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## Appeal Decision

Site visit made on 1 February 2019

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> March 2019**

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**Appeal Ref: APP/J1915/W/18/3209314**

**Allens Meadow, Glencol, The Wash, Furneux Pelham SG9 0JY**

- 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 \_\_\_\_\_ against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1062/FUL, dated 7 May 2018, was refused by notice dated 6 July 2018.
  - The development proposed was originally described as erection of semi-detached dwelling to replace previously approved extension under 3/16/2678/HH.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of 1 no. semi-detached dwelling (to replace previously approved extension 3/16/2678/HH) and addition of new first floor front and rear dormer windows at Allens Meadow, Glencol, The Wash, Furneux Pelham SG9 0JY in accordance with the terms of the application, Ref 3/18/1062/FUL, dated 7 May 2018, subject to the conditions in the attached schedule.

### Procedural Matters

2. Notwithstanding the description of development set out in the above heading, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises that used in the formal Decision above. The Council dealt with the proposal on this basis and so shall I.
3. Since the application was determined the National Planning Policy Framework (the Framework) has been revised and the Council has adopted a new District Plan<sup>1</sup> (DP). As the emerging plan was at an advanced stage of preparation at the time of the application, the proposals were assessed against it. Both parties have also had an opportunity during the appeal to comment in respect to the new LP and the revised Framework.

### Main Issue

4. The main issue in this appeal is whether the proposed development would be appropriately located.

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<sup>1</sup> East Herts District Plan, October 2018.

## Reasons

5. The appeal site is located beyond the village development boundary of Furneux Pelham, in the Rural Area beyond the Green Belt for the purposes of Policy GBR2 of the DP. The policy restricts development in this location but permits by exception the redevelopment of previously developed sites in sustainable locations and where appropriate to the character, appearance and setting of the site and/or surrounding area.
6. The proposed development would involve alterations to the host property and the creation of a new dwelling to form a pair of semi-detached properties. Whilst the new home would be erected on land within the site which is currently undeveloped, save for a detached shed and equestrian facilities beyond, there is current permission for an extension to the host property granted on appeal<sup>2</sup> ('the allowed appeal'). The proposed new dwelling would occupy the same position and footprint as the proposed extension in the allowed appeal, and be of similar scale, design and materials. Accordingly, I give the extant permission significant weight in this appeal.
7. The Inspector in the allowed appeal found that the proposed extension would not unacceptably impact on the rural character and appearance of the host property, site and surrounding area. This was due to its compatibility of design, layout and materials with the host dwelling; its accommodation with ease within the large site; its north-south alignment maintaining the openness of the site boundary with open fields to the east; its partial visibility due to screening by trees, hedging and raised banking; and the local context of residential development between the open fields and the road.
8. I give significant weight to the Inspector's Decision, which is strongly relevant to the appeal before me. I agree with his assessment of the above key considerations, which are all applicable to the development now proposed and are each a factor in favour of it. The Council has raised concerns that a semi-detached pair would be at odds with the grain and pattern of development. I do not share this view as the range of local building form is mixed, with both detached and terraced properties nearby. In respect to the scale of the proposed semi-detached pair, there are local examples of large properties on The Wash and Gins Road, some which are more prominent and less set back than the appeal property. Further, the semi-detached pair would largely be interpreted as a single dwelling due to common materials and the arrangement of front doors at contrasting angles.
9. According to the appellant's submissions, which have not been challenged by the Council, there is a bus stop 380 metres from the appeal site and there are public rights of way nearby facilitating safe off-road walking and cycling via a network of routes. There is a right of way close to the appeal site to the south. Therefore, in my judgement, there would be sustainable transport modes and occupiers of the new dwelling would not be reliant on use of a motor car. Goods, services and amenities would accordingly be accessible at nearby villages and other settlements, patronage of which would contribute to their economic viability as supported by paragraph 78 of the Framework. Due to the connection of the new dwelling with these sustainable networks, and with the pattern of residential development along the road, I do not consider that it would be an isolated home in the countryside or would be unsustainable.

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<sup>2</sup> APP/J1915/D/17/3170122, Decision date 18 July 2017

10. For the above reasons, I give significant weight to the appeal proposal's sustainability and lack of harm to the character, appearance and setting of the site and surrounding area. There would be minor conflict with Policy GBR2 of the DP due to the relevant part of the appeal site being currently undeveloped, albeit with extant permission to develop a similar building form and otherwise acceptable in respect to the above issues. The proposed development is in accord with the Framework.

### **Other Matters**

11. The proposal would create a new family-sized home. Although the Council can now demonstrate a 5-year housing land supply, the creation of an additional home and the economic effects from building it are clear benefits to which I attach moderate weight.

### **Conclusion**

12. Taking all into account, the minor conflict with the development plan as a whole is outweighed by the above material considerations, and therefore the appeal is allowed with conditions.

13. In addition to the commencement condition, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has suggested three further conditions, which meet the 6 tests of the Planning Practice Guidance, and I am imposing them to ensure highway safety and to protect the living conditions of nearby residential occupiers during demolition and construction works. As condition 4 is a pre-commencement condition, and it is necessary for wheel-cleaning means to be in place at the start of works, the appellant has agreed it as required by S100ZA of the Town and Country Planning Act 1990. A condition suggested by the Council for the appellant to submit details of materials for approval is not necessary as materials have been detailed on the plans.

*Andrew Walker*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 879-PL01; 879-PL02; 879-PL03A; 879-PL04; 879-PL05A; 879-PL06.
- 3) Before the new dwelling units are occupied all on-site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles. Prior to occupation arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 4) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means of cleaning the wheels of all lorries leaving the site shall be installed prior to commencement of the development, and thereafter maintained and employed at all times during construction of the development.
- 5) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or Bank Holidays.