



Appeal Decision

Site visit made on 30 August 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 SEPTEMBER 2022

Appeal Ref: APP/J1915/W/22/3290153

33 Wellington Street, Hertford SG14 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Simon Hart against East Hertfordshire District Council.
 - The application Ref 3/21/1803/HH, is dated 6 July 2021.
 - The development proposed is a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for a loft conversion with rear dormer and roof light to front elevation, new window to porch, existing store expanded and converted to living space and home studio. Internal & external alterations at 33 Wellington Street, Hertford SG14 3AN in accordance with the terms of the application, Ref 3/21/1803/HH, dated 6 July 2021, 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 plan: P01-SRH-2021.
 - 3) Prior to the commencement of development, full details of the external materials of construction for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the Hertford Conservation Area;
 - the effect of the development upon the living conditions of the occupiers of neighbouring dwellings; and
 - the effect of the development on the highway system.

Reasons

Character and appearance of the Conservation Area

3. The appeal site is located in the Hertford Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed dwelling, constructed from varying materials palettes arranged in broadly linear patterns.
4. The proposed development would include changes in the fenestration of the building and the removal of the garage door. Whilst this would change the appearance of the appellant's dwelling, this would be viewed alongside buildings in the surrounding area that are constructed to different appearances. Therefore, the development would not be incongruous in this regard.
5. There are several terraces of houses and semi-detached dwellings nearby that feature some variations in terms of material palettes. This creates a varied character. Therefore, the proposed development would not be discordant even though the appellant's dwelling would feature a different colour material when compared to the neighbouring dwelling.
6. The proposed development would include the provision of dormer windows. However, these would be sited on the rear roof slope. Therefore, the proposed development would not be readily viewable from the public viewpoints in the surrounding area. In addition, the dormer windows due to the separation distance would not be readily viewable from the neighbouring dwellings in Fanshawe Street.
7. Several of the surrounding dwellings feature front roof lights. In result, the proposal would not erode the overall character of the surrounding area. There are also a limited number of dormer windows in the surrounding area, which lessens the effects arising from the proposed development.
8. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conform with the requirements of Policies HA1; HA4; DES4; and HOU11 of the East Hertfordshire District Plan (2018) (the District Plan); and Policy HBH2 of the Bengeo Neighbourhood Area Plan (the Neighbourhood Plan).
9. Amongst other matters, these seek to ensure that new developments avoid unnecessary uniformity in external design; preserve and where appropriate enhance the historic environment; be of a scale, proportion, form, height, design, and overall character that accords with and complements the surrounding area; and reflect and promote local distinctiveness

Living conditions

10. The proposed development would feature dormer windows in the rear roof slope. The appeal site includes a relatively large garden to the rear. Similarly proportioned dwellings are located in the wider area, including the neighbouring properties. Dwellings in the surrounding area are typically arranged in broadly linear patterns. To the rear of the appeal site are several dwellings in Fanshawe Street.
11. Although some views towards the neighbouring dwellings would be possible from the dormer windows, the general arrangement of properties in the

surrounding of the appeal site is such that views towards neighbouring properties would be typically made at an oblique angle.

12. In addition, views towards the properties in Fanshawe Street would be generally diffused by reason of the distance and the presence of landscaping. In consequence, the proposed development would not result in the loss of privacy for the occupiers of neighbouring properties.
13. By reason of the scale and positioning of the proposed dormer windows, there would not have an adverse effect upon the levels of light and outlook enjoyed by occupiers of neighbouring dwellings.
14. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conform with the requirements of Policy DES4 of the District Plan; and Policy HBH2 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that new developments protect the amenity and privacy of existing and future residents; and avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Highways

15. The proposed development features a garage and a driveway. As part of the proposed development, the garage would be converted to a room, although the driveway would remain in situ. The immediate surroundings of the appeal site can be characterised by residential accommodation. The appeal site is also near to the town centre.
16. Although the proposed development would result in the loss of a car parking space due to the removal of the garage, the proposed development would not result in the creation of additional bedroom. This means that the proposed development would not result in increased vehicle movements. In reaching this view, I have had regard to the basement alterations, which are also unlikely to result in a greater number of people visiting the site.
17. In addition, the appeal site is close to public transport routes. This means that residents would have alternative means of transport instead of use of private cars.
18. Although several of the neighbouring dwellings do not feature off-street parking spaces, the potential increase in demand for car parking spaces would be relatively small, particularly due to the nature of the appeal site's location and therefore would not give rise to adverse effects.
19. In addition, occupiers of the development would be near to the town centre and areas of public open space. These would be readily accessible via means other than private cars. In consequence, the proposed development would not result in an increase in vehicle movements owing to the accessibility of other locations. This also means that vehicles would not be displaced onto the surrounding street network, which might otherwise erode highway safety.
20. I therefore conclude that the proposed development would not have an adverse effect upon the highway system. The development, in this regard, would be in conformity with Policy TRA3 of the District Plan. Amongst other matters, this

seeks to ensure that vehicle parking provision associated with development proposals is assessed on a site-specific basis.

Conditions

21. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. Although there is a variety of materials in the surrounding area, a condition that would enable the Council to approve the details of the building materials is necessary given the character of the surrounding area.
22. The proposed development includes a side window to a porch. The Council has suggested that this be fitted with obscure glass. However, the window would serve a porch and the views towards the neighbouring property would be made at an oblique angle. Therefore, the development would not lead to an erosion of the privacy levels of the occupiers of the neighbouring property. Therefore, such a condition would not be necessary or reasonable.

Conclusion

23. For the preceding reasons, I conclude that the appeal should be allowed and planning permission granted, subject to conditions.

Benjamin Clarke

INSPECTOR