

Appeal Decision

Site visit made on 6 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 22nd December 2016

Appeal Ref: APP/J1915/W/16/3158408

Land adjacent 26 Lea Close, Bishop's Stortford, Hertfordshire CM23 5EA

- 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 Taylor against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0682/FUL, dated 4 November 2015, was refused by notice dated 16 May 2016.
 - The development proposed is new attached dwelling on land adjacent to 26 Lea Close.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Lea Close is a suburban residential cul-de-sac of predominantly detached properties on wide plots. A number of properties have been extended to the side at ground and/or first floor, but the overall character and appearance of the street remains spacious. Adjoining streets are characterised by terrace and semi-detached properties, but Lea Close has a distinctive character quite separate to its neighbours.
 4. The appeal site is adjacent to the only semi-detached properties on Lea Close, but even these two properties are wide houses on spacious plots comparable in width and depth to the detached houses on the cul-de-sac. The plot width at 26 Lea Close is not substantially larger than other properties.
 5. The proposed development would follow the architectural style and detailing of properties on Lea Close and would be set back from the front elevation of No 26, comparable to some of the side extensions along the cul-de-sac. However, unlike those extensions, it would result in a separate dwelling on a narrower plot, with the generous width of No 26's plot also reduced. It would have its own front door and boundary fencing at the rear indicating two separate dwellings. The four parking spaces at the front would emphasise an intensification of development with the associated loss of green space.
 6. The rear gardens, while providing adequate space for occupants of the existing dwelling at No 26 and the new dwelling, would be much narrower than most of the dwellings on Lea Close. The development would also create a terraced effect with Nos 26 and 27, which would be further at odds with the
-

predominant detached form of the cul-de-sac. Based on the above observations, the development would be cramped and markedly out of keeping with the spacious character and appearance of the area.

7. Concluding on the main issue, the proposed development would cause significant harm to the character and appearance of the area. Therefore, it would not accord with Policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007. Policy HSG7 seeks infill housing development that is well sited in relation to surrounding buildings and will not appear obtrusive or over intensive. Amongst other things, Policy ENV1 requires development that demonstrates compatibility with the structure and layout of the area and complements the existing pattern of plots and buildings. The development would also not meet the aims of the National Planning Policy Framework (NPPF) in terms of paragraph 58 and responding to local character.

Planning balance

8. The Council indicates that it cannot demonstrate a five year housing land supply. Therefore, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 applies. Paragraph 14 states that where relevant policies are out of date, 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 NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
9. I consider that Policy HSG7 is a relevant policy for the supply of housing as it sets out criteria against which infill housing development will be judged. Therefore, in the context of this appeal, Policy HSG7 is not up to date. The amount of weight I can give this policy is reduced, but nevertheless it still carries some weight as it seeks to guide decisions on housing development in settlements like Bishop's Stortford.
10. Conversely, I consider that Policy ENV1 is not a relevant policy for the supply of housing as it does not specifically seek to create or constrain housing delivery. This policy is also broadly consistent with the NPPF, so can be afforded considerable weight.
11. Addressing the adverse impacts of the proposed development first, I have already found that there would be significant harm to character and appearance of the area through an overly intensive and incompatible form of development. The harm is tempered to some extent by Policy HSG7 not being up to date, but the conflict with the development plan, particularly Policy ENV1, remains important. For this reason, significant weight can be afforded to the adverse impacts of the proposed development
12. Moving to the benefits of the development, the provision of an additional dwelling would provide some benefit in a district where there is a shortfall of housing supply. There would also be some benefit to the local economy through the construction and occupation of the dwelling. However, these benefits are modest compared to the significant harm to the character and appearance of the area.

13. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Other Matters

14. I am aware of a number of other matters raised by third parties relating to this appeal. However, they have not led me to any different overall conclusion.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR