter.

Conditions

14. The Council has suggested one condition which I have assessed having regard to the advice contained within the Planning Practice Guidance. Apart from the usual time limitations, a condition specifying the approved drawings is necessary to provide certainty. A condition is also attached stating that the building shall only be used in connection with the main building and shall not form a separate dwelling. A condition is imposed to require details of the materials to be used, in the interest of character and appearance of the area, and to preserve the setting of the listed building.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R Satheesan

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Ban.Feb.19A (Existing and Proposed Block Plan), BAN.FEB.19 B Page 1 of 2 and Page 2 of 2.
3. No development shall be carried out above slab level until full details, including samples, of the external facing materials to be used on the annex building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ, and shall not be used as a separate dwelling.