



Appeal Decision

Site visit made on 13 November 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th November 2017.

Appeal Ref: APP/X1925/D/17/3185205

1 DeClare Mews, High Street, Baldock, Herts, SG7 6BF

- 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 Mr and Mrs Anthony and Joan Matson against the decision of North Hertfordshire District Council.
 - The application Ref 17/01127/1HH, dated 27 April 2017, was refused by notice dated 27 July 2017.
 - The development proposed on the application form is a single storey rear extension and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and ancillary development at 1 DeClare Mews, High Street, Baldock, Herts, SG7 6BF in accordance with the terms of the application, Ref 17/01127/1HH, dated 27 April 2017, subject to the conditions set out in the attached schedule.

Procedural matters

2. My determination of this appeal is against the saved policies of the Local Plan¹. However, the Council's report and appellant's statement of case also make reference to a number of policies from the emerging Local Plan². Although at an advanced stage of preparation, this document has not yet been fully assessed following examination. Given the uncertainties regarding the outcome of that process, I have given the emerging Local Plan limited weight and in any event, Policies HE4, D2 and D3 would not have altered my conclusions.

Main issue

3. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be whether the proposed development would preserve or enhance the character and appearance of the host dwelling and conservation area.

Reasons

4. The appeal site lies within the Baldock Conservation Area³ and contains a modern end-of-terrace 3 bedroom property finished in red brick and black timber weatherboarding. This has a modest courtyard garden to the rear with

¹ District Local Plan No 2 with Alterations, September 2007, North Hertfordshire District Council

² Local Plan 2011-2031, Proposed Submission, October 2016, North Hertfordshire District Council

³ Baldock Conservation Area, Designation Amendments, 17 June 2003

an enclosed and private character, being hemmed in by brick boundary walls and a brick-built carport with pitched roof. A 2-storey commercial building lies to the south-east of the site, with retail units forming part of the High Street to the north-east, and residential dwellings to the south-west and north-west.

5. The surrounding area is characterised by its wide High Street, historic buildings, fine urban grain and high density. The appeal property forms part of a small mews development and has a discreet, subservient character, being accessed via a narrow gap in the High Street's strong built frontage. The conservation area constitutes a designated heritage asset and so in accordance with Paragraph 131 of the Framework⁴, I have taken account of the desirability of sustaining and enhancing its significance.
6. The development would occupy a substantial proportion of the rear courtyard garden and extend its entire depth. As a consequence, the Council states that it would constitute a cramped form of development that would be harmful to the design of the dwelling and character and appearance of the conservation area. However, given the extremely dense character of Baldock's historic town centre and the prevalence of rear extensions in restricted spaces, I am satisfied that the development would not appear out of place or cramped against this context. It would also retain a subservient character to the host dwelling as it does not extend the full-width of the property.
7. I have given modest weight in my assessment to the fall-back position of the appellant constructing a 3 metre deep single storey rear extension across the full width of the property under permitted development rights. Although this would have a slightly smaller footprint and be topped with a pitched roof, it would nonetheless have the disadvantage of being clearly visible when entering the mews, whereas the appeal proposal would be almost entirely screened from public view by the boundary wall/fence to the rear of No 14b High Street, the existing house, its side boundary fence/gate, and the carport.
8. Representations have been made raising concerns that the flue could give rise to fumes and air-quality issues. However, I am satisfied that this matter properly falls to other authorities and legislation to control during and after the construction process. Other concerns have also been raised in respect of the potential impact upon the foundations of adjacent buildings. However, the National Planning Practice Guidance states that planning is concerned with land-use in the public interest and not the protection of purely private interests. There is no evidence that the proposal would incur structural damage to neighbouring buildings and in any event, this would be a private civil matter.
9. Representations have also been made raising concerns that the close proximity of the extension to the commercial building to the rear could give rise to noise complaints. However, the extension would not actually abut this building and its openings would face away from it, in direct contrast to the existing rear elevation. In view of this, and the lack of any expert opinion indicating that occupants would be likely to experience undue noise and disturbance in the extension, there is insufficient evidence to warrant refusal on this issue. I have also noted the Council's concerns in respect of precedent, but each proposal must be considered on its own merits.

⁴ National Planning Policy Framework, Communities and Local Government, March 2012

10. In view of the above, I have concluded that the development; (a) would not be harmful to the design of the host dwelling; and (b) that it would have a neutral impact upon the conservation area, which would as a consequence preserve its character and appearance⁵. The scheme would therefore comply with Policy 28 of the Local Plan which seeks to ensure that extensions are sympathetic to the design and scale of the host dwelling. Furthermore, it would also comply with Paragraph 64 of the Framework in that its modern contemporary design would improve the way the existing dwelling functions and interacts with outdoor space.
11. The Council has suggested conditions which I have considered in the light of the National Planning Practice Guidance. I have made some small amendments to clarify certain details. A condition requiring development to be in accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. A condition relating to external materials is also necessary to ensure a high standard of development and preserve the character and appearance of the conservation area.

Conclusion

12. I have found that the development would not be harmful to the design of the host dwelling and would preserve the character and appearance of the conservation area. In view of this and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

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: - Drawing No JD/201640.1 Rev A
- 3) No development shall commence until details /samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details /samples.

End of schedule

⁵ S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990