



Appeal Decision

Site visit made on 28 February 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Reference: APP/J1915/D/24/3355426

High Trees Barkway Road Anstey Buntingford SG9 0BE

- 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 P Menelaou against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1206/HH.
 - The development proposed is Erection of single storey detached garage consisting of 2 open car ports and an enclosed garden store.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of single storey detached garage consisting of 2 open car ports and an enclosed garden store at High Trees Barkway Road Anstey Buntingford SG9 0BE in accordance with the terms of the application, Ref 3/24/1206/HH, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
 - 2) The development hereby approved shall be carried out in accordance with the following approved plan: 20472- P001-A.

Preliminary Matters

2. Subsequent to the submission of this appeal, Hertfordshire District Council granted planning permission on 17 January 2025 (Approval Ref: 3/24/2194/HH) with conditions, for the following works at the appeal site: 'Erection of single storey detached garage consisting of 2 open car ports and an enclosed garden store and retrospective application for the erection of timber entrance gates with brick walls and piers'. That approval differs only from what is considered here with regard to its grant of retrospective permission for entrance gates which are not part of this appeal.
3. The Council's second reason for refusal (RFR) refers to the vehicular access shown on the submitted plans 'which has not been granted planning permission'. However, the description of development in this matter does not make reference to the construction of an access nor, noting that 'High Trees' is an established replacement dwelling where access was permitted, could this reasonably be a reason for refusal of a building proposed for use ancillary to that dwelling. If the

Council, consider there has been a breach of planning control that is not a matter before me to consider in this case.

Main Issue

4. The Main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The proposed garage would be located in front of and to the north side of the dwelling, accessed from the existing forecourt and within the existing curtilage of 'High Trees'. The Council's first RFR refers to the location of the proposed garage being on agricultural land however this does not appear to reflect the situation on site; in any event concerns as to the implementation of previous consents or the extent of residential curtilage are not before me to consider. Similarly, as stated previously, the proposed garage and related paved area have been granted permission in an apparently identical location such that there can now be no reasonable dispute on the part of the Council. The proposed garage would appear as an incidental building within an established residential curtilage to a design which is compatible with the host dwelling. I therefore find no conflict with GBR2 and DES4 of the East Herts District Plan 2018.
6. Consequently, the appeal succeeds subject to conditions. For consistency having regard to the extant grant of consent 3/24/1206/HH I have considered the conditions to which that permission is subject and adjusted them as appropriate having regard to the tests set out in the Framework. Conditions as to approval of materials is not necessary noting descriptions appearing on the approved plan. Similarly, the development would be placed within an existing residential curtilage and, other than its imposition thereon, proposes no significant change to landscape or planting previously approved. Usual plans and timing conditions are necessary.

Andrew Boughton

INSPECTOR