



Appeal Decision

Site visit made on 9 July 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/J1915/W/19/3226896

Alpha Cottage, 4 Francis Road, Ware SG12 9HB

- 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 St Cross Developments Ltd against the decision of East Herts Council.
 - The application Ref: 3/18/1941/FUL dated 28 August 2018, was refused by notice dated 24 October 2018.
 - The development proposed is erection of a pair of 2 bedroom semi detached houses and an apartment building comprising 3 two bed units and 3 one bed units on the southern part of the garden to Alpha Cottage (in substitution for part of the development previously approved pursuant to 3/17/0574/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area, including with regard to the effect on trees, and
 - b) The effect on the living conditions of the neighbours, with particular regard to loss of outlook, overlooking and loss of privacy and light.

Reasons

Issue a) Character and appearance

3. The appeal site is a long but comparatively narrow, rectangular site with access off Francis Road, close to the town centre of Ware. It is part of the former garden area to an existing property. The immediate surrounding area is largely residential, with three storey blocks of flats on the western side off Francis Road and a mix of two storey dwellings on the eastern side of the site. The site is within the Ware Conservation Area.
4. The appeal site, together with the existing house and land to its north, benefits from planning permission for a redevelopment for three pairs of semi-detached houses, together with alterations and extensions to the existing property under the Council's reference 3/17/0574/FUL. This proposal relates only to the southern part of the larger site, extending from the access off Francis Road southwards and proposes a pair of semi-detached houses as previously

approved but with an amended siting, and the change of the southernmost pair of houses to a three storey apartment block of six units, together with other site layout changes to make provision for the amended accommodation.

5. Although staggered in its footprint, the proposed block of six apartments would extend over three storeys across most of the width of the site with very limited space to both the eastern and western boundaries. I have taken into account the design with the second floor accommodation proposed within the roof space, but it would still present as three storeys to the front and to the rear of the block. Given its height as well as its footprint, I consider that it would appear as an overly large, bulky development which would be over dominant in relation to the size and in particular the width of the site. Given its scale and massing, I do not agree with the contention that the proposed apartment block would successfully provide a transition between the existing three storey development off Francis Road to the west and the smaller scale two storey development in Deerfield Close to the east. I consider that it would appear overly bulky and an overdevelopment of the site.
6. The proposal would include an element of flat roof in the middle of the apartment block. However, I do not consider that this would be widely seen from the surrounding area and the main roof would be read as overlapping pitched roofs. I do not therefore consider that this element, on its own, would detract from the character and appearance of the local area.
7. I therefore conclude that the proposed development would be an unacceptable over development of the site and so harm the character and appearance of the local area. This would conflict with Policy DES4 of the East Herts District Plan 2018 (District Plan) and the National Planning Policy Framework (Framework), and in particular Section 12, all of which seek for a good quality of design which respects the local context.
8. I have noted the Appellants' objective to try and retain the Scots Pine on the south west side of the site, although the supporting Tree Survey, Arboricultural Impact Assessment and Method Statement submitted with the application indicates at paragraph 3.2.2 and at Appendix B that it would not be practical to retain this tree. Plan 509.14.2C at Appendix H, however, shows the tree to be retained. Whilst I do not doubt the Appellants' objectives to try and retain the tree, I have assumed that the tree would be lost on the basis of the submitted tree report as well as the views of the Council's landscape officer. This would be an additional tree to be felled in addition to the trees which were approved to be felled under the earlier permission. However, given the existing planting which would be retained and the opportunity for new planting on the site, I do not consider that the loss of this one tree would, on its own, adversely affect the character and appearance of the local area, and justify refusing permission. There would be no conflict with Policy DES3 of the District Plan and the Framework, both of which seek to retain, protect and enhance existing landscape features of amenity or biodiversity value. My finding on this one matter does not outweigh the harm I have concluded under this issue.

Issue b) Living Conditions

9. The appeal site has existing residential development surrounding it, along both the western and eastern boundaries. To the east of the proposed apartment block is a pair of semi-detached houses, Nos 7 and 8 Deerfield Close, with windows to habitable rooms at both ground and first floor facing to the rear

with shallow rear gardens. In the south-west corner of Deerfield Close is a more recently built house, No 7A, set close to the common boundary, albeit it would appear that its principal windows face away from the appeal site and its main garden area lies to the south of the property.

10. I have taken into account the stepped form of the proposed apartment block as well as the single storey form on the front part closest to the common boundary. Nonetheless and taking into account the shallow rear gardens to the pair of semi-detached houses at Nos 7 and 8 and the very limited gap between the boundary and the new development, I consider that the scale and massing of the apartment block, with an eaves height higher than the eaves height of the houses, would be overbearing and enclosing for these immediate neighbours in Deerfield Close. I consider that this would unacceptably harm the outlook for these neighbours both from rear facing habitable rooms as well as from within their rear gardens.
11. Given the orientation of the newer corner house in Deerfield Close with its principal windows facing away from the appeal site and its garden area to the south and notwithstanding the proximity of the development to the common boundary, I do not consider that these neighbours would be materially affected in terms of outlook or loss of light. I have noted the correspondence regarding the existing arrangement of rooms in that dwelling which I have taken into account, but this does not affect my findings.
12. I also concur with the Council that the proposed distance between windows to habitable rooms in the rear of Units 3 and 4 and front facing rooms in the apartment block would be uncomfortably close, leading to concerns of overlooking and loss of privacy for future residents within the scheme.
13. I therefore conclude that the proposal, and in particular the scale and massing of the apartment block as well as the siting of this block would result in unacceptable harm to the living conditions of neighbouring residents and future occupiers, with particular regard to loss of outlook and loss of privacy. This would conflict with Policy DES4 of the District Plan and paragraph 127 of the Framework, both of which seek to provide a good standard of amenity for existing and future occupiers.

Other Considerations

14. The site lies within the Ware Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of such areas. The Conservation Area covers a wide area and includes the river and associated historic structures in the south and extending northwards to encompass much of central Ware. As a result, there is a wide ranging character and appearance to the Conservation Area, encompassing both historic and some more modern areas of development. Although I have found that the proposal would be an over-development of the site and so harm the character and appearance of the local area, I do not consider that the proposal would harm the character and appearance of the extensive Conservation Area. It would therefore preserve the character and appearance of the Conservation Area, considered as a whole. The Council also raised no concerns in this regard.

15. A number of representations have referred to a component of the previous scheme relating to a pedestrian access through to the neighbouring foodstore to the south. However, that does not form part of this proposal and is not therefore before me.

Conclusion

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

L J Evans

INSPECTOR