
Appeal Decision

Site visit made on 29 April 2023

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

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal Ref: APP/J1915/D/23/3318103

The Conifers, Hill Farm Nursery, Old Hall Green, Ware, Hertfordshire SG11 1EZ.

- 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 D. Fox against the decision of East Herts District Council.
 - The application ref 3/22/2184/HH dated 18 October 2022 was refused by notice dated 14 December 2022.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension at The Conifers, Hill Farm Nursery, Old Hall Green, Ware, Hertfordshire, SG11 1EZ in accordance with the terms of the application ref 3/22/2184/HH dated 18 October 2022 and subject to the following conditions:-
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: PL04 (proposed site plans); PL05A (proposed roof plan); PL06 (proposed elevations) and PL07 (proposed street scene).
 - iii. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

The Main Issue

2. The main issue is the effect of the development upon the character and appearance of the host property.

Reasons

3. The appeal property is a detached dwelling set in landscaped grounds. In July 2022 planning permission was granted for a single storey side extension with a front elevation of some 8.3 metres and extending beyond the rear elevation by approximately 2.8 metres and with a height of 4.0 metres. The approval is extant¹. It is a 'fall back' approval to which I afford significant weight as part of the determination of this appeal.

¹ 3/22/0764/HH

4. When determining the above application, the local planning authority (LPA) considered that *'the single storey side extension is considered to be acceptable and would not harm the character and appearance of the site or surrounding area. Therefore, is considered to accord with policies HOU11 and DES4 of the District Plan'*.
5. The current appeal proposal would add a further 2.6 metres to the front elevation and would have a lesser depth of some 3.4 metres when compared to the recently approved extension. The height would be approximately the same.
6. The difference between the extant approval and the appeal proposal would not be so great as to give rise to a significant or adverse impact upon the character and appearance of the host property. It would not appear to be significantly less subservient to it.
7. While I have given consideration and significant weight to the recent approval, I have determined the appeal proposal upon its individual merits, and even without any consideration to the extant permission in the decision making process, I consider that the appeal proposal would not significantly or adversely affect the host property.
8. The proposed extension would be hidden, at least in part, behind existing planting when viewed from the public domain. However, this is not to excuse or permit poor design. The proposed extension makes an appropriate addition to the host property.
9. Therefore, I conclude that the proposal accords with policies DES4 and HOU11 of the East Herts District Plan 2018 and policy SP13 of the Standon Neighbourhood Plan 2019 which require good design which is appropriate to the character of the existing dwelling.

Conditions

10. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

11. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR