

Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/J1915/D/22/3307506

Danesbury, The Street, Aspenden, Buntingford, SG9 9PF

- 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 Lee Wood against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1108/HH, dated 25 May 2022, was refused by notice dated 22 August 2022.
 - The development proposed is erection of a new double garage with studio on the first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new double garage with studio on the first floor at Danesbury, The Street, Aspenden, Buntingford, SG9 9PF in accordance with the terms of the application, Ref 3/22/1108/HH, dated 25 May 2022, 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 plans: NH/973/01, NH/973/02, NH/973/03, NH/973/04, NH/973/05 and NH/973/06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing outbuilding.

Main Issue

2. There is one main issue which is the effect of the proposed building on the character and appearance of the host dwelling, the appeal site and the surrounding area, including the Aspenden Conservation Area.

Reasons

3. The appeal site lies in the rural village of Aspenden and within the Aspenden Conservation Area (CA), a designated heritage asset. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing
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justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.

4. The Street is a narrow lane, characterised by trees and shrubs. These occur both within and between plots and adjacent to the highway and a stream which, in the vicinity of the appeal site, runs between the highway and dwellings on the south side of the road, including the appeal dwelling. The pattern of development on the southern side at this point is of large dwellings set in substantial plots with no regular building line. On the northern side of the road there are smaller dwellings, generally sited closer together in groups and set back from the highway. These are interspersed by larger detached dwellings on large plots. Dwellings vary considerably in age and design with the character of The Street derived mostly from the rural character and spacious, wooded setting. Dwellings, especially on the southern side, are well screened by trees and shrubs and by their set back from the lane.
5. Danesbury is accessed via a private drive and bridge over the stream. It is visible most clearly through the gap in the trees at the point of access. From here the large, modern, dwelling is clearly seen but set back from the frontage. Also visible to the side and set behind the building line of the dwelling is a small, detached outbuilding, clad in dark weatherboarding. This is understood to be used as a gym and store.
6. The proposed building would abut this outbuilding, extending some 6.3m in front of it and having a width of some 6.5m which would bring it closer to the host dwelling although a noticeable gap would remain. It would also extend about 1.2m in front of the projecting front gable elevation of the dwelling. It would have a simple pitched roof sloping to low eaves on the front elevation and a ridge height some 2.5m lower than the ridge of the dwelling and slightly above eaves height. It would be clad in weatherboarding to match the existing.
7. Although considerably larger than the existing outbuilding the scale of the proposed garage building would be subservient to the large dwelling and although projecting in front of it would not dominate or detract from its importance as the host building. The simple, plain pitched roof, low eaves and dark weatherboarding would contribute to its subservient and ancillary appearance. Although clearly visible through the site access, sufficient distance and screening would separate the garage from the site frontage and the lane, such that it would have a limited effect on the street scene which would ensure the rural, wooded character was preserved.
8. To the rear, the garage would have a small dormer and rooflight at first floor to provide illumination to the first floor studio. These would be acceptable given the similar dormers on the rear elevation of the host dwelling. The Council notes that the proposed garage/studio would be joined to the existing outbuilding resulting in a structure some 12.5m deep. However, whilst this would, in total, be deeper than the dwelling, the small scale of the existing outbuilding, which would be entirely hidden behind the new garage, and its separation from the host dwelling would ensure it remained subservient.
9. The Council also notes that there are other outbuildings in the vicinity but that they are not of a comparable scale or siting to the proposed building. In general I agree. However, the appellant refers to a large three bay outbuilding with

accommodation at first floor, similar to the appeal building, that was permitted recently at the adjacent property, Gorhamsbury under ref. 3/21/1659/HH. Although this building is well separated from the host dwelling it is sited in front and to the side of it, close to the front boundary. At the time of my site visit this building was nearing completion and was clearly visible from The Street through the boundary vegetation. In my view it is comparable with the appeal building and demonstrates, that where carefully sited and designed, larger outbuildings can assimilate successfully into the area.

10. Overall, I find that the proposed outbuilding, whilst large, would be in keeping with and subservient to the substantial host dwelling and, although visible from The Street, its setback, design, scale and materials would ensure it was not unduly prominent and did not harm the essential character of the street scene or the surrounding area and preserved the character and appearance of the Aspenden CA.
11. It is concluded on the main issue that the proposed building would have no materially detrimental effect on the character or appearance of the host dwelling, the appeal site or the surrounding area and the character and appearance of the Aspenden CA would be preserved. In consequence, it would comply with Policies GBR2, HOU11, DES4, HA1 and HA4 of the East Herts District Plan, 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031 and the NPPF. Taken together and amongst other things these expect outbuildings within a residential curtilage to make the best use of available land and be of a size, scale, form, siting, design and materials appropriate to the character, appearance and setting of the dwelling and area such that they preserve or enhance the special interest, character and appearance of conservation areas.
12. The Council also refers to Policy HOU13. However, this relates specifically to annexes to be used as self-contained accommodation. The size and limited facilities in the proposed studio and the evidence that it is to be used as a dance studio satisfies me that this policy is not relevant in this case.
13. Turning to conditions, I agree with the Council that in addition to the statutory commencement condition, conditions requiring the development to be carried out in accordance with the approved plans and in matching materials are necessary to provide certainty and to protect the character and appearance of the host dwelling and the surrounding area, including the CA.
14. For the reasons set out above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

KE Down
INSPECTOR