

6. APPEALS UPDATE

Lodged

Appeals received by Dacorum Borough Council between 10-02-2020 and 03-03-2020

Our Reference: 4/01853/19/FUL

PINS Reference: APP/A1910/W/20/3246014

Sharlowes Farmhouse, Flaunden, HP3 0PP

Erection of two detached dwellings, associated access, amenity space and landscaping

Procedure Written Representations

Our Reference: 4/01470/19/FUL

PINS Reference: APP/A1910/D/20/3244165

86 Alexandra Road, Hemel Hempstead, HP2 4AQ

Partial height extension to side of property onto existing ground floor side extension. A 2m rear extension to first floor. Ground floor rear extension of 3.08m from existing wall of property to total a 6m ground floor rear extension from original end of property wall.

Procedure Written Representations

Our Reference: 4/02134/19/FHA

PINS Reference: APP/A1910/D/19/3241984

19 Church Street, Hemel Hempstead, HP2 5AD

Part single part two-storey rear extension

Procedure Written Representations

APPEALS DISMISSED

Our ref: 4/01049/19/FUL

Appeal Ref: APP/A1910/W/19/3238676

1 Christchurch Road, Hemel Hempstead HP2 5BX

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development on the character and appearance of the area.

Reasons

3. The building on site has a residential appearance with some traditional architectural features and fronts Christchurch Road. This is a relatively long residential street made up primarily of either terraced or semi-detached houses, with the majority having pitched roofs with either gables or hipped sides.

4. The proposal would result in the removal of the existing shallow pitched roof with hipped gables and replace it with a mansard roof. This would allow for more space within the roof void and provide for two additional flats.

5. The existing building does have some traditional features such as the bay window, with the appearance of No 1 fitting in well with the prevailing traditional character of dwellings along Christchurch Road. However, the addition of a large and bulky mansard roof would appear an incongruous feature to add onto this dwelling within the Christchurch Road street scene, replacing the more traditional pitched roof. Within Christchurch Road, other than one example (at 41 Christchurch Road), is typified by pitched roofs for dwellings. Furthermore, this is a particularly prominent property being on a corner plot on the entrance to this street.

6. Furthermore, whilst it may not add significantly to the overall height of the building and could be constructed with appropriate materials, the mansard roof of the scale and mass proposed would appear incompatible with the traditional character of the existing building, where a pitched roof would be more typical.

7. No 1 Christchurch Road does have a secondary frontage onto Alexandra Road as the site is on a corner plot. This is a road where there is more of a mix and variety of style of building, including blocks of flats such as those at Iveagh Court. These flats have a flat roof but appears as a large mansard roof. However, these are a large block of flats and very different in character to No 1 Christchurch Road. This is also the case for the apartment block at Alex Court nearby on Alexandra Road.

8. Even along Alexandra Road, most houses or other forms of dwellings which are not large blocks of flats have pitched roofs and not mansard type roofs. An exception is 11-13 Alexandra Road, which is a redeveloped two storey building with a mansard roof, which has been recently approved by the Council with planning permission and now built. However, the setting for No 11-13 is not the same as No 1 Christchurch Road, which has its primary frontage on Christchurch Road. No 11-13 does not have any frontage on Christchurch Road and instead is positioned further to the north along Alexandra Road adjacent to a car park and mainly surrounded by flats and office development of varied design. I also do not have full details of what existed before the development and the Council's full reasons why this was given planning permission. Notwithstanding this, whilst close by there are clear differences between the character of the setting of these two buildings, particularly considering that I regard the character of Christchurch Road to be particularly important to the setting of the appeal site.

9. I acknowledge the lack of objection to the proposal including the design and scale of the mansard roof from local residents. However, this does not necessarily mean they support the proposal, although I have taken the lack of objection into consideration.

Overall, the proposal is harmful to the character and appearance of the area and is contrary to criteria (f) of policy CS12 (Quality of Development) of the

Dacorum Borough Core Strategy. This policy, amongst other things, requires development to integrate with the streetscape character.

11. I also regard the proposal to be contrary to the relevant sections of the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 130).

12. However, I do not conclude, based on the evidence before me, that the proposal is in particular conflict with criteria (c) of policy CS11 (Quality of Neighbourhood Design) of the Core Strategy, which relates to co-ordinating streetscape design between character areas.

Planning Balance

13. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

14. In the context of the development plan I have found that the proposed development would be contrary to policy CS12 of the Dacorum Borough Core Strategy. For this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework.

15. I recognise that the proposal would boost housing demand in an accessible location, which would be a form of efficient use of 'brownfield' land. However, as only two dwellings would be created the benefits would be modest. The fact that there has been no objection raised to other issues such as impact to neighbour living conditions or highway safety are neutral factors and do not weigh in favour for the proposal.

16. However, the harm to the character and appearance of the area identified would be significant and as a result sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Our Ref: 4/01589/19/OUT

Appeal Ref: APP/A1910/W/19/3237997

26 Pancake Lane, Hemel Hempstead

HP24NQ

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

- The character and appearance of the area;

- The living conditions of neighbours to the site;
- Any protected bats that may roost at the existing site;
- The flood risk of the area through drainage.

Procedural Matters

3. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of the proposal, I have treated those as being illustrative.

4. I am aware of appeal reference APP/A1910/W/19/3228091 which was dismissed for the construction of two identical buildings with 16 flats in total. However, whilst there are some similarities in the cases, there are also clear differences in the proposals. I have, however, taken this recent decision into account in my considerations of this appeal.

Reasons

Character and Appearance

5. As stated above, this is an outline application with all matters, including scale and appearance, being reserved. However, the proposal has been submitted with detailed plans and there is no suggestion that the final design would differ to any great extent from that presented with the submitted plans and drawings. I therefore consider it likely that the scale and appearance of the proposed development submitted with the plans and drawings give a good impression on what the likely final scheme would be. I have considered the proposal on this basis, although keeping in mind there is some scope for variation with reserved matters.

6. This is an area which is characterised by two storey houses (either detached or semi-detached) or bungalows, often set in spacious plots. There is a variety of styles, although most have traditional style pitched roofs, some with dormers.

7. The proposed building would be significantly larger than the existing bungalow, although this is a large plot. Even considering the inclusion of the proposed car park to the rear of the building, there would still remain a front and rear garden space. The site would still appear spacious based on the development indicated in the submitted plans and drawings.

8. In terms of the appearance, the proposed building would be two storeys but with a mansard roof. Whilst there may be some examples of other mansard or similar roof types locally, this roof type is not typical in the area, where pitched roofs are the predominant feature. Whilst there may be no particular policy restriction to this type of roof, the mansard roof as proposed would add significantly to the bulk and mass of the building, which already would be large, especially when compared to the existing bungalow. Although the building may not be taller than that previously approved at the site or the height of other houses in the area, the result would be an overly bulky building within the street scene, with the mansard roof form also be an incongruous feature in this setting. Furthermore, I do not accept that landscaping would visually contain the development to the extent that its impact would be sufficiently mitigated.

9. I am aware of the previous approved development for the replacement dwelling, but this had a different appearance, with the use of pitched roofs, which would have the effect of reducing the mass and bulk of the building. As such, this previous planning permission for the replacement dwelling does not weigh significantly in favour for this latest proposal.

10. The appellant has drawn my attention to appeal reference APP/U1105/W/17/3177340, which saw the appeal allowed for a modern

architectural development at The Knowle in Sidmouth. However, this was not for a development in the area or context of this appeal site. Furthermore, the Inspector in this other appeal concluded that the modern architecture complements and does not compete with the surrounding built environment and its traditional architecture. It is my opinion that the proposed development with this appeal would be at odds with the character of the street scene and have an adverse impact.

11. Although I note that appearance and scale are reserved matters, there is nothing to suggest in the submitted detailed plans and drawings that the appellant would seek a materially different design and scale of development at reserved matters stage. On this basis, whilst not an overdevelopment of the plot, I would regard the proposal as harmful to the character and appearance of the area and would therefore conflict with Core Strategy Policies CS4, CS11, CS12, and Saved Policy 111 of the Decorum Borough Local Plan. These policies, amongst other things, encourages appropriate residential development in residential areas; require high quality design with regard to existing character; and ensure higher buildings make a positive contribution to the townscape.

12. However, it has not been made sufficiently clear how the proposal is contrary to Appendix 3 of the Decorum Borough Local Plan and I have not therefore included this in the above list of policies.

13. Furthermore, the proposal is contrary to policy related to design within the National Planning Policy Framework (the Framework).

Living Conditions

14. The existing dwelling on site is a low profile bungalow. This is proposed to be replaced by a much taller and bulkier building containing 8 flats. The proposed building would be close to the side boundary and side elevation of No 24 Pancake Lane, which is another bungalow and the nearest neighbour to the development.

15. Unlike with the previous appeal, the proposal would be for just one building rather than two, which would be positioned to the side of the bungalow at No 24. Although the proposed building would be clearly visible from the curtilage of No 24, much of their side boundary would remain relatively open as it is currently. Therefore, I do not regard the proposal as resulting in an oppressive or overbearing impact to occupants of No 24.

16. As with the previous appeal, the site is located towards the northeast of No 24 and it is therefore unlikely that the development would result in a significant or harmful loss of sunlight to either the dwelling or garden of No 24.

17. Given the separation distance of other neighbouring plots from the appeal site I do not regard it likely that there would be any significant impact to living conditions to any other neighbours.

18. I therefore conclude that the proposal would not result in significant adverse impacts to neighbour living conditions, based on the plans and drawings submitted at this outline stage. The proposal in this regard is in accordance with policy CS12 of the Core Strategy which amongst other things seeks to secure development that avoids visual intrusion to surrounding properties.

Protected Species

19. The evidence from the Council does not include substantive details about the presence of protected species at the site. However, the Council state that a survey for bats would be needed, although none have been provided. Bats

are a protected species under the Wildlife and Countryside Act 1981, and a European Protected Species under the Conservation of Habitats and Species Regulations 2017.

20. Considering the proposal includes the demolition of an old bungalow to make way for the proposed development, with there being mature landscaping nearby and the open countryside within a short distance from the site, I do not consider it unreasonable to expect a bat survey to be required. The appellant has not supplied detailed evidence why bats would not potentially be present at the site, such as with a Preliminary Roost Assessment for example.

21. As was set out in the previous appeal at this site, paragraph 99 of Circular 6/2005 states that conditions requiring surveys should only be used in exceptional circumstances. There are no exceptional circumstances that appear to exist and as such it is not appropriate to address the lack of survey by means of imposing a condition or for such information to be submitted with the reserved matters.

22. For these reasons, the appellant has failed to demonstrate that the appeal scheme would avoid or adequately mitigate unacceptable harm being caused to bats. Paragraph 175(a) of the Framework states that in the absence of avoidance or adequate mitigation of harm to biodiversity, planning permission should be refused.

23. As with the previous Inspector's conclusions for the appeal at this site, I find that Policy CS26 does not appear to be wholly relevant, given that it relates to green infrastructure. I therefore do not conclude that the development is in conflict with this particular policy but nonetheless it is in conflict with the Framework.

Drainage

24. The appellant has provided evidence that the site is within Flood Zone 1 and so is in an area where there is only a low risk of flooding. I therefore do not consider there to be the basis for the need for a Flood Consequence Assessment.

25. Some details have been provided as to the drainage proposal, albeit this information is limited as this is an outline proposal. Nonetheless, the appellant states that permeable surfacing will be used, and the aim is for zero rainwater discharge into the public rainwater/sewer system. There is no substantive evidence before me to suggest that this cannot be achieved or that the development would necessarily result in increased flood risk.

26. I am therefore satisfied that a condition could be imposed if this appeal was allowed which would require full details of foul and surface water drainage. On this basis the proposal should not result in increased flood risk, thereby being in accordance with policy CS31 of the Core Strategy, which required development to minimise water runoff, amongst other things.

Planning Balance

27. The appellant has stated that there was a lack of communication with the Council through the planning application process and that avoidable delays also happened. However, whilst I note these issues, they do not affect my determination of this appeal, which is based on the merits of the proposal.

28. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be

granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

29. In the context of the development plan I have found that the proposed development would be contrary to Core Strategy Policies CS4, CS11, CS12, and Saved Policy 111 of the Decorum Borough Local Plan. For this appeal, I have found these policies to be generally consistent with the relevant aims and policies of the Framework.

30. The proposal would contribute 8 new dwellings (net increase of 7) to the local housing land supply in a relatively accessible location, which the appellant states would be an efficient use of the site. Whilst not a major scale development, this would have modest weight in favour of the development.

31. I note that there has been no objection from the Council with regards parking provision, but this is a neutral factor and does not weigh in favour of the development to any significant degree.

32. However, the potential harm to protected species and also the harm to the character and appearance identified above would be significant and as a result sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

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

Appeals Allowed

Our ref: 4/00525/19FUL

Appeal Ref: APP/A1910/W/19/3236036

Grey mantle, Hempstead Road, Bovington HP3

0HF

Decision

1) The appeal is allowed and the planning permission Ref 4/00525/19/FUL for demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) at Grey mantle, Hempstead Road, Bovington HP3 0HF granted on 1 May 2019 by Dacorum Borough Council is varied by deleting conditions 4, 6, 8 and 9 and substituting them with the following conditions:

1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class B shall take place on the new south-western (side) roof slope, of the south-western, dwelling hereby approved.

2) Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

3) The first- floor flank window facing Parkhurst, as annotated on drawing 'PE2 – Proposed Elevations', shall be permanently fitted with obscured glazing up to 1.7m above the finished floor level of the room it serves.

for Costs

1. An application for costs was made by Ben Sterling against Dacorum Borough Council. This application is the subject of a separate decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Although Policies CS12 and CS32 of the *Core Strategy* (CS) and Policies 99 and 100 of the *Dacorum Borough Local Plan* (DBLP) have been referred to by the Council in their reasons for attaching conditions 4, 6, 8 and 9, I have not been provided with copies of Policies CS32 of the DBCS or 99 and 100 of the DBLP. I have therefore reverted to the *National Planning Policy Framework* (the Framework) where necessary.

Main Issues

4. The main issues in this case are:

- whether disputed condition 4 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupiers of the appeal site;
- whether disputed condition 6 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area;
- whether disputed condition 8 is reasonable and necessary having regard to the effect of the development on the living conditions of the occupiers of the adjoining neighbouring properties; and
- whether disputed condition 9 is reasonable and necessary having regard to the ground conditions of the site and any risks arising from contamination.

Reasons for the Recommendation

5. The appeal site is set on the north-west side of Hempstead Road. The dwellings on the road are varied although are primarily semi-detached with side facing gables. Greymantle is a detached dwelling set back from the road which, due to its L-shaped form, has a hipped roof on the south-west side. To the north-east side of the house is an attached garage. At the rear of the site is a sizeable garden which extends behind Ivydene and Rose Cottage, the neighbours to the north-east of the site.

6. The development would subdivide the existing dwelling resulting in two semi-detached dwellings. A space would be maintained at the boundary with the existing neighbouring properties which are both semi-detached.

Condition 4

7. Regarding extensions which would be permitted under Class A of the GPDO¹ I note that the Council, in their determination of the planning application, were content with the size of the gardens proposed regarding the impact of the proposed development on the character and appearance of the area, and the living conditions of future and neighbouring occupiers. I have no reason to find differently in this regard.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

8. Whilst an extension permitted under Class A would increase the built form of the dwellings, I observed that side and rear extensions are a feature of the area. Moreover, I am satisfied that sufficient garden area would remain in the event that the intended future occupiers of the new dwellings exercised their permitted rights in respect of Class A. Harm to the character and appearance of the host dwellings and the surrounding area would be unlikely to result if these PD rights were exercised.

9. It has not been put to me how development under Class A could affect the living conditions of neighbouring properties and I consider that this would be unlikely, due to the scope of development permitted under Class A and the relationship of the surrounding dwellings. In the event that one of the larger extensions permitted by Class A was proposed, the Council would have the opportunity, under the prior approval scheme, to assess the impact of the proposed development on the amenity of any adjoining neighbours.

10. Moreover, I note that permitted development rights under Class E of the GPDO have not been removed and I consider an outbuilding erected in the garden of one of the proposed dwellings would have as much potential to reduce the respective garden or affect neighbouring occupiers as an extension carried out under Class A.

11. Class B of the GPDO permits the enlargement of a dwelling consisting of additions or alterations to its roof. The approved two-storey extension on the south-west side would create a side facing roof slope, this would allow for a side facing dormer to be erected under Class B, where one would not have previously been possible. Although Parkhurst, the neighbouring dwelling, has a number of forward-facing dormers, a side facing addition would introduce an uncharacteristic roof form which would not reflect the character and appearance of the area and would therefore result in harm. It has not been sufficiently justified for me to remove permitted development rights for Class B development on the north-east side of the property, as a side dormer could already be erected here.

12. However, I find that by reason of their siting in relation to the neighbouring properties it would be unlikely for there to be harm to the living conditions of the occupiers at either of the new dwellings, or Parkhurst and Ivydene. Moreover, the outlook from, and light to, the upper-floor side window serving Parkhurst is likely to be already limited. In view of the approved extension to the south-west side of the appeal building it is unlikely that a side dormer would significantly increase any impact on Parkhurst to such an extent as to make the room the window serves a less pleasant place to use.

13. As such I consider that a clear justification, on character and appearance or living condition grounds, for the removal of permitted development rights under Class A has not been provided in accordance with Paragraph 53 of the National Planning Policy Framework (the Framework). As such this part of condition 4 is not necessary. However, for the reasons set out above, the control of roof extensions and additions on the extended roof, as permitted under Class B, is necessary in the interests of the character and appearance of the area in accordance with Policy CS12 of the CS which requires development to integrate with the streetscape character.

Condition 6

14. Condition 6 primarily supports condition 5 which requires the submission, and carrying out, of a landscaping plan, while No 6 ensures that, for five years following the completion of the development, any plants or trees that

die, are removed, or become seriously damaged or diseased shall be replaced. The appellant has not sought for the removal of No 5, to my mind this indicates that the appellant agrees that a landscaping scheme is required. Without No 6, the mitigation secured by the condition would be negated as it could not be guaranteed that the landscaping scheme would be retained for a reasonable period of time. As such, and subject to the changes suggested in the following paragraph, No 6 is necessary and should be retained.

15. I note that there is some duplication between conditions 5 and 6, with both having a requirement for when the landscaping scheme should be carried out. Given that condition 5 already sets a timeframe for carrying out the landscaping it would be unnecessary for condition 6 to also include a similar requirement.

16. In light of the above, although there is some duplication between conditions 5 and 6, for the reasons identified above the maintenance of the landscaping area would be necessary. This would be in the interest of the character and appearance of the site and surroundings, in accordance with Paragraph 127(b) of The Framework which seeks effective landscaping.

Condition 8

17. From my site visit, and the evidence before me, I note that the first-floor side window facing Ivydene is, as existing, clear glazed and openable. Mutual overlooking would, therefore, already exist. The room would remain a bathroom and the size and position of the window would not be altered. The proposal would therefore not affect the existing situation. Nevertheless, the window serves a bathroom where mutual privacy would likely be desirable for all parties, I find it would be unlikely for the half-height obscured glazing shown on the submitted plans, to not therefore be installed, irrespective of this condition being attached. Moreover, for these reasons I find it would not be necessary for the level of obscuration to be controlled, or for the window's opening to be restricted by condition.

18. I acknowledge that the Inspector dealing with a previous appeal² at the site, for a similar scheme, found that the change of the first-floor bathroom to a bedroom would cause a loss of privacy for the occupiers of Ivydene. However, the current proposal does not propose changes to the use of the bathroom and therefore this is a materially different situation.

² APP/A1910/W/18/3211726

19. I consider that it would be desirable that the proposed window facing Parkhurst would provide privacy for future occupiers, and that as such the obscured glazing would be unlikely to be insufficient to prevent a suitable level of privacy. Moreover, as the window would be located opposite a blank wall and roof, it is unlikely that being able to open the window would unacceptably affect the privacy of either the neighbouring or future occupiers.

20. The installation of new windows on residential properties is controlled by the GPDO under condition A.3b of Class A. No clear justification has been provided to demonstrate why this would not be sufficient to protect the living conditions of neighbouring occupiers. I therefore find it would not be necessary to attach a condition restricting windows on the first-floor side walls of the proposed dwellings.

21. As such I consider that, given that no changes are proposed to the location of the bathroom or the size and position of the window facing Ivydene, it is unnecessary for condition 8 to include restrictions regarding

this window. However, it would be necessary and reasonable for the condition to be replaced with one restricting the proposed bathroom window facing Parkhurst, given this would be a new window in this location, in order to protect the living conditions of the neighbouring occupiers in accordance with Policy CS12 of the CS and Paragraph 127(f) of the Framework.

Condition 9

22. Although the Council's evidence states that they have received comments from their environmental team, neither these nor the location of the possible contaminated sites have been submitted with their appeal statement. I understand from the appellant's statement that the Council consider a, now redeveloped, petrol station set some distance away to be a possible source of contamination for the site.

23. I have not been provided with, or directed to, any substantive evidence as to the source of possible contamination, and as such I consider that the likelihood of such contamination is very low. I therefore find that any additional risk as a result of the proposal would be limited, especially as the existing use is already residential.

24. Concerns regarding asbestos within some parts of the building to be demolished have been raised, with a request to add a requirement to condition 9, for this to be assessed and appropriate action to be taken. However, such matters are dealt with by other legislation, outside of the planning system, and it would not therefore be necessary for this to be included within condition 9.

25. Therefore, although the condition is not overly onerous on the appellant, it would be unnecessary in order for the development to comply with Paragraph 178(a) of the Framework which seeks development to take account of ground conditions and where necessary undertake remedial action.

Other Matters

26. I have had regard to the various other concerns raised by interested parties, including the accuracy of the plans, quality of the development including future development, health and safety, disturbances and highway safety. However, I am satisfied that these are principally issues concerned with the grant of planning permission for the development and they have not, therefore had a significant bearing on my decision-making in this instance.

27. A condition requiring a construction management plan has been requested. However, given the limited scale of the development, access to the site, and controls to building works outside of the planning system, I find that this would be unnecessary in this instance.

Recommendation

28. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed in so far as the removal of condition 9, which I consider to not be reasonable and necessary, the replacement of conditions 4 and 6 with conditions better suited to protecting the character and appearance of the site and its surroundings, and the replacement of condition 8 with one which is more reasonable in its protection of neighbouring living conditions.

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed

