
Appeal Decision

Site visit made on 26 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/J1915/D/22/3306463

Canons House, 2 Wadesmill Road, Ware, Hertfordshire SG12 0RB

- 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 Andrew McFayden against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0804/HH, dated 12 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is the erection of a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at Canons House, 2 Wadesmill Road, Ware, Hertfordshire SG12 0RB in accordance with the terms of the application, Ref 3/22/0804/HH, dated 12 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6907 LPP Rev A and 6907 P20 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in Canons House.

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, in particular the streetscene.

Reasons

3. The proposed development includes the erection of a detached garage within the curtilage of Canons House which is located within a predominantly residential area. The previous garage within the garden has already been demolished. The area surrounding the appeal site includes 2-storey dwellings and a 3-storey care home. The site is located adjacent to Ware Conservation Area, albeit the care home is within this designated heritage asset.
4. By reason of topography, Canons House and some of the dwellings fronting Thundercourt are elevated above Wadesmill Road and are visually prominent within the streetscene. The garden of Canons House is also elevated above the

road with a substantial brick retaining wall sited adjacent to the carriageway. Above the wall is a circa 2-metre high wooden fence which has been erected pursuant to a planning permission (3/21/1103/HH). This boundary treatment is a visually dominant form of development within the streetscene.

5. The siting of the proposed garage would be adjacent to the boundary with the road. However, as part of the appeal scheme the existing ground level of the garden would be lowered. Although the ground level of the proposed garage would be significantly lower than the existing garden, because of its height part of the appeal scheme's roof would project above the brick wall and wooden fence from some viewpoints. Accordingly, the proposed development would be visible within the streetscene along Wadesmill Road, including from within the Conservation Area.
6. However, the degree of projection would not be so significant so as to represent a visually prominent or conspicuous form of development when viewed within the context of the streetscene along Wadesmill Road. The pitched roof of the appeal scheme would slope away from the boundary which would also reduce its visual and physical impact. When viewed from the south and west, including from within the Conservation Area, the visually dominant form of development within the streetscene would remain the boundary wall with the fence, the care home and the dwellings elevated above Wadesmill Road.
7. By reason of the screening effect of the boundary wall and fence, together with the slope of the roof, the degree of projection of the proposed garage above the shared boundary with the road would not materially detract from views into the Conservation Area when travelling from north to south. The primary view would comprise the boundary wall with the fence. Overall, when assessed within the context of the existing built forms of development, the appeal scheme would preserve the setting of the Conservation Area and, as such, there would not be a conflict with the heritage Policies HA1 and HA4 of the East Herts District Plan (DP).
8. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such, it would not conflict with Policies HA1, HA4, HOU11 and DES4. In addition to heritage considerations, these policies require development to respect, and be appropriate to, the character of the site, the surrounding area and the setting of the existing dwelling.

Conditions

9. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed development in accordance with the approved drawings.
10. The appeal application form indicates the use of external materials for the proposed development which would match those of the existing building. It is assumed that the existing building is referring to Canons House because the previous garage has been demolished. For reasons of precision, the external

materials condition suggested by the Council has been amended to specifically refer to Canons House.

11. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR