
Appeal Decision

Site visit made on 29 June 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/J1915/D/21/3276136
27 Birch Green, Hertford SG14 2LR

- 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 Mark Hutton against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0387/HH, dated 15 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is part retrospective application for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey infill extension, single storey carport and erection of boundary wall. External elevation changes, including front bay window replaced with single glazed window at 27 Birch Green, Hertford SG14 2LR, in accordance with the terms of the application, Ref 3/21/0387/HH, dated 15 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P102 (Location and Block Plans)
 - P100 A (Driveway & Proposed Floor Plans)
 - P101 (Proposed Elevations)
 - P102 (Proposed Boundary Plan & Elevations)
 - P103 (Proposed First Floor Plan & Roof Plan)
 - 2) The exterior of the development hereby approved shall be constructed in accordance with the details of the materials specified on the approved plans and the submitted application form.

Preliminary Matters

2. During the application process a revised description was agreed between the appellant and Council. That revised agreed description was used by the Council on their decision notice and I have taken the description of development in the banner heading above from the decision notice.

3. Subsequent to the appeal being lodged, the Council has granted planning permission¹ on the site for, 'Part retention of a single storey infill extension with rooflights. External elevation changes, including 1st floor front bay window replaced with new window and erection of a boundary wall, fence and entrance gates.' This recently approved permission reflects that the Council's objection to the appeal scheme, as set out in their refusal reason, relates solely to the proposed car port.
4. At the time my site visit, development of a single storey infill extension, external changes, and erection of boundary wall and entrance gates were already substantially progressed. As such, I have proceeded on the basis that planning permission is sought on a part retrospective basis. There are some minor differences between what has been built thus far and the appeal scheme. I note that these minor differences appear to have been regularised by the extant permission recently granted.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area and the host dwelling.

Reasons

6. The appeal relates to a 2-storey detached dwelling set back from the highway behind an attractive area of public landscaping. The appeal property is predominantly only glimpsed in public views, primarily down the shared access track from the highway, due to the extensive vegetation and tree screening present on the landscaped area. In contrast to the dwellings opposite the site on the western side of the highway, no 27 does not form part of a wider planned development. It does not, therefore, form part of a distinct building line or grouping of similarly designed dwellings. Instead, the site forms part of an informal pattern of development, dominated by the surrounding landscaping.
7. The carport would be situated to the front of the dwelling, at the south-east corner of the site. Whilst outbuildings to the front of dwellings can harmfully dominate the important principal façade of their host dwellings, that would not be the case in this instance given the carport would be significantly below the height of the adjacent garage. There would be very limited visibility of the carport from public vantage points given its small scale, the site's setback from the highway, and the surrounding vegetation. Considering the informal arrangement of surrounding built form, the carport's forward projection would not be detrimental to any established building line or pattern of development. Facing materials of timber cladding and tiles to match the existing garage would enable the structure to visually assimilate with the host dwelling and its surroundings. Moreover, the subordinate appearance of the carport, in combination with the retained space to the front of the dwelling, would prevent the site appearing cramped.
8. I therefore conclude that the proposed development would have an acceptable effect upon the character and appearance of the area and the host dwelling. Consequently, I find the proposal to comply with Policies DES4 and HOU11 of the East Herts District Plan 2018. These policies, taken together, amongst

¹ LPA ref: 3/21/1470/HH

other things, require development to be of a size, scale, mass, form, siting, design, and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Furthermore, the proposal would accord with paragraph 130 of the National Planning Policy Framework which requires development to be sympathetic to local character.

Other Matters

9. I have had regard to the concerns relating to the effect of the development on the living conditions of the occupiers of no 29, including through the loss of light and outlook. These matters are identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters. The eastern elevation of the carport would be low in height and the roof has a shallow pitch. I am not persuaded, therefore, that it would have an unacceptable effect on the living conditions on no 29, in terms of loss of light and outlook, given the existing boundary treatment between the properties.
10. I have also had regard to concerns relating to the accuracy of the boundaries as indicated on the submitted plans. Ownership issues are, however, a private matter between the relevant parties and not within my jurisdiction. Granting planning permission would not negate or supersede any private legal rights relating to land ownership.

Conditions

11. As the development is part retrospective, a commencement condition is not required. In order to provide certainty as to what has been permitted, I have imposed a condition specifying the relevant drawings. In the interests of the character and appearance of the area, it is necessary to control the external materials of the development.

Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, the proposal would comply with the development plan when taken as a whole.
13. The appeal is therefore allowed.

S D Castle

INSPECTOR