

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/21/3271328

13 Hampton Gardens, Sawbridgeworth CM21 0AN

- 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 Steven Vale against the decision of East Hertfordshire District Council.
 - The application ref. 3/20/2423/HH, dated 1 December 2020, was refused by notice dated 20 January 2021.
 - The development proposed is described on the application form as "*Proposed garage conversion, roof ridge to be increased in height with two pitched dormers to the front elevation and single dormer to the rear. Garage doors to be replaced with windows to the front elevation. Proposed Canopy to the rear.*"
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Decision

1. The appeal is allowed and planning permission is granted for "*Proposed garage conversion, roof ridge to be increased in height with two pitched dormers to the front elevation and single dormer to the rear. Garage doors to be replaced with windows to the front elevation. Proposed Canopy to the rear*" at the site address of 13 Hampton Gardens, Sawbridgeworth CM21 0AN in accordance with the terms of the application ref. 3/20/2423/HH, dated 1 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered 1029/PL/01, 1029/PL/02, 1029/PL/03, 1029/PL/04, 1029/PL/05 and 1029/PL/06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main issues

2. The main issues are the effects of the proposed development upon the character and appearance of the site and its surroundings and upon the amenities of the neighbouring occupiers at no. 14 Hampton Gardens with regard to the potential for any loss of light and outlook.
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Reasons

3. The appeal property is a sizeable detached house standing towards the closed end of Hampton Gardens, a cul-de-sac which contains sharp bends and similarly large detached houses.
4. The proposal relates only to the detached single storey double garage at the appeal property. It is currently used for storage.
5. This garage is set well back a long way into the site. Its front elevation is beyond the rear elevation of no. 13 and in line with the rear elevation of no. 14. When added to the very advanced position of no. 12, the context here is such that the garage is not in full view from a public place, even from any point on the footway which goes around the adjacent turning area at this end of Hampton Gardens. The main changes would be to the roof of the garage but they would have no obvious impact when seen from any public vantage points.
6. In more open private views, for example from the front gardens of nos 15 and 16, whilst the changes would introduce a first-floor area over the garage, a higher roof line, dormers and a half-hipped roof form instead of the existing pyramidal-shaped roof, the short ridge at the top of the building would be seen to rise above the eaves of nos 13 and 14 by only a marginal degree. With no increase in footprint proposed and noting the location of the garage building and the sizeable nature of the houses adjacent to it, I am not convinced that the increase in bulk and mass would be so considerable as to produce a building which would no longer be subservient to the host dwelling and site.
7. The 2 front dormers would carry pitched roofs, have one less window light than the new windows below and be set well in from all edges of the half-hipped roof. They would echo the dormers at no. 14. It would be a stretch of the imagination to suggest that they would dominate the roof form. The single dormer at the rear would be larger but again it would set well within the new roof. Its design would reflect the outline of that roof. Being at the rear, it would have no obvious visual impact.
8. Viewed as a whole, I consider that the proposed changes would be visually attractive and sufficiently respectful of the original building's character and appearance, the local character more generally and the setting of the site.
9. I find on the **first main issue** that there would be no adverse impact upon the character and appearance of the site and its surroundings. As the development would be an example of high-quality design that reflects local distinctiveness, safeguard the quality and character of the site and its surroundings and involve the acceptable extension and alteration of an existing detached outbuilding, there would be no conflict with the aims of Policies HOU11 and DES4 of the East Herts District Plan 2018 (EHDP). There would also be compliance with the key design themes in the National Planning Policy Framework insofar as they relate to achieving well-designed places.
10. The experience of no. 14 as being set within a relatively spacious back garden facing south-west would endure. Whilst the garage is sited on the boundary with no. 14 and its front elevation is in line with the rear elevation of no. 14, it is actually set away from the opposing gable wall of that neighbouring property by about 1.35 m, with the closest habitable room window there being set even

further way. This orientation and layout, together with the half-hipped profile of the proposed roof and the degree to which the dormers would be set within that roof, would help to preserve the reasonable receipt of daylight and sunlight to the garden and rear elevation of no. 14 and to avoid any unduly significant overbearing impact on the outlook from those same places. The absence of objections from the occupiers of no. 14 adds weight to my findings.

11. I find on the **second main issue** that the proposed development would avoid any significant detrimental impacts on the amenities of the occupiers of the neighbouring property at no. 14 taking into account outlook or visual impact and light. As such, there would be no conflict with the aims of EHDP Policy DES4. Similarly, there would also be compliance with paragraph 127 (f) of the National Planning Policy Framework which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
12. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed a condition covering materials to ensure that the development would safeguard the character and appearance of the area.
13. It is not necessary to impose the Council's fourth suggested condition which indicates that the garage conversion should be used for ancillary purposes only and not for independent use. This is because the building would be used for purposes incidental to the enjoyment of the dwelling at 13 Hampton Gardens and there is no proposal for separate independent use or a separate dwelling before me. Moreover, if following the grant of this permission, the structure is not used as proposed and there is a future material change of use of it to create an independent use or dwelling, then another grant of planning permission would be required, and such a use or dwelling would be at risk of enforcement action if that planning permission is not granted.
14. For the reasons given above and having regard to all other matters raised, including the absence of objections from local residents or local organisations, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR