
Appeal Decision

Site visit made on 3 December 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/J1915/D/19/3237024

77 Warwick Road, Bishops Stortford CM23 5NL

- 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 Mrs Rachel Edwards against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0870/HH, dated 13 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as “conservatory at the side of the property, fencing to secure the front of the property with timber gates for access and privacy, hedges to be grown in front of the proposed fencing. Shed as there is no garage or any other out buildings suitable for storage”.
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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, including its effect on trees.

Reasons

Character and appearance

3. The site is a large detached dwelling on Warwick Road, which is predominately residential in nature. The dwelling is set back from the road with a large garden area consisting of mature trees and landscaped features. The mature trees along the road are a key part of the character of the area. The boundary frontage to the properties are varied, some being low walls, fences, hedges and trees. The site contains a number of large mature trees, including some which are covered by a group Tree Preservation Order¹ (TPO) and includes 2 Wellingtonia and one Yew, named as T5, T6 and T4 respectively in the Arboricultural Report², which was submitted as part of the proposal. Overall the area is characterised by its open and verdant character.
4. The proposal is for a single storey side extension, outbuilding and timber gates and fencing to the southern site boundary. The Council has stated that the proposal is very similar to a previously refused application³, with the only

¹ TPO reference 437 G-2

² Arboricultural Report 77 Warwick Road Bishops Stortford – Andrew Day Arboricultural Consultancy (January 2019)

³ Planning application reference 3/18/1798/HH

changes being the height of the proposed gates increasing and an arboricultural report⁴ being supplied. However, I have assessed the proposal as submitted and on its own merits.

5. The proposed single storey extension would be a conservatory with uPVC frame with infill glazing. Whilst it would not match the materials of the existing dwelling, the size and shape of the extension would not be an unexpected feature in the residential environment of the area. It would have an acceptable effect on the character and appearance of the area, as such I find no harm in this regard.
6. The proposed outbuilding would be made from timber boarding with a frosted glass window and door. Due to the size and style of the building, it would not be an unexpected feature within a garden landscape of a residential property. The size of the building would be relatively small and of a scale that would not cause significant harm to the character and appearance of the area. As such I find that the effect on the character and appearance of the area would be acceptable in this regard.
7. The proposed gates and fence would be positioned on the boundary of the site towards Warwick Road and would be made of timber. The gates would replace the existing greenery on the site and would be approximately 1.8 metres in height and 4.3 metres in width. On my site visit I noted that there were other dwellings along the road which had boundary gates. However, due to their size and area of coverage, the proposed gates would be a prominent feature within the street scene. They would cause a hard boundary to the property and would harm the existing open and verdant nature of the site. I note the appellant has suggested that the aim is to replace the greenery with sympathetic fencing with planting on the exterior side. However, no specific details of planting have been included within the submitted plans.
8. Consequently, the proposed fencing and gates would harm the character and appearance of the area. Therefore, the proposal would be contrary to Policies DES3 and DES4 of the East Herts District Plan (EHDP) (2018). These policies, amongst other things, seek development to respect or improve the character of the site and the surrounding area and retain, protect and enhance existing landscape features which are of amenity value or provide compensatory planting where losses are unavoidable.

Trees

9. The proposal includes an Arboricultural Report which provides advice on how the trees on the site could be detrimentally impacted by construction activities. The proposed gates, fencing and outbuilding are within the root protection area (RPA) of a number of the protected trees. The proposed gates and fencing would require the removal of trees located on the boundary of the site, namely (G1-C2) as set out in the application form. However, I note that the Arboricultural Report states that no trees will need to be removed to implement the development.
10. The Council has stated that the Arboricultural Report is not clear how the fence and gate posts would be constructed without potentially harming the trees. The proposed gates would permit vehicular access to the site. However, no parking

⁴ Arboricultural Report 77 Warwick Road Bishops Stortford – Andrew Day Arboricultural Consultancy (January 2019)

area or driveway have been shown on the plans, although the application form states that gravel would be used for the hardstanding and new vehicular access created. The Arboricultural Report only assess the effects during construction rather than a long-term use of the area for parking. Whilst it suggests possible solutions, it does not state which would be most suitable or appropriate. As such, I must take a precautionary approach to the protection of the trees in the area, and the potential harm which may result from vehicle movements and the construction of the proposed development.

11. I note the appellant has stated that the proposed vehicular access is not a drive, but an area where it would be possible to park a car in case of need. However, there is no evidence to suggest how often it would be used and what level of mitigation may be appropriate for that use.
12. Whilst I acknowledge the issues raised by the appellant including: that there have been issues with the parking restrictions on Warwick Road; the site is currently open and insecure; getting deliveries and that the property does not currently have a vehicular access in this location like other properties. The appellant has also stated that the proposed fencing would enable pedestrians to pass along the path. However, although Warwick Road is a private road, I noted on my site visit that pedestrians can already walk on the footpath without significant obstruction. I also acknowledge that the appellant likes the TPO trees and would prefer not to remove them. However, these do not outweigh the harm that I have identified above.
13. I also note that the appellant states that the large trees will be removed and replaced with smaller species, which will improve the immediate biodiversity. However, this is not evidenced in the accompanying plans or the arboricultural report. Furthermore, whilst there may be the same tree species elsewhere within the locality, this does not mean that their loss would have no harm.
14. For the reasons above, the proposed development would be likely to harm the protected trees within the site and the character and appearance of the area. Therefore, it would be contrary to policies DES3 and NE3 of the EHDP. These policies, amongst other things, seek to retain, protect and enhance existing landscape features and to refuse applications where development would result in the loss or significant damage to trees.

Conclusion

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

D Peppitt

INSPECTOR