



## Appeal Decision

Site Visit made on 7 January 2021

**by Chris Forreth MRTPI, DipTP, BSc(Hons)**

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

**Decision date: 22<sup>nd</sup> January 2021**

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**Appeal Ref: APP/J1915/D/20/3262722**

**5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR**

- 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 Peter Hehir against the decision of East Herts District Council.
  - The application Ref 3/20/1505/HH, dated 5 August 2020, was refused by notice dated 20 October 2020.
  - The development proposed is the erection of wooden carport (with polycarbonate roof) to the front of the property.
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### Decision

1. The appeal is allowed and planning permission is granted erection of wooden carport (with polycarbonate roof) to the front of the property at 5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR in accordance with the terms of the application, Ref 3/20/1505/HH, dated 6 August 2020, subject to the following 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, Drawing 1, Drawing 2, Drawing 3 and Drawing 4.
  - 3) The development hereby approved shall be constructed in the materials specified on the application form.

### Preliminary Matters

2. The application form, decision notice and appeal form all describe the proposal before me differently. In the absence of a consensus of the description of the development, I have utilised a combination of these descriptions which succinctly describes the proposal for my decision.

### Main Issue

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

### Reasons

4. The appeal site is located within a residential area of Sawbridgeworth. The property is accessed off a private driveway (Applegate) and the carport would only be partially visible from public vantage points on Burnside and Brook Lane.

However, such views would be restricted and in the context of other residential properties and outbuildings in the area. I therefore agree with the Council that the carport would not have a detrimental impact on the surrounding area.

5. Notwithstanding that, the Council consider that it would be out of keeping with the grain of development in the area and would harm the character and appearance of the host property and the immediate streetscene owing to its siting and design.
6. Whilst the carport would be positioned in front of the existing dwelling, I saw at my site visit there was a large garage/outbuilding to the fore of 3 Applegate at the head of the private driveway.
7. Whilst the carport would be closer to the host property than the building at No.3, I am also conscious that it would be open on all sides and there would be clear views of the host property through the open structure. With that in mind, I consider that it would not result in any significant harm to the character of the host dwelling or the immediate surroundings of Applegate.
8. My attention has also been drawn to the adjacent trees which are the subject of a Tree Preservation Order and are arguably the most prominent feature in the immediate vicinity. However, given the nature of the proposal, and the limited groundworks required to construct the carport, I consider that it would not result in any harm to these trees.
9. The appeal site is also located adjacent to The Dell which is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
10. The Council has set out that the carport would not harm the setting of this listed building as its closest part would be near to a modern conservatory which has been added to The Dell. Given the nature of the proposal and what I observed on site, I consider that the carport would not have any adverse impact on the setting of this listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
11. For the above reasons the carport would not harm the character and appearance of the host property or the wider area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that residential outbuildings are of a high standard of design, and are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

### **Conditions**

12. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to the specified materials on the application form is also necessary.

**Conclusion**

13. For the reasons given I conclude that the appeal should succeed.

*Chris Forrett*

INSPECTOR