

Appeal Decision

Site visit made on 18 June 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021

Appeal Ref. APP/J1915/D/21/3271242

Primrose Cottage, Slough Road, Allens Green, Sawbridgeworth CM21 0LR

- 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 Ashlee Bloom against the decision of East Hertfordshire District Council.
 - The application ref. 3/20/2327/HH, dated 20 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is described on the application form as a “*two storey rear addition*”.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Like the appellant, I am somewhat surprised that the Council chose to include a second reason for refusal relating to Policy DES3 Landscaping of the East Herts District Plan 2018 (EHDP). The proposed development would be built over part of the back garden, adjoining the rear wall of the host dwelling, where there are no existing landscape features of amenity or biodiversity value. There would be no net loss of such features and no conflict with EHDP Policy DES3.
3. The Council found that the development would preserve the setting of 2 nearby listed buildings (Hoppetts and The Old Church). I see no reason to disagree.

Main issue

4. Focussing on the first reason for refusal, I consider the sole main issue in this appeal to be the effect of the proposed 2-storey rear addition upon the character and appearance of the host dwelling and the wider surroundings.

Reasons

5. The appeal concerns a 2-storey cottage located at the end of a terrace of 6 cottages within Allens Green, a small settlement which falls within an area designated in the EHDP as a “Rural Area Beyond the Green Belt”. There are various dwellings and buildings spread sporadically around Allens Green and the surroundings of the appeal site are resolutely rural in character.
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6. Primrose Cottage occupies a prominent location being at the end of a terrace, next to a road junction, opposite the attractive open green to the north and with a public footpath running across the meadow immediately to the east which allows for clear public views across the rear and side of the cottage.
7. I have studied the planning history of the site presented to me, including an appeal decision (ref. APP/J1915/A/12/2173671) from October 2012 when the development plan and the planning circumstances at the site were materially different, and noted how the current built form of Primrose Cottage emerged from the subdivision and extension of the former end of terrace property here. Looking at the actual wording of the relevant policies of the EHDP (HOU11, DES4 and GBR2), I would not necessarily disagree with the appellant's stance that the starting point for any assessment should be the appeal property as it now exists. None of those policies offer any quantitative standards for an acceptable scale of extension or a proportionate increase in footprint or floor space in this designated "Rural Area Beyond the Green Belt". It is therefore necessary to assess the visual impact of each individual proposal having regard to size, scale, mass, form, siting, design and materials of construction.
8. Primrose Cottage is already a far wider building than the immediately adjoining properties. There is limited capacity for it to be extended in depth without producing a disproportionately large dwelling in the context of the host terrace of which it is part. The rear elevation is currently presented with a simple uninterrupted wall face and single roof slope. Although matching weatherboarding and slates would be used, what is proposed would be a major alteration as the 2-storey rear addition would sprawl across the whole back wall of the cottage. Only a limited amount of the existing rear roof slope would remain visible.
9. The double-gabled roof form with an awkward raised central valley and pattern of fenestration below, building up to the adjacent property and the failure to set the extension in from the existing end gable would all serve to emphasize the scale, mass, size and unsympathetic form and design of the extension. The proposed addition would not generally appear as a subservient addition to the dwelling, contrary to a key expectation in EHDP Policy HOU11. Rather, it would visually dominate and radically change the appearance of the existing cottage particularly when seen in public views from the public footpath across the field to the side and in private views from the rear gardens of the adjoining properties. The building would take on an unduly bulky, complicated and discordant appearance, detracting from its simple architectural character, departing too far from the modest scale and traditional character still largely evident in the remainder of the terrace and being disruptive to the open and pleasant rural character and appearance of the surroundings.
10. The Council's approach was to look at the pre-existing building on the site prior to the subdivision and extensions which took place to create the current Primrose Cottage and the neighbouring narrower cottage in the terrace. Paragraph 14.12.3 of the EHDP, which ends by stating that the Council is also concerned with the cumulative impact of development in the countryside, would seem to support such an approach although, for some unknown reason, there is no clear direction to this effect in the policies themselves. Nonetheless, if I had relied on this approach, I would have reached the same conclusion as the Council; the cumulative effect of this proposal and the earlier 2-storey rear

and side extensions and front porches would be to subsume the original modest building here into the various additions to the extent that observers would have great difficulty pointing to the original building.

11. The fact that the appeal property is not subject to any restrictions on permitted development rights is not of overriding significance in the context of this appeal and I realise that the appellant is not making an argument based on the fallback those rights might allow. Still, those rights remain available for the appellant but there is nothing to suggest they could be used to significantly alter the external appearance of the dwelling in a manner that would compare to the 2-storey rear addition now proposed.
12. Whilst there are clearly some altered and extended homes in this terrace and no doubt in the wider locality, each scheme has to be considered on its own merits. Comparisons with nos 2 and 3 Blacks Cottages in the same terrace are not straightforward. In the case of the former, the enlargement to its front and rear came about under the same subdivision and extension of the former end of terrace property here which also created Primrose Cottage. Following the logic of the appellant's preferred approach to this appeal, it would be consistent to argue that no. 2 has not been extended since it was occupied and the planning unit associated with it created. The planning history at no. 3 relating to the rear 2-storey gabled wing and the single-storey conservatory structure beyond is not before me. In any event, both the neighbouring 2-storey, rear-projecting wings are narrow and traditionally designed single bays which are attached to properties of narrow proportions and so are materially different to what is proposed across the wide rear elevation of Primrose Cottage.
13. I find on the main issue that the proposed 2-storey rear addition would harm the character and appearance of the host dwelling and the wider rural surroundings. As the development would not be an example of a high standard of design that reflects and promotes local distinctiveness, would fail to safeguard the quality and character of the site and its rural surroundings and would not appear as a subservient addition to the host dwelling, there would be conflict with the aims of Policies DES4, GBR2 and HOU11 of the EHDP. There would also be a failure to adhere to the overarching design themes of the National Planning Policy Framework (NPPF) insofar as they relate to achieving well-designed places. The scheme would fulfil the social dimension of sustainable development as set out in the NPPF by enhancing the living accommodation of the property and offer a limited economic benefit to the building trade, but the environmental dimension would not be fostered given the harm I have found under the main issue.

Conclusion

14. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised and the letters of representation from local residents in support and against, I conclude that this appeal should not succeed.

Andrew Dale INSPECTOR