



---

## Appeal Decision

Site visit made on 29 September 2020 by Thomas Courtney BA(Hons) MA

**Decision by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 November 2020**

---

**Appeal Ref: APP/W1905/D/20/3254773**

**Brambles, Oaklands Grove, Wormley, EN10 6DU**

- 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 J. Taylor of Ken Judge & Associates Ltd against the decision of the Borough of Broxbourne Council.
  - The application Ref 07/19/0918/HF, dated 31 October 2019, was refused by notice dated 14 January 2020.
  - The development proposed is a garden room/gym.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a garden room/gym at Brambles, Oaklands Grove, Wormley, EN10 6DU in accordance with the terms of application Ref 07/19/0918/HF, dated 31 October 2019 and the plans numbered 2355/26 and 2355/27 subject to the following conditions:
    - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
    - 2) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at Brambles, Oaklands Grove, Wormley.
    - 3) Construction works shall take place only between 8.00am-6.00pm Monday-Friday, 8.00am-1.00pm Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
    - 4) Prior to the use of the development a replacement tree as shown in drawing OS 1353-17 (Appendix A of the Arboricultural Impact Assessment) shall be planted to replace the silver birch removed.
    - 5) If, within a period of 5 years from the date of planting, the replacement tree referred to in Condition 4 (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
-

## **Appeal Procedure**

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## **Procedural Matter**

3. The application is submitted retrospectively and during the site visit I observed that the works are nearly completed. Accordingly, I have considered the proposal on this basis.
4. Broxbourne Council adopted their new Local Plan 2018-2033 (the 'local plan') after the submission of this appeal. It replaces the Local Plan 2005 referred to in their decision letter. The Council have provided the newly adopted Local Plan policies that are relevant to this proposal, and I have considered the appeal against these newly adopted policies.

## **Main Issues**

5. The main issues are the effect of the development on the character and appearance of the area, and the Wormley Conservation Area, including its effect on the adjacent tree.

## **Reasons for the Recommendation**

6. The appeal site accommodates a partially completed outbuilding set within the plot of a large detached two-storey dwelling known as 'Brambles' sited on Oaklands Grove. This is a private cul-de-sac located off the western side of the High Road within the Wormley Conservation Area (the 'Conservation Area'). A chalet bungalow lies to the immediate north of the appeal building, adjacent to the common boundary.
7. The Conservation Area covers a part of the historical core of Wormley, between the High Road and the New River to the west, and its significance lies in part in the distinctive layout and appearance of the buildings within it. Indeed, the High Road features buildings dating from the 17<sup>th</sup>-19<sup>th</sup> Century with some of Medieval origin. On the western side of the High Road, the development pattern appears to be more open with large detached dwellings set within large landscaped plots. However, it appears a few of these large plots have been subdivided to allow for new residential development, as is the case with the appeal site.
8. 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 a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (NPPF). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
9. Whilst the outbuilding is sited close to the common boundary with the neighbouring property I find it sensitively harmonises with its surroundings. It does not appear excessive as it remains subservient in scale to the host dwelling and the neighbouring property. I also observed that it is similar in

- scale to other large garages and outbuildings associated with the neighbouring properties directly to the east and therefore it does not appear incongruous in this context. Its materials, fenestration and overall architectural style complement both the neighbouring property as well as the host dwelling.
10. Furthermore, in light of its modest size and discreet location within the cul-de-sac, I do not find that it adversely impacts upon the character of the Conservation Area. Its rural chalet-like design adequately ties in with the spacious, semi-rural character of the surrounding context and the soft landscaping I observed enclosing the development contributes positively to the character of the Conservation Area. I therefore find that the development does not result in visual harm nor does it detract from the significance of the Conservation Area.
  11. Turning to the tree, I have had regard to the appellant's Arboricultural Impact Assessment provided during the appeal process. This identifies the silver birch tree close to the eastern side of the development as being low quality, and recommends that it should be removed and replaced. I agree that the tree is of limited value visually. I am satisfied that its removal and replacement with a new tree in the position shown on drawing OS 1353-17 (Appendix A of the Arboricultural Impact Assessment) would sufficiently contribute to the character and appearance of the area.
  12. Given the above, the proposal preserves the character and appearance of the surrounding area and the Wormley Conservation Area. It does therefore not conflict with Policies EQ1, DSC1, HE2 of the Broxbourne Local Plan 2018-2033 which together seek to ensure proposals avoid detrimental impacts on neighbours, are well designed, enhance local character and distinctiveness, and conserve heritage assets. The proposal also does not conflict with Policy NEB4 & NEB5 of the local plan which seek to ensure development makes connections to biodiversity through a strong landscape framework, and that replacement planting should be in sympathy with local landscape character.

### **Conditions**

13. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance.
14. I have not included the suggested condition relating to the commencement of the development as the development has clearly already commenced. Also I have included the relevant plans within the terms of the decision in the interests of certainty. However, I have included a condition requiring the external finishing materials match the main house, to protect the character and appearance of the area.
15. Furthermore, to ensure that the outbuilding remains at all times incidental to the main use of the property, I have imposed a condition specifying the development shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.
16. I have imposed a condition controlling the hours of construction to limit adverse noise impacts on the amenity of neighbouring occupiers. Lastly, conditions requiring the planting of a replacement tree and a replacement for

that in case it dies or is seriously damaged are imposed to protect the character and appearance of the area.

**Recommendation**

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

*Thomas Courtney*

APPEAL PLANNING OFFICER

**Inspector's Decision**

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR