
Appeal Decision

Site visit made on 20 March 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/J1915/W/16/3164962

77 Fore Street, Hertford, Hertfordshire SG14 1AL

- 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 Wyndcrest Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1675/FUL, dated 22 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is change of use of veterinarian practice (D1) to residential (C3) and creation of 4 No residential dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook, outside living space and car parking arrangements.
 - The effects on the character and appearance of the area.
 - The effects on the living conditions of the neighbouring occupiers at 1 Bridewell Mews, with particular regard to outlook and daylight.

Planning Background

3. The appeal site is within part of the densely-developed historic core of Hertford and comprises a courtyard area at the rear of frontage buildings along Fore Street, reached through an archway entrance between Nos 71 and 83. It is one of a number of historic rear courtyards along this street. The site was previously used by a veterinary practice and the largest building, occupying the western side, was approved¹ for conversion to three dwellings. This part of the development was nearing completion at the time of my visit. The remainder of the site was still under construction and the appellant has submitted plans showing this as approved to provide small, private outside living areas at the entrances to each of the three residential units, with individual parking bays adjacent.

¹ Council reference 3/15/0258/FUL

4. These approved plans show the remaining eastern side of the site to be hard surfaced for access and vehicle manoeuvring space, some of which would be provided by the removal of a smaller single-storey building in the north-east corner of the site. This building has now been removed and had housed the reception and treatment rooms for the original veterinary practice. The building had been set forward of the tall rear wall of the site, where there had been a dog run behind, onto which the modern three-storey housing development to the north at Bridewell Mews closely abuts.
5. Prior to the approved residential development, an earlier scheme for four dwellings on this site has been refused by the Council and a subsequent appeal² dismissed, which had included a dwelling in the north-east corner of the site where the reception/treatment building then stood. This current appeal relates to a proposal to provide a fourth and single-storey dwelling within this north-east corner, with the associated re-arrangement of the internal courtyard.

Reasons

Living conditions for future occupiers

6. The introduction of a fourth unit would result in a cramped and contrived arrangement of closely juxtaposed parking spaces and small, mostly irregularly-shaped outside living spaces without privately defined areas for each unit. These areas would be adjacent to a small vehicle turning area which would appear to require a number of movements to allow a car to turn and leave the site. The main east-facing ground-floor windows of the completed but unoccupied three units, serving main habitable rooms, would look out onto closely adjacent car parking spaces, and, in the case of the northern unit, directly across to the lounge window of the proposed fourth dwelling. This arrangement would consequently offer poor quality, un-secluded outlooks from all the dwellings, providing unacceptable living conditions for future occupiers.
7. The proposed fourth unit would have two bedrooms either side of the front door on its southern side, with high-level windows offering poor outlook. There would be minimal private space at the front of this dwelling where the two bedrooms would be close to the adjacent turning area and parking spaces, with the resulting disturbance to occupiers that would arise from their use. The lounge windows of the fourth unit would have oblique views of parking spaces and overlook the lounge of the existing unit opposite, across a hard surfaced communal area which would offer no private garden or seclusion for either dwelling.
8. I have considered the case made by the appellant and, whilst agreeing that high-density residential development would in principle be appropriate in this town centre location, do not consider that the new housing in Bridewell Mews and Providence Place, including the relationship of the latter with the smaller cottage style terrace at Nos 85-89, provide any material support to this proposal which should be considered on its own, individual merits. This proposal would provide a poor outlook for each of the four units, all lacking any significant private outside space. These undefined open areas would be interrupted by a prominent turning area and car parking spaces, where the

² APP/J1915/A/14/2223864

parking and manoeuvring of vehicles would be inconvenient and cause disturbance to residents.

9. Policy HSG7 of the East Herts Local Plan Second Review 2007 (LP) requires infill housing development, where permitted, to be well-sited in relation to the remaining surrounding buildings and not to appear obtrusive or over intensive. The proposed fourth dwelling on this site, and the re-arranged open space, parking and turning areas, would provide a cramped and over-intensive development overall, and would conflict with this policy. This arrangement would not respect the amenity of future occupants and consequently conflict with the aims of LP Policy ENV1. The scheme would not satisfy the core principles in the National Planning Policy Framework to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

10. The new dwelling recreates the pitched-roof design of the former reception/treatment building and provides a flat-roofed extension to the rear of this, surrounded by a parapet wall just below the front ridge height. The result is a building of little architectural merit. However, the Council has found it would have little impact upon the Conservation Area, thereby preserving its character and appearance. Given that this building would be built up to and replace high walls and be surrounded by taller buildings, and be inconspicuous from views through the access from Fore Street, there would be little visual harm to the character and appearance of the area generally. There would consequently be no material conflict with the aims of LP Policy ENV1 in this regard.

Living conditions of neighbouring occupiers

11. The parapet wall of the new dwelling would rise up to around the height of the present timber fence above the rear boundary wall, beyond which is the ground-floor kitchen window and adjacent outside patio area to 1 Bridewell Mews. This neighbouring occupier has not raised an objection to this proposal. Compared to the impact the existing wall with fence above has on daylight to and outlook from these parts of this neighbouring dwelling, the proposed dwelling would provide adequate respect to the amenity of any future occupants. Consequently this scheme would result in no material conflict with the aims of LP Policy ENV1 and retain acceptable living conditions for any future neighbouring occupiers of No 1.

Conclusions

12. However, for the reasons set out, this proposal would not provide acceptable living conditions for future occupiers of the appeal development as proposed, with regard to offering reasonably good quality outlooks, conveniently-sized and personally useable outside living spaces and convenient and undistruptive arrangements for the manoeuvring and parking of vehicles. Consequently, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR