
Appeal Decision

Site visit made on 10 March 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/J1915/W/19/3242724

The Old Nurseries, Widford Road, Much Hadham SG10 8AT

- 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 and Mrs Nalder against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1658/FUL, dated 8 August 2019, was refused by notice dated 10 October 2019.
 - The development proposed is: Demolition of existing detached garage and erection of new four bedroom dwelling and new vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing detached garage and erection of new four bedroom dwelling and new vehicle crossover at The Old Nurseries, Widford Road, Much Hadham SG10 8AT, in accordance with the terms of the application, Ref 3/19/1658/FUL dated 8 August 2019, subject to the conditions in the attached schedule.

Main Issue

2. The appeal site (the site) is located within the Much Hadham Conservation Area, on land to the rear of The Old Nurseries, a Grade II Listed Building. The Council considers that the proposal would not affect the character or appearance of the Conservation Area or the setting of the Listed Building and I see no reason to take a different view.
3. In light of the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site has been the subject of 2 previous applications for a detached dwelling and on both occasions planning permission was granted¹. It is not in dispute that the later of these 2 permissions constitutes a fallback position which represents more than theoretical possibility in the event of the appeal proposal not proceeding.
5. The proposal is for a 2 storey detached dwelling with the first floor accommodation located within the roof, with 2 projecting gables and single pitched roof dormer to the front, and matching gables and 2 smaller dormers

¹ Local Planning Authority references 3/17/2511/FUL dated 8 March 2018 and 3/19/0671 dated 28 May 2019

to rear. The proposal differs from that approved under the 2019 consent in that the central part of the dwelling would be made deeper, providing an enlarged hall, and dining area at ground floor and an increased first floor landing area and laundry room. Within the front roof slope there would be a single dormer above a central front door. Under the previous proposal there would be 2 small dormers in the front facing roof and an offset front door.

6. As a consequence of the increased depth of the proposal within the central area of the dwelling, an area of flat roof with skylight would be formed. In the previously approved scheme, the central roofs would meet at the ridge. The area of flat roof would be recessed behind a low parapet and would not be visible from ground level, including from Widford Road which is at a higher level than the site.
7. The proposal also includes a single storey side element to provide a boot room and utility room, not included on the previously approved plans. The 'extension' would have a lower pitch of roof than the main roof slopes. There are some other detailed changes to the elevations, including the replacement of full length doors across the ground floor of one gable in the front elevation with a 4 casement window, and to the rear elevation proposed full height glazing of the gables would be replaced with vertical tiling at eaves level and Juliette balconies. A basement storey approved under the previous approval would be omitted.
8. The focal point of the dispute is whether the design changes result in a scale, mass and form of development that would be harmful to the character and appearance of the area.
9. The site is set well back from Widford Road. To the rear, the site adjoins open countryside but there is an intervening belt of woodland and it is not suggested that the proposal would be prominent from local footpaths or other viewpoints in the surrounding area. However, the lack of prominence would not be good reason to allow development which represented poor design.
10. Given the size of the site, the proposed dwelling would not appear cramped, and the design would be of traditional appearance with brick walls and tiled roofs. Despite the use of an area of flat roof the dwelling would, visually, present pitched roofs to all sides. In terms of fenestration, the design would be an improvement on the scheme approved in 2019 due to the removal of the full length glass doors from the ground floor front elevation, and the articulation of the glazing to the rear elevation gables. The raising of the eaves level in the centre section of the front elevation would also achieve greater continuity in the design.
11. It has been suggested that the proposed single storey ground floor element would result in a poor appearance however it is not unusual to have such a transition between roof pitches and there is nothing inherently unattractive about that aspect of what is proposed. It has also been suggested that the side 'extension' would result in the proposal having greater impact on the rural area, however it would not project beyond the main rear elevation of the proposal nor that of the neighbouring property, therefore would not lead to further encroachment.
12. The Council suggests that the previously approved design benefitted from the inclusion of subservient elements which would help to break up the scale and

massing. In the case of the second application, the centre part of the dwelling would have a greater setback than under the proposal, although the ridge height would be the same as the 2 gabled wings. Whilst to a marginal extent the setback might reduce the perceived scale and massing of the building, for the reasons given the proposal would achieve an overall improved design with a more traditional Arts and Crafts character than that approved in 2019.

13. The Parish Council has suggested that in seeking a further increase in the footprint of the dwelling the proposal represents 'planning creep' and would not have been granted permission had it been submitted in the first instance. That may or may not be the case. However, for the reasons given the appeal proposal would achieve a well-designed dwelling, in scale and character with its surroundings. I also give some weight to the fallback position although notwithstanding the currently approved scheme the proposal represents an acceptable design solution for the site.
14. I therefore conclude that the proposed dwelling would not cause harm to the character and appearance of the area, and would conform to Policy DES4 and Policy VILL1 of the East Herts District Plan October 2018 (the District Plan) which amongst other things require that proposals should be of an appropriate scale, well designed and in keeping with the character of the village and promote local distinctiveness.

Conditions

15. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case and some have been edited for consistency and clarity.
16. For certainty I attach the standard planning condition limiting the period of the consent to 3 years and a condition requiring the development to be carried out in accordance with the approved plans.
17. The Council has suggested that a number of details including materials have already been subject to approval under the discharge of conditions relating to the previous planning permissions. With the exception of the plan showing details of the access and parking provision and external works² I have not been provided with these details. However, the proposal is accompanied by a plan showing the external works and I attach conditions requiring details of the access arrangements, boundary treatments and landscaping to be completed in accordance with these plans, in the interests of the visual appearance of the development.
18. I also attach a condition requiring the external materials, including facing brickwork, roof tiles, and hung tiles to be agreed with the Local Planning Authority.
19. The Council has suggested that arrangements are to be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The condition was recommended by the Highways Authority as part of a condition relating to the approval of the surfacing of the access and parking area for which reason I deal with the matter within that condition.

² Plan reference 12633-PO33-B

20. It appeared to me that the new access and improved visibility splays, and parking to serve The Old Nurseries have already been provided. However, for the avoidance of any doubt I attach a condition requiring these works to be completed, and the closure of the existing access to be undertaken prior to the occupation of the approved dwelling.
21. The Council's Environmental Health Officer (EHO) has advised that prior to the development proceeding, the site should be subject to investigation for ground contamination. However, it has not been suggested that the site has previously been in uses which could lead to contamination and therefore I see no need for such conditions.
22. The EHO has also recommended that the hours when construction activity involving plant and machinery is undertaken should be subject to control, in order to limit noise and disturbance to the occupiers of neighbouring dwellings. I agree that such a condition is necessary and have used the hours suggested by the EHO.

Conclusion

23. For the above reasons and taking account of other matters raised, the appeal is allowed.

Tim Wheeler

INSPECTOR

Schedule of 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, site plan, proposed elevations, proposed floor plans, roof plan, indicative section – 13656-P003-D; Proposed site plan and external works – 13656-P002-A.
- 3) Prior to occupation of the proposed dwelling, boundary treatments shall be implemented in accordance with the detail, as shown on plan 13656-P002-A and thereafter maintained for the lifetime of the development.
- 4) Hard and soft landscaping shall be implemented in accordance with the details shown on plan 13656-P002-A. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The external materials to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the application of any such materials on the site. The development shall be carried out in accordance with the approved details.
- 6) Before first occupation of the approved development, the access arrangement, including visibility splays, onto Widford Road shall be completed in accordance with plan 13656-P002-A, and thereafter shall be maintained for the lifetime of the development.
- 7) Before the dwelling hereby permitted is occupied all on site parking and vehicle turning areas shown on plan 13656-P002-A shall be provided, and surfaced in a manner to be agreed in writing with the Local Planning Authority, so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 8) Occupation of the dwelling hereby permitted shall not take place until the existing vehicle access has been closed and the kerbs reinstated to the satisfaction of the Local Planning Authority.
- 9) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the site before 0730 hours Mondays to Saturdays, nor after 1800 hours on weekdays and 1300hrs on Saturdays, and not at any time on Sundays or Bank Holidays.

ENDS