



Appeal Decision

Site visit made on 20 January 2026

by S Simms BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2026

Appeal Ref: APP/J1915/W/25/3376145

2A Church Road, Hertford, Hertfordshire SG14 3DP

- 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 & Mrs A & J Yendall against the decision of East Hertfordshire District Council.
 - The application reference is 3/25/1411/FUL.
 - The development proposed is the demolition of existing house and erection of a new detached, replacement dwelling with air or ground source heat pump and replacement greenhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and erection of a new detached, replacement dwelling with air or ground source heat pump and replacement greenhouse at 2A Church Road, Hertford, Hertfordshire, SG14 3DP, in accordance with the terms of the application reference 3/25/1411/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr & Mrs A & J Yendall against East Hertfordshire District Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal site is within the Hertford Conservation Area (CA), the character or appearance of which I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing.
4. The description of development on the decision notice differs from that on the application form. I have no evidence that the change was agreed and so have used that on the form and determined the appeal accordingly.
5. The application form indicated that biodiversity net gain would not apply to the proposal because it would be self-build and custom build development. I invited submissions as to whether a condition suggested by the Council requiring that it be so built and used would meet the policy tests for conditions. As a result, the appellant has now submitted a unilateral undertaking, which I am satisfied will secure this objective, so that the exemption applies.
6. Floor plans of the existing greenhouses are missing but are not required because the topographical survey indicates their location and it is clear from this that they would have to be demolished to allow the proposal to be implemented.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area, including Hertford Conservation Area (CA).

Reasons

8. The appeal site contains a two-storey detached house on a street within the Hertford CA fronted by early- to mid-20th century detached and semi-detached houses with slate and tiled roofs, prominent chimneys with pots, and a variety of materials including brick, render, and pebbledash, much of which is characteristic of the north-west part of the CA within which the site is located.
9. Many retain original or early features such as detailed window surrounds, vertically hung tiles, decorative timbers, finials, and recessed entrances. The house and its neighbour, 4 Church Road, are the most recent, dating from the 1970s. Whilst not unattractive, they contain few such features, their shared boundary is irregular and the side elevation to no. 4 is chamfered rather than stepped to follow it.
10. The house almost fills the width of the plot and has hardstanding to its front, with two vehicular accesses to the street. The other neighbour, Wisteria Place, is one of the earliest houses to be built on the street and is at the corner with Duncombe Road, which is also within the CA. Opposite the site is a boundary wall, behind which are the wooded rear gardens of houses on a different street.
11. The effect of the proposal would be to replace a more recent house that shares few of the characteristics common to the CA with a house, the design of which references many. Roofs of similar complexity exist on the same and surrounding streets within the CA and only one valley to the forward projection and minor valleys over the facing gable would be easy to see from the street. Many houses on Church Road and Westfield Road to the rear have rear and side extensions of varying complexity. Viewed from the rear gardens of neighbours, the proposed house would not be unusual in this respect.
12. Rather than appearing disjointed, the forward projection containing the garage would better effect the transition in building line from Wisteria Place to no. 4 than the current layout and form, which relies on foliage to screen the side elevation of no. 4. The layout would also leave a wider gap to Wisteria Place on a street where gaps are being lost. Whilst slightly taller than Wisteria Place, the proposed house would be of a height typical for the street and the gap would make comparison less direct. Furthermore, only one gable wall would be visible in views from near the corner of Church Road and Duncombe Road, reducing perceived massing.
13. I am referred to a recent permission at 3A Duncombe Road, near the junction with Church Road and a short distance away. That site contains a house of similar age to that at the appeal site, but of more modest scale and on a narrower plot. The permission is to replace that house with a larger one with features considered to be more characteristic of the CA. The Council's conservation officer did not object to that application but was not consulted in this case. Whilst the concept has some similarities, the sites, building line and designs differ. I have formed a view based on the submission and site context relevant to the appeal.
14. Overall, the proposal would improve the character or appearance of the area and enhance the Hertford CA. It would therefore comply with Hertford District Plan

(HDP) Policies HA4 and DES4, and Policy HBH2 of the Bengoe Neighbourhood Plan. These permit the replacement of buildings that do not contribute to the character of conservation areas with those designed to reinforce it, require a high standard of design and additionally apply Building for Life 12 principles, include set-backs, overlook amenity areas and avoid unnecessary uniformity.

Other Matters

15. Carbon dioxide emissions will occur because of the demolition and re-building, but the proposal includes a heat pump and will have to comply with modern Building Regulations in respect of energy and insulation. As a result, it will have a smaller carbon footprint in operation. An Energy Statement demonstrates how carbon dioxide emissions will be minimised and an electric vehicle charging point can be secured by condition. I am satisfied that this complies with HDP Policy CC2.
16. A small number of low-quality trees, including fast-growing cypress, would have to be removed to facilitate the proposal, but replacements could be secured by way of a landscape condition. This would ensure compliance with Policy HBN3 of the Bengoe Neighbourhood Plan, which encourages replacement with native species.

Conditions

17. As well as the standard time limit and drawings and documents conditions, the Council suggests conditions relating to self-build, trees and construction, materials, cycle storage, bird and bat boxes, landscape, electric vehicle charging points, obscure glazing, noise generating plant and water conservation.
18. I have added the list of drawings and documents and deleted a condition requiring the proposal to be constructed as a self- or custom-build dwelling as I cannot be sure it would be enforceable. As described above, a unilateral undertaking has now been provided to secure this and ensure the exemption.
19. I have also deleted a requirement for a feature tree as unnecessary, added boundary treatments and required landscape implementation in accordance with the agreed timetable rather than first occupation, to allow planting in season, merging a requirement to replace dead or damaged specimens.
20. These will ensure compliance with HDP Policies DES3, DES4, TRA1, NE3, EQ2, EQ4 and WAT4, which require landscape enhancement, compensatory planting, design quality, electric vehicle charging points, cycling facilities, biodiversity enhancement, noise mitigation and minimisation of water use.

Conclusion

21. For the reasons given above the appeal should be allowed.

S Simms

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - Street Elevation, Site, Block and Location Plans no. 20959-P002-L
 - Elevations and Layout Plans no. 20959-P003-K
 - Arboricultural Impact Assessment revision A.0.1 (June 2025)
 - Preliminary Ecological Appraisal and Roost Assessment (July 2025)
 - Bat Emergence and Re-entry Survey (August 2025)
 - Design Access and Heritage Statement (August 2025)
 - Energy Statement for Planning (July 2025)
3. Prior to the commencement of any works, the following details, as specified in the BS 5837 Arboricultural Impact Assessment by OMC Associates (dated 11 July 2025), shall be submitted to and agreed in writing by the Local Planning Authority:
 - An Arboricultural Method Statement and Tree Protection Plan
 - Details of the proposed construction methodology for the garden room, including specialist foundation design
 - Details of the construction methodology for resurfacing the driveway

The development shall then be implemented in full accordance with the approved details.

4. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
5. Prior to the first occupation of the development hereby approved, details of bicycle storage facilities for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be installed and be made ready for use prior the first occupation of the development and shall thereafter be retained on site at all times.
6. Prior to the first occupation of the development hereby approved, details of the provision of at least one bird box and one bat box for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be installed in accordance with the approved details prior to the first occupation of the dwelling hereby approved.
7. Prior to first occupation of the development hereby approved, landscaping details shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, boundary treatments, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable. Thereafter the development shall be implemented in accordance with the approved details and implementation timetable. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local

- Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as approved.
8. Prior to first occupation of the development hereby approved, full details of the provision of 1 electric vehicle charging point for the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site prior to first occupation and shall thereafter be retained in perpetuity.
 9. The proposed first floor window openings to the western flank wall of the proposed dwelling as shown in drawing no.20959-P003-K shall be fitted with obscure glass to a minimum degree of obscurity level 3 and non-opening up to 1.7m from the floor level of the room they serve and shall be permanently retained in that condition.
 10. No external plant or machinery including ground/air source heat pumps shall be installed, until details have been submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the proposed plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/equipment is lower than the lowest existing background sound level by at least 5dB(A) in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises or show compliance with the current version of the MCS 020 a) guidance.
 11. The dwelling hereby approved shall be fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. The dwelling shall not be occupied unless the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the Local Planning Authority.

[SCHEDULE ENDS]