



Appeal Decision

Site visit made on 30 July 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2021

Appeal Ref: APP/J1915/D/20/3249828 44 Milton Road, Ware, SG12 0PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Martin Williams against the decision of East Hertfordshire District Council.
- The application Ref 3/19/2300/VAR, dated 12 November 2019, was refused by notice dated 7 January 2020.
- The application sought planning permission for 'Proposed single storey side extension and loft conversion/first floor extension incorporating 2 no. dormer windows and 2no. Juliet balconies. Alterations to fenestration' without complying with conditions attached to planning permission Ref 3/18/0985/HH, dated 13 July 2018.
- The conditions in dispute are Nos 2 and 3 which states that:
 - 2: The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.
 - 3: The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building unless otherwise agreed in writing by the local planning authority.
- The reasons given for the conditions are:
 - 2: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
 - 3: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Procedural matters

1. The application the subject of this appeal was made on 12 November 2019, with the application form stating that the development the subject of permission 3/18/0985/HH had started by that time. On 9 October 2019 the appellant received a letter from the local planning authority (LPA) referring to the installed roof materials not according with the approved permission, namely slate instead of tiles. However, it is apparent to me from what I have read in both main parties' submissions that at that time the property had also been rendered.
2. The application form submitted to the LPA stated that the wish was to alter Conditions 2 and 3 'to allow slate roof tiles to be used in lieu of the original concrete terracotta coloured roof tiles'. The appellant has objected to the LPA amending the description of development to include reference to render on the building façade. The Planning Officer's Delegated Report states that, at the time of assessing the application, the alterations had been completed, ie the slate roof and the rendered façade.

3. From what I have read it is apparent to me the changes to the building occurred before the planning application was made to the LPA, and hence was made under s73A of the Act.. As the application sought a variation to the two conditions setting out the plans approved under 3/18/0985/HH and the materials to be used in the building of the approved extensions, I consider it reasonable and necessary for the LPA to have described the development with reference to both the slate roof and to the rendered façade, and for the application to be assessed on that basis. I have therefore assessed this appeal on the same basis, namely to use slate roof and to replace previous dilapidated concrete terracotta coloured tiled roof and render on building façade.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue is the effect of development on the character and appearance of the host property and the wider area.

Reasons

6. Planning permission 3/18/0985/HH required the materials to be used in the approved extension to match those in the existing building. As noted, this has not been done: slate has been used to the roof, and the elevations have been rendered.
7. The appeal property lies on the eastern side of Milton Road. Whilst there is variety in housing type and design along that road, in the vicinity of No. 44 there is a good degree of consistency: properties with tiled roofs and brick elevations, with limited and restrained use of render. Most significantly, in terms of this case, is that No. 44 is one half of a pair of semi-detached bungalows where the other half still has tiled roof and brick elevations.
8. There are properties with slate roofs to the south and west of No. 44. However, these are of different character to the subject property and the grouping within which No. 44 lies: the row of low, slate cottages on the western side of the road forms its own distinctive group, whilst the tall detached villa of No. 43 is of very different character again.
9. The works that have been undertaken to No. 44 have a seriously harmful effect on the appearance of the area, and the design of the host property. The balance with the attached bungalow is lost and the altered No. 44 is a very discordant feature in the streetscene: it upsets the balanced and restrained pattern of housing in this area of the street, and the use of slate and render to No. 44 disrupts the restrained palette of materials seen.
10. Thus, the slate and render has not had proper regard to the host property and the context within which it lies. This is harmful to the character and appearance of the residential area, and so conflicts with Policies DES4 and HOU11 of the East Herts District Plan 2018 which, amongst other matters, requires extensions and alterations to dwellings to be of a high standard of design and use materials that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. The development is also not consistent with the National Planning Policy Framework (2021) that requires

- planning decisions to be well designed and maintain a strong sense of place, including through the use of building types and materials.
11. The appellant has drawn my attention to a decision (ref. 3/17/0668/HH) on 1 June 2017 by the LPA for an extension and alterations to a semi-detached bungalow at 87 High Oak Road, two streets away from the current appeal site. I have been provided with the drawings and application form for that case which showed the existing roof was concrete tiles and that the new roof would match, and I have also seen the original Decision Notice for that permission which included conditions requiring matching materials. The evidence therefore indicates to me that the Planning Officer assessing the case at that time in the Delegated Report (which has also been provided to me) considered matching materials would be used.
 12. However, the works as completed on that property have seen slates to the roof and rendered elevations. The appellant has provided me with a letter from the LPA of 22 December 2017, post-dating the assessment and decision of 3/17/0668/HH which purports to approve the discharge of a condition attached to that permission relating to roof tiles. However, I have not been provided with the full background to the reason for this letter: the Decision Notice I have seen did not require the discharge of a condition relating to tiles, and the other information concerning 3/17/0668/HH clearly shows matching tiles was the intention. Hence the status of that letter is unclear to me.
 13. In any event I viewed No. 87 at my site visit and saw it is discordant in the area and unbalancing to the pair of dwellings and, in its completed form, is not a good example to follow in future. I further note that the decision at No. 87 pre-dated the current adopted Local Plan and the current Framework, which are clear in setting out a strong requirement for good design that uses materials appropriate to existing dwellings and the area. I also saw at my site visit that 87 High Oak Road lies in an area with a more mixed character, where there are houses of different appearance and with differing materials opposite. Hence, there are material differences with the current appeal, which I have determined on its own merits with regard to the current development plan and the Framework.
 14. My conclusions therefore remain unaltered and the appeal is dismissed for the reasons given.

C J Leigh

INSPECTOR