
Appeal Decision

Site visit made on 24 March 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Ref: APP/J1915/D/22/3309238

31 Villiers Street, Hertford, Hertfordshire SG13 7BW

- 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 Ms Diane Penson against the decision of East Hertfordshire District Council.
 - The application Ref: 3/22/1075/HH, dated 20 May 2022, was refused by notice dated 9 September 2022.
 - The development proposed is the formation of a dormer to the front roof slope and a dormer to the rear roof slope to create a loft conversion and the removal of a chimney stack to the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hertford Conservation Area (CA).

Reasons

3. The appeal property, located on the western side of Villiers Street, lies within Area 6: Ware Road of the CA. The Hertford Conservation Area Appraisal (2017) describes it as containing '*significant numbers of late nineteenth century and early twentieth century houses, many of them terraces*', and further describes No. 31 Villiers Street as being part of a group of buildings on the western side of the street which positively contribute to the character of the CA.
4. Villiers Street is composed of mainly two storey residential terraced dwellings built of brick and render with small amenity spaces behind low boundary walls abutting the pavements and with recessed entrances. Most of the terraced dwellings on the western side of the street have attractive ground floor bay windows and first floor sash windows with white painted surrounds. The roofs are hidden behind a parapet and some of the properties have small attic dormer windows visible from the street.
5. The appeal property differs from this general pattern (as do numbers 33 and 35 Villiers Street) with no roof parapet, but instead has a double pitched roof,

visible in the street scene, with a reduced height when compared to the adjoining properties and with white painted walls. The window pattern is also different and does not include sash windows. The local planning authority (LPA), in its officer report, notes that the properties in the street have undergone changes since their original construction. Nevertheless, the appeal property, by its overall appearance, comparable though not exact building line and a similar front amenity space and boundary wall, adds positively and distinctively to the character and appearance of the CA.

6. The proposed development includes a rear dormer window and a smaller front dormer. Given the existence of other front dormers in the street the LPA raised no objection to the latter and I have no reason to disagree. Furthermore, the LPA raises no specific objection to the removal of the existing chimney and again I do not disagree.
7. The proposed rear dormer window, while it would be below the ridge of the host property and set in both from the eaves and from the house flanks, would extend across most of the rear roof plane. By its length and height and its flat roof, it would appear as a top heavy and dominant addition to the building.
8. Even though it would be located to the rear of the building, it would still be seen from the car park to the adjoining supermarket, albeit screened to some extent by trees. While the car park is not strictly from a public viewpoint, it is nevertheless an area frequented by the public. In any event, the character of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. The significance of the CA does not therefore rely only on the elements that can be readily seen.
9. Based on the positive characteristics and appearance of Villiers Street, the rear dormer would cause less than substantial harm to the CA. The appellant considers that such harm would be outweighed by public benefits including the economic benefits arising from the employment of a small building company, by the provision of a larger home and by making the effective use of brownfield land. While I afford these matters some weight in so far that they are public benefits, they are not individually or collectively of sufficient weight to outweigh the less than substantial harm which would be caused to the CA.
10. The appellant has drawn my attention to a rear dormer window and loft conversion, allowed on appeal at 56 Tamworth Road, Hertford and within the same CA character area as the current appeal¹. However, in that case, which relates to a semi-detached property, the Inspector gave weight to the presence of an existing rear dormer window to an adjoining property and where, therefore, the proposed dormer window would be viewed against it. While the current appeal proposal would be seen against the background of other buildings, it would not be associated with an existing dormer window close-by. In any event, I have determined the appeal based on its own planning merits and the existence of the development referred to me by the appellant does not lead me to a different conclusion in respect of the main issue.

¹ APP/J1915/D/20/3245445

11. Therefore, I conclude that the proposal would not preserve the character or appearance of the CA. It would not accord with the design or conservation requirements of policies HOU11, DES4, HA1 and HA4 of the adopted East Herts District Plan 2018 or Chapters 12 and 15 of the National Planning Policy Framework 2021.

Conclusion

12. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR