
Appeal Decision

Site visit made on 18 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/J1915/W/16/3162886

50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN

- 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 Christopher Stokes against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1175/FUL, dated 17 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the construction of a new 2 bed house attached to No 50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new 2 bed house attached to No 50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN in accordance with the terms of the application, Ref 3/16/1175/FUL, dated 14 July 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. The scheme is for a two-bedroom dwelling proposed to be added to a terraced property at the end of a row of seven three-bedroom houses. The new house would occupy the existing side garden to the host dwelling at No 50, which is situated at the junction of Elizabeth Road with Norfolk Way.
 4. The new house would be of a similar scale and design to the existing dwellings, attached to but set back slightly from the host property, with a somewhat reduced roof ridge and eaves height. The built character of development in this area is varied, with a mixture of terraces of smaller dwellings, some semi-detached and detached houses and parades of commercial premises.
 5. The appeal dwelling is part of a housing area built to a quite tight grain. The relatively high density of housing is relieved by quite substantial areas of public open space, such as the grassed areas with trees facing the appeal property on the opposite side of Elizabeth Road, in front of the parade of shops, and that to the east in front of Dean House.
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6. Compared to these more extensive public spaces the small area of hedged-in private garden space at the side of No 50 makes a more modest contribution to the general level of spaciousness in this area. The site could accommodate a small dwelling, extending the existing row of houses, without the proposal appearing cramped, particularly since it would form the new end of terrace property and not be an infill proposal.
7. The new dwelling would closely reflect the grain and pattern of the existing terrace and the loss of the small part of side garden would not have any material effect on the overall character of the surrounding area, in respect of its level of openness or spacious nature. Consequently this proposal would result in no material harm to the character and appearance of the street scene or that of the wider area.
8. Accordingly, the scheme would satisfy Policy HSG7 of the East Herts Local Plan Second Review 2007 (LP) in regard to not appearing obtrusive or over intensive and its design complementing the local built environment. The proposal would also accord with LP Policy ENV1 through demonstrating compatibility with the layout of the existing housing and complementing the existing grain of development.
9. The Council published the pre-submission version of its emerging District Plan on 22 September 2016. This plan has yet to reach a sufficiently advanced stage for its policies to be afforded significant weight. Nevertheless, I can find no conflict from this proposal with any of the policies suggested as relevant to this appeal by the Council. I concur with the appellant that this proposal would comply with emerging Policy HOU2, which seeks that housing developments make efficient use of land, and with emerging Policy DES3, which requires that all development proposals be of a high standard of design and layout to reflect and promote local distinctiveness.
10. The Council's current and emerging policies are consistent with those of the National Planning Policy Framework (the Framework). Accordingly, this proposal would comply with the principles of the Framework that decisions take account of the different roles and character of different areas and always seek to secure high quality design.

Conditions

11. Consideration has been given to the conditions suggested by the Council and also those recommended by the local highway authority. In addition to the standard condition over commencement it is necessary in the interests of certainty that a further condition sets out the plans to which approval would relate to. In the interests of character and appearance a condition requires prior agreement to the external materials used in the development.
12. In the interests of highway safety a condition requires the access and parking space to be provided and maintained in accordance with detailed specifications to be agreed in advance. In the interests of the satisfactory appearance of the development a condition securing the implementation of hard and soft landscaping measures, based on the submitted plans, is required. The requirement for the development to be carried out in accordance with a Construction Management Statement addresses the concerns of the highways authority in respect of measures to prevent the emission of dust and mud onto the road.

Conclusion

13. This proposal would make a modest contribution to the supply of housing within an existing settlement where there would be no objection to the principle of a new dwelling and which would offer residents convenient access to nearby services and facilities. For the reasons given, this proposal would not result in any material harm to the character and appearance of the area. Consequently, having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
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50 Elizabeth Road, Bishop's Stortford, Hertfordshire CM23 3RN

- 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: CS 2016/1 (Location Plan), CS 2016/2 (Block Plan), CS 2016/3 (Site Plan and Roof Plan), CS 2016/4 (Elevations), CS 2016/5 (Ground Floor Plan) and CS 2016/5 (First Floor Plan).
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling 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.
- 4) Prior to the occupation of the dwelling hereby allowed the parking space and new vehicular access, visibility splays and crossover onto Norfolk Way, shown in drawing number CS 2016/3, shall have been laid out, drained and constructed in accordance with detailed specifications that shall have first been submitted to and agreed in writing by the local planning authority. The entrance and parking space shall thereafter be retained as approved for the accessing and parking of vehicles.
- 5) No development shall commence until details of both hard and soft landscaping works, including boundary walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority. These landscaping works, which shall include the hard and soft features indicated in drawing number CS 2016/3, shall be carried out in accordance with the approved details before the dwelling is first occupied.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of dust or deposit of mud, slurry or other debris on the adjacent highway during construction. The development shall proceed in accordance with the agreed statement.

--End of Conditions---