



Appeal Decision

Site visit made on 28 April 2023

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

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/J1915/D/23/3317374

52 Molewood Road, Hertford, Hertfordshire SG14 3AJ

- 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 Nick Shewring against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1021/HH, dated 14 May 2022, was refused by notice dated 18 January 2023.
 - The development proposed is the erection of a single storey timber framed garden office building with a pitched roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the proposed development as the '*erection of a single storey timber framed garden office building with pitched roof. The proposed dimensions are a rectangular floor plan 5m x 2.8m with pitched roof with total building height of 2.5 metres at the highest point. The building will be fully insulated and clad with natural finish shiplap timber to match the existing boundary fence and the roof will be finished with anthracite grey insulated roof panels and eco tiles. The proposal includes a double window (UPVC double glazed) in the East facing elevation (facing towards the rear of the property) and a single UPVC door also on the East facing elevation. The window and door will be finished in anthracite grey*'. However, for reasons of conciseness, I have taken the description in the banner heading above from the local planning authority (LPA) decision notice.

Main Issues

3. The main issues are (i) whether the proposal preserves or enhances the character or appearance of the Hertford Conservation Area (CA) and (ii) whether the development would be at risk of flooding.

Reasons

Effect on the CA

4. The Hertford Conservation Area Appraisal and Management Plan 2017 (HCAA) describes its character as one of a mix of urban and rural development which retains 'green fingers' of countryside which penetrate deeply into the town and which make a significant environmental contribution.

5. The appeal building, which is not listed, lies towards the outer limit of the CA and at the juxtaposition of urban development and a more open, rural, wooded area which forms part of the flood plain of the River Bean and one of the 'green fingers' to which reference is made in the HCAA.
6. The host property includes a side garden enclosed by a close boarded fence of approximately 2 metres in height and within which it is proposed to site the garden office building. The boundary fence abuts the road. The LPA, in its officer report, notes that the fencing appears to be new but that similar fencing has historically been in place in the same location and of a similar height and therefore, the existing fencing is considered to be acceptable.
7. The boundary fencing is not a matter before me, though its existence and height are significant factors in the assessment of the garden office building in terms of the latter's effect upon the character and appearance of the CA.
8. The proposed garden office would have a height to the ridge of approximately 2.5 metres and so would be visible, but only in part, above the fence when seen from the road. In addition, its size, measuring some 5 metres by 2.8 metres would be small and its wooden construction would be similar to the boundary fence which would help it to merge with it.
9. I appreciate that it would also be seen from adjoining higher ground. However, the difference in its height from the boundary fence, together with its limited size and use of wood, would not amount to a significant or adverse impact upon the CA. Moreover, the appellant has included details of a wooden outbuilding, in approximately the same location as is now proposed for the garden office building, and which has been present on the site until relatively recently.
10. On my site visit, I was able to observe other outbuildings and garages in the near vicinity, including a wooden outbuilding to the adjoining property. In addition, there are other structures such as concrete fencing and stand-alone concrete garages. By comparison, the proposed garden office building, contained within the existing boundary fencing, would not be experienced as an out of keeping form of development, especially when compared to such other structures.
11. For the above reasons, I conclude that the proposal would preserve the character and appearance of the CA and therefore it would accord with policies DES4 and OUS11 of the East Herts District Plan 2018 (DP) which require development to be of good design which is reflective of the character and appearance of the area, and with policy HA4 which requires development to preserve or enhance the character and appearance of the CA.

Flood risk

12. There is agreement by both parties that the actual site for the garden office building is in flood risk zone 2, even if the host building itself is in risk zone 1. I do not have before me any maps or other details or any comments from the Environment Agency. I appreciate that the proposal is for a small outbuilding which is likely to be mainly used during the day. However, it is necessary to take a precautionary approach to flood risk matters.
13. I have considered whether it would be expedient to deal with this matter by way of a condition with which the appellant has stated that he would agree.

Paragraph 167 of the National Planning Policy Framework 2021 (the Framework) states that a site specific flood risk assessment should be provided for all development in flood Zone 2 and 3. This is a matter that goes to the heart of the acceptability of the proposal and so it would not be appropriate to deal with this matter by planning condition.

14. Therefore, I conclude that it has not be demonstrated that the proposed development would accord with policy WAT1 of the DP or paragraph 167 of the Framework which aim to ensure that buildings and their occupiers remain safe under flood conditions.

Conclusion.

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

S. Hartley

INSPECTOR