



Appeal Decision

Site visit made on 17 September 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J1915/D/21/3276112

4 The Orchard, Tonwell SG12 0HR

- 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 Chonnor Dowd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0300/HH, dated 10 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is the erection of a single storey rear extension, double storey side extension, single storey front extension, single storey double garage in front garden with adjusted hard landscaping to suit access.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a 2-storey detached dwelling with a single storey attached garage and situated within a predominantly residential area. The proposed development includes the erection of a 2-storey side extension which would replace the garage and single storey extensions to the rear and front. As part of the appeal scheme a detached single storey garage would be erected within the front garden to replace the existing garage. The property forms part of a cul-de-sac of similarly designed dwellings some of which have been altered, including the construction of side extensions.
4. The Council has not specifically objected to the single storey extensions. However, when compared to the side wall of the garage, by reason of its siting and width the proposed side extension would be sited closer to the shared boundary with 3 The Orchard. As a consequence, the current gap between the property and No. 3 would be significantly reduced. There would not be a 1 metre gap between the proposed flank wall and the shared boundary as identified as a general rule by Policy HOU11 of the East Herts District Plan (DP).
5. Although the resulting gap would primarily be created within the curtilage of No. 3, because of the property being sited on a large plot at the end of a cul-

de-sac there would not visually be a terracing effect within the appearance of the streetscene. Further, the resulting dwelling would not appear a cramped form of development within this plot. Accordingly, although the gap would be below the general rule cited in DP Policy HOU11, the proposed side extension would safeguard the character and appearance of the streetscene and it would be of a high standard of design as required by DP Policy DES4. DP Policy VILL2 appears to be directed developments within villages of a scale greater than the appeal scheme.

6. The proposed garage would be sited within the front garden close to a tree which is the subject of a Tree Preservation Order (TPO). By reason of its location and size, this tree makes a positive contribution to the visual amenity of the streetscene when viewed along The Orchard. It is also a visually dominant feature when viewed from the adjoining playing field.
7. No details have been provided about how the proposed garage would be constructed, including its foundations. No tree survey or Arboricultural Assessment has been provided to demonstrate that the erection of the proposed garage, and any associated hard landscaping, would not cause damage to this protected tree, including its roots.
8. Accordingly, I cannot be certain that the proposed development could be erected as a whole without detriment to the protected tree. Such detriment would have the potential to diminish the positive contribution made by the tree to the visual amenity, character and appearance of the surrounding area, including the streetscene. Although the alterations to the property would not cause unacceptable harm, this matter is significantly and demonstrably outweighed by the likely unacceptable harm which would be caused to a tree subject of a TPO.
9. For the reasons given, it is concluded the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with DP Policies DES2 and DES3 which seek to conserve the character of the landscape and require development proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity value. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR