



Appeal Decision

Site visit made on 28 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/J1915/W/20/3256367

44 Thorley Park Road, Bishops Stortford CM23 3NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robert Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0592/VAR, dated 17 March 2020, was refused by notice dated 12 May 2020.
 - The application sought planning permission for single-storey attached granny annexe without complying with a condition attached to planning permission Ref 3/15/1117/HH, dated 27 July 2015.
 - The condition in dispute is No 3 which states that: The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse within the application site and for no other purpose.
 - The reason given for the condition is: To ensure the Local Planning Authority retains control over any future development.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey attached granny annexe at 44 Thorley Park Road, Bishops Stortford, CM23 3NQ in accordance with the application 3/20/0592/VAR, dated 2 March 2020, without compliance with condition No 3 previously imposed on planning permission 3/15/1117/HH dated 27 July 2015.

Main Issue

2. The main issue is the effect that removing the condition would have on the character and appearance of the area.

Reasons

3. The annexe is a single-storey addition to the side elevation of the host property. It is capable of independent occupation, with no internal link between the annexe and house and separate gates in the front boundary wall providing separate approaches to the two front doors.
4. The character of Thorley Park Road principally comprises a mix of semi-detached and detached dwellings on spacious plots. The use of the annexe as an independent dwelling would create a terrace of three separate houses. However, there would be no change to the existing appearance of the

buildings, and the annexe is a small structure with a subordinate relationship to its host dwelling. The appeal proposal would not change this relationship, and the annexe would not be a prominent feature in the street scene.

5. The setting of the annexe has an established domestic appearance comprising a small area of garden with a mix of hard and soft landscaping. Any accumulation of domestic paraphernalia associated with the separate use would accordingly be modest in scale. I acknowledge that planning permission may not ordinarily be granted for a dwelling of the nature proposed. However, the annexe already exists and there would be no change in operational terms resulting from the creation of a separate planning unit. There would be no material change to the overall appearance of the appeal site or the host property. Accordingly, there would be no harm caused to the area's character and appearance.
6. The removal of the condition would accord with Policy DES4 of the East Herts District Plan 2018, which includes a requirement for development to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

Other Matters

7. The annexe and host property would continue to use the existing shared parking area. This provides space for parking of up to four cars, and there are no parking restrictions on the road in the vicinity of the appeal site. The appeal proposal would not result in a significant increase in on-street parking on the nearby bend in the road, given the scale of the annexe and that it is already in use.

Conclusion

8. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR