



Appeal Decision

Site Visit made on 22 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/J1915/W/21/3271188

Rockleigh, Throcking Road, Cottered SG9 9QT

- 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 William Graham against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2615/FUL, dated 22 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is proposed replacement 5 No. bedroom detached dwelling including detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area including the effect on protected trees.

Reasons

3. The appeal site currently accommodates a detached bungalow. It is positioned at the edge of Cottered in a row of four houses. The houses are arranged on their plots such that there are significant gaps between them. These gaps provide a sense of spaciousness and, along with the verdancy provided by the hedges, trees and landscaping around the houses generally, are a strong characteristic of the area.
4. Currently, there is a large gap on the site between the house and its south boundary. The proposed replacement dwelling would be wider than the existing bungalow and would result in built form being stretched across most of the width of the site leaving only a very minimal gap to the southern boundary. In this respect it would reflect the adjacent dwelling at Haymead End which also covers the majority of its plot's width. However there is a sizeable gap between Haymead End and its neighbour at Colins which assists in these two dwellings appearing well spaced apart. In contrast the proposal would result in there being very little discernible space between it and Haymead End. This would be to the detriment of the character and appearance of the area.
5. Along this southern boundary is a row of Scotts Pine trees protected by a tree preservation order¹. These trees are mature, tall and prominent in the street scene. They are an important landscape feature that contributes to the verdant

¹ (No. 1) 1992.

- character of the area. The Council's second reason for refusal refers to the lack of information on the effect of the development on these trees. An arboricultural impact assessment, protection plan and method statement has since been provided, although the Council have not provided comments on it.
6. From my review of the arboricultural impact assessment, it appears that part of the development would be within the Root Protection Area (RPA) of two of the Scotts Pines; T3 and T4. The degree of intrusion into the RPA of T4 is negligible, however the proportion of the RPA of T3 which would be occupied by the dwelling would be significant. It is also not unreasonable to consider that, because of the proximity of the neighbour's garage and the restrictive effect this could have on root growth, that the roots of T3 would be asymmetrical, with more directed towards the appeal site and hence affected by the proposal.
 7. The method statement suggests that the foundations for the dwelling within the RPA can use a pile and beam construction method. Nonetheless as it is a corner of the dwelling that would be in the RPA, at least one pile would need to be dug, and a considerable way into the RPA. This would most likely involve cutting of roots which could affect the vitality of the tree. This could result in the loss of the tree, which would be to the detriment of the character and appearance of the area.
 8. Details are given regarding the construction of the pedestrian path around this side of the dwelling, and the protection measures that would be put in place during the construction phase, and I am satisfied these would be sufficient. Also, although the Council raise concern regarding future pressure to remove the trees, at my site visit I saw no low branches from T3 overhanging the site, and in fact all the Scotts Pines had high canopies such that light passed readily underneath them. As such I consider it unlikely that there would be future pressure for their removal.
 9. With regard to the scale of the proposed dwelling, it would represent a significant increase from the existing building, and from its original size, and compared to the adjacent bungalow at Phayden Lodge to the north. However, in the context of the larger properties to the south, at Haymead End and Colins, the proposal would not appear excessively large. Similarly, although it would represent an increase in height from the existing, it would be comparable in height to the neighbouring properties to the south. Also, the two front facing gable ends assist in breaking up the mass of the front elevation and because the ridge of the northern part of the roof would be slightly lower than the southern part, this would also reduce the visual bulk of the roof.
 10. The driveway currently comprises loose gravel. It is proposed that the new driveway be block paved. This change would have no perceptible effect on the appearance of the locality and the area to be covered would not be materially larger than the current parking and turning area.
 11. The boundary hedge contributes to the area's verdant character. This would be cut back, quite severely, alongside the flank of the proposed house. However, the majority of the hedge, and its most visible part forward of the house, could be maintained and therefore its contribution to the street scene would be largely retained.
 12. Nonetheless, because of the substantial reduction in the gap to the south boundary and the threat to the vitality of a protected tree, the proposal would

cause unacceptable harm to the character and appearance of the area. As such it would conflict with policies GBR2, VILL2 and DES4 of the East Herts District Plan (EHDP), which state that development should be appropriate to the character and appearance of the local surrounding area in terms of its design and layout. It would also fail to accord with EHDP policy DES3 which aims to ensure development protects existing landscape features of amenity value.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no other considerations which lead me to a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

A Owen

INSPECTOR