

Appeal Decision

Site visit made on 23 May 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/J1915/W/17/3172132

33 The Forebury, Sawbridgeworth, Herts CM31 9BD

- 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 Edward Cochrane (Rambledale Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1421/FUL, dated 16 June 2016, was refused by notice dated 20 October 2016.
 - The development proposed is the construction of a detached four bedroom dwelling with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has been built and the appeal has been considered on this basis.

Main Issue

3. The main issue is whether the scheme preserves or enhances the character or appearance of the Sawbridgeworth Conservation Area.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land mainly behind an electricity sub-station on The Forebury upon which a dwelling has been completed. Vehicular access is alongside the sub-station. The development lies within the Sawbridgeworth Conservation Area.
 5. Sawbridgeworth is a medieval town based on burgage plots with a variety of differently designed buildings with high quality architectural details and materials which reflect its growth and status over time. This includes the inns which define the coaching area and surviving agricultural and malting buildings identifying the towns industry. The historic medieval core of Sawbridgeworth is defined by Bell, Knight and Church Street all of which meet at The Square. Within this area, there is a dense-knit pattern with rear areas having been mostly developed which is visible down alleyways or side streets.
 6. In the vicinity of the appeal site, buildings further along Knight Street are defined by larger individually designed buildings which are generally set in
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large spacious plots, having deep gardens. In instances where development has occurred to the rear, it is smaller and less imposing in scale and appearance. An exception to this is the municipal designed library building adjacent to the appeal site but its two storey scale has been reduced by its parapet roof design, with hipped pitched roof behind. It is these historical and architectural qualities, including pattern and scale of development, that are of significance and value, and are of special interest to the Conservation Area. Although the appeal site is on the periphery of the Conservation Area, the plot of land would have contributed positively to its historical pattern of development and spacious qualities by reason of its low-key appearance due to its mainly undeveloped nature.

7. The dwelling would be set back into the plot behind a car parking and turning area, and the wire fenced electricity substation. There would also be a drop in ground levels between the dwellings in Knight Street and the appeal site and the roof would be pitched with hips to the side. However, the dwelling is large extending across much of the width of the plot and tall with a steeply pitched and high roof. The dwelling's width, its height and expanse of its roof make it a dominant and prominent building on its plot and with the street. This significantly detracts from the historical pattern of development in the area, where buildings attractively stand out on Knight Street by reason of their scale and design, and more low-key development exists to the rear. By reason of its scale and size, the appeal dwelling upsets this context by failing to be visually subservient.
8. Furthermore, the porch sits unsympathetically within the front façade of the dwelling because it is aligned off-centre leaving unequal areas of facing brickwork either side, including within the porch itself. Third party representations highlighted the use of modern materials in the construction of the dwelling. The dwelling's leaded windows are not prevalent within the Sawbridgeworth Conservation Area and by reason of their modern design and finish, are not of a high standard. They emphasise the dominant nature of the dwelling by virtue of their incongruous design.
9. Planning permission has been granted for a dwelling on this site. However, this dwelling was lower in height with a better balanced elevation having a more centrally located porch and symmetrical arranged windows of similar sizes. Details also showed a slate-roof with a chimney. Consequently, the permitted dwelling should have been of smaller scale and massing, and of more interest visually, and therefore there are significant differences between the two schemes.
10. There has been a previous dismissed appeal decision for a dwelling on this site in February 2014. The overall ridge height of that dwelling would have been slightly lower than that here. It would have been significantly larger by reason of incorporating a forward positioned utility/double garage and therefore direct comparison with the scheme before me is difficult. Nevertheless the Inspector's assessment of the qualities of the Conservation Area supports my findings. In particular, generous rear gardens to properties along knight Street originating from the sizeable burgage plots.
11. In conclusion, the development fails to preserve the character and appearance of the Conservation Area for the reasons indicated. Accordingly, the scheme is contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second

Review 2007, which collectively and amongst other matters, requires development in Conservation Areas to be of a high standard of design and layout, sympathetic in terms of scale, height, form, materials and siting in relation to the general character and appearance of the area, reflect local distinctiveness, be compatible with the structure and layout of the surrounding area, including historically significant development features such as street pattern.

Other matters

12. In terms of the National Planning Policy Framework (the Framework), the scheme results in less than substantial harm to a heritage asset. In this situation, paragraph 134 of the Framework states the harm should be weighed against the public benefits of the proposal.
13. For the reasons already indicated, there is an adverse effect on a heritage asset, for which considerable importance and weight has to be attached. In this regard, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Once occupied, the dwelling would provide a dwelling for present and future generations meeting the locality's housing needs. However such a benefit would be small by reason of only one dwelling being created and in any case, the principle of a dwelling on this site has been established through a planning permission. Accordingly, the less substantial harm, identified under the Framework, would not be outweighed by any public benefits.
14. My attention has drawn to two allowed decisions for single dwellings in Orpington in 2015 and 2016. However the appeals do not relate to sites in a Conservation Area and both cases demonstrate that rarely are any proposals alike because circumstances and policies vary and consequently different assessments and decisions arise. Indeed, every proposal/scheme has to be considered on its own particular planning merits.

Conclusion

15. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR