



Appeal Decision

Site visit made on 4 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/J1915/W/23/3326483

Peregrine House, The Blanes, Ware, Hertfordshire SG12 0XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Connolly against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/1964/FUL.
 - The development proposed is described as enlargement of block of flats by construction of an additional storey to match the height of next door block of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the late stages of this appeal the Council brought to my attention that it published a new 5 year housing land supply position statement. As this is of relevance to the appeal before me, and the appellant has been given the opportunity to comment on this matter, I have accepted this late evidence and considered it, as well as any comments received, as a part of my assessment.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the residents at Falcon Court with particular regard to outlook.

Reasons

4. Peregrine House is a four-storey block of flats where the top floor is contained in a mansard style roof. Due to the sloping ground, the northern part of the building is taller than the southern part where the proposal would be located.
5. Falcon Court is a four-storey block of flats positioned at approximately 17m from the southern part of Peregrine House at a lower ground level. The evidence indicates that the flats within Falcon Court have windows serving habitable rooms facing towards the appeal site.
6. The development would raise the height of the existing building by an additional storey. Due to its positioning, substantial size and scale, the proposal would appear as a significant and conspicuous structure that would have an overbearing effect on the outlook of the residents at Falcon Court, in particular to those on the upper floors. As such, I do not find that the gap between both buildings would offer sufficient mitigation for the scale of the proposal, even more so when considering that Falcon Court sits on lower ground.

7. The height of the proposal would appear consistent with the height of the northern part of the building. However, as this part of the building is sited further away from Falcon Court, its influence on the outlook from the windows at this neighbouring development is more limited. As such, I do not find that the northern section of Peregrine House would justify the proposal.
8. The details provided in relation to the cited schemes elsewhere within the Borough are somewhat limited, with no specific information regarding the size of these proposals or their context. As such, I cannot make any meaningful comparison between the proposal and these schemes.
9. In conclusion, the proposal would have a harmful effect on the living conditions of the residents at Falcon Court with particular regard to outlook. The proposal would be contrary to Policy DES4 of the East Herts District Plan 2018, insofar as this policy requires a high standard of layout of new development.

Other Considerations

10. Notwithstanding my findings above, the appellant asserts that the proposal would meet the requirements for prior approval. However, no substantive evidence has been provided to demonstrate that this would be the case. Although the appellant has sought to exercise their permitted development rights, a previous prior approval application for one additional floor was refused by the Council. As such, this argument would not alter my conclusion on the main issue and is a consideration which I find does not weigh significantly in favour of the proposed development.

Other Matters

11. Swift and bat boxes as well as appropriate refuse storage could be secured by planning condition, but this would not successfully mitigate the above harm. I appreciate that the appellant is seeking to optimise the potential of the property and ensure that it is put to effective use. However, I am not persuaded that this proposal is the only means to achieve this, nor am I convinced it would be an effective use of land because of the harm in terms of living conditions that I have identified.

Planning Balance and Conclusion

12. The proposal would be acceptable in relation to other matters, including its external appearance and would not detract from the character of the area. However, these are neutral factors that neither weight for nor against the development.
13. The Council can currently demonstrate a 5 year housing land supply of deliverable housing sites, which is not disputed by the appellant. Even so, the proposed development would contribute to the Council's housing stock and would meet the government's objective of boosting the supply of housing. The site is a small one, so it could be built out relatively quickly. In addition, the proposal would use the airspace above the building. However, given that the scheme is for two flats, these benefits attract limited weight in favour of the proposal and do not outweigh the harm that I have identified.
14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

15. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR