



Appeal Decision

Site visit made on 28 June 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/W1850/D/23/3320761

12 Prince Edward Road, Hereford, HR4 0LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Payne against the decision of Herefordshire Council.
 - The application Ref 222612, dated 12 October 2022 was refused by notice dated 31 March 2023.
 - The application sought planning permission for a variation of condition 2 of planning permission Ref 201711, dated 4 August 2020 for a two-storey side extension. Removal of rear breakfast room and conservatory at 12 Prince Edward Road, Hereford, HR4 0LG.
 - The condition in dispute is No 2 which states that: the development shall be carried out strictly in accordance with the approved plans (drawing nos PR1-03 and PR1-04) and the schedule of materials indicated thereon.
 - The reason given for the condition is to ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing property and on the streetscene.

Reasons

3. The appeal property (number 12) is a two-storey house, which is situated in a residential. Dwellings in the locality vary in terms of their age, scale and appearance. The site abuts the Broomy Hill Conservation Area.
4. Number 12 is set-back from the road, but it is still clearly visible in the Prince Edward Road streetscene. The design of the original dwelling is traditional with a hipped roof with a projecting gabled section at the front.
5. Planning permission was granted by the Council on 4 August 2020 for the development as described in the heading above. The approved extension incorporated a hipped roof with a flat section on top. However, from the road it would have the appearance of a traditional hipped roof structure.

6. The appellant seeks to vary condition 2 of the existing permission, which requires the development to be carried out in accordance with the approved plans. In lieu of the roof originally approved, the appellant seeks approval for a flat roof. I noted at my site visit the extension has been constructed with a flat roof.
7. Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy (CS) generally seek (amongst other things) to ensure that new developments reflect local character and that heritage assets and their settings are conserved and, where possible, enhanced. These policies are consistent with the provisions of the National Planning Policy Framework 2021 (The Framework), which requires developments to be visually attractive, be sympathetic to local character and history and add to the overall quality of the area (paragraph 130).
8. Although the appellant has drawn my attention to other flat-roofed structures in the locality, my observations at my site visit were that first-floor flat roofs in prominent positions are not a common feature (notwithstanding the example given in Friars Street). Many of the existing flat roofs that I observed were on single-storey buildings or extensions, such as garages or car ports. Consequently, they are not comparable to the appeal proposal.
9. I am not fully persuaded that the proposal adversely affects the setting or significance of the Conservation Area, given that it is located on the fringes of the Area and any views towards, or from, the heritage asset are not harmed by the development. Nevertheless, I consider that the flat roof is an alien and discordant feature that is at odds with the character and appearance of the original dwelling. It appears out of context with its surroundings and it fails to add to the overall quality of the area. Therefore, the proposal conflicts with the provisions of the CS and with The Framework, as referred to above.
10. In reaching my decision, I have considered the difficulties that the appellant has with gaining access onto adjoining land in order to construct the approved hipped roof structure. However, this does not outweigh my findings above.

Conclusion

11. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR