



Appeal Decision

Site visit made on 22 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/J1915/D/20/3254737

11 New Road, Bengeo, Hertford SG14 3JJ

- 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 Ms Stephanie Garner against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0249/HH, dated 27 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the retention of an existing rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development concerned has occurred and therefore I am considering this matter retrospectively.
3. There are some minor differences between the styles of windows shown on the submitted plans and the development which has been carried out. Whilst these discrepancies have not had a bearing on my decision, I have determined the appeal based on the scheme as it has been built.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal dwelling lies within a row of properties which have a markedly similar appearance. Roof forms within the row are generally as originally built, and dormer windows are not a prevailing characteristic of their appearance. This design continuity contributes positively to the appearance of the area.
6. The appeal dwelling has a two-storey rear extension with a hipped roof, and an adjoining single storey extension. The dormer lies above and behind the extension, and occupies much of the rear roof slope. The scheme is highly visible from several neighbouring properties. Accordingly, whilst it has less visibility from New Road, it is apparent within the wider residential area.
7. The dormer has substantial proportions and a significant projection from the roof. These add an unduly dominant degree of bulk to the roof, which

produces an unbalanced appearance. As a result, the scheme has a lack of subservience to the existing building.

8. Furthermore, the cumulative effect of the roofs of the two-storey and single storey extensions in close proximity to that of the dormer produces a visual complexity in the juxtaposition of roof structures. This is at odds with the prevailing uniformity of roofs within the row of properties.
9. Thus, the development appears as an inharmonious and visually intrusive feature. The scheme consequently causes harm to the character and appearance of the area, and therefore it conflicts with Policies HOU11 and DES4 of the East Herts District Plan 2018, which require development to complement the appearance of the existing dwelling and to be of a high standard of design.

Other Matters

10. The appeal site lies within the Hertford Conservation Area (the CA). Section 72 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 the CA.
11. The town's natural and historic environment make a substantial positive contribution to the significance of the CA, according to the CA Appraisal and Management Plan (2017). Trees, water features, areas of open space, listed and unlisted buildings are identified as elements of primary importance.
12. The appeal dwelling lies opposite the Holy Trinity church, which is a listed building within a substantial churchyard which contains several mature trees. Its historic appearance and natural surroundings contribute positively to the significance of the CA. The dormer has limited visibility within the church's setting and a relatively neutral effect within views from the street. Furthermore, it does not adversely affect important views of natural or historic form.
13. Accordingly, I conclude that the scheme reflects the relevant defining characteristics of the CA, and that its effect on its significance is one of preservation as a result. The Council's view supports my own on this matter.
14. My attention has been drawn to a number of schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, the majority lie outside the CA, according to the evidence before me. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) grants permission for the classes of development described as permitted development in its Schedule 2. Part 1, Class B permits certain additions to the roof of a dwellinghouse. Thus, if the other schemes referred to comprised permitted development according to the GPDO, they would not require an application to the local planning authority for planning permission.
15. However, permitted development rights are more restricted within certain designated areas, including Conservation Areas. As a result, the appeal scheme necessitates an application for planning permission as a result of its location within the CA. It therefore falls to be assessed against development plan policies.

16. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.
17. I acknowledge the stated household need for greater space, and I am sympathetic to this. Nevertheless, planning in general is concerned with land use in the public interest. It is probable that the development would remain long after the current personal circumstances cease to be material. For these reasons, this factor is a benefit to which I can attach only minimal weight.
18. The use of similar materials to those of the main building for the scheme is a neutral matter that does not overcome my concerns regarding its overall effect.
19. I acknowledge the support of interested parties for the scheme. However, this does not include substantive evidence which leads me to an alternative view on the main issue of the appeal, in this instance.
20. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR