
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: 20th January 2020

Appeal Ref: APP/J1915/D/19/3236892

2 Portland Road, Bishops Stortford CM23 3SJ

- 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 and Mrs Marcus Bennett against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1145/HH, dated 28 May 2019, was refused by notice dated 23 August 2019.
 - The development proposed is demolition of existing rear extensions and erection of part two storey and part single storey extensions.
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Decision

1. The appeal is allowed, and planning permission granted for the demolition of existing rear extensions and erection of part two storey and part single storey extensions at 2 Portland Road, Bishops Stortford CM23 3SJ in accordance with the terms of application, Ref 3/19/1145/HH, dated 28 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 09 Version 1 (Existing Block Plan), Site Location Plan (Location Plan), 08B Version 1 (Plans – Proposed), 01A Version 1 (Floor plans - Existing and Proposed), 11A Version 1 (Block Plan) and 02A Version 1 (Elevations - Existing).

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the host dwelling and surrounding area, with due regard to the location of the site in the Bishops Stortford Conservation Area.

Reasons

3. The appeal property is a 2-storey semi-detached dwelling located on Portland Road within the Bishops Stortford Conservation Area (CA). The roads surrounding the site are predominately residential in nature. The design and orientation of the property means that it has a relationship with Portland Road

and Apton Road. The front door, driveway and garden are situated on the side elevation which front on to Apton Road. The side elevation is painted white and contains an existing 2-storey and single storey extensions, which extends to the rear boundary with the adjoining property on Apton Road.

4. Due to its dual frontage and overall design, the host property appears distinct from the dwellings on Portland Road. The property when viewed from Portland Road is a red brick house with sash windows to the front, and white painted quoining to the sides. The appeal property, when viewed from Apton Road, is set behind a large wall and fence, which front on to the footpath and highway. The property is set significantly higher than Apton Road, as the road follows a gentle slope down towards the town centre.
5. There is a large deciduous magnolia tree within the garden, which is protected as it is within the CA. The tree provides some screening towards the property, however, this screening is achieved in a limited number of public views and is seasonal.
6. The area appraisal¹ for the CA states that the CA has a diverse and high-quality built environment with a substantial number of noteworthy buildings, although not all of these are listed. The significance of the CA is derived in part from historical and aesthetic values. The area appraisal divides the CA into 5 separate geographical identity areas. The host property falls within Area 4, which is bounded by Apton Road in the north and west, South Street in the east and the south western boundary being formed by the Apton Road Cemetery.
7. The area appraisal identifies buildings of high quality that are not listed, but that should be retained. These principally date from the 19th century and are an important element in the high environmental quality of the CA and make a major contribution to its built form and historical evolution. However, I note on the Adopted Management Plan that a number of neighbouring properties on Portland Road are identified as 'unlisted buildings to be protected from demolition'. However, the host dwelling is not given such a designation, and in any case the proposal is not to demolish the whole property.
8. The proposal seeks to demolish the existing rear extension and replace it with a part single, part 2 storey side and rear extension. Due to the positioning of the host dwelling, the views of the proposal from Portland Road would be extremely limited. As such, it would have little effect on the character and appearance of this road.
9. In terms of the views from Apton Road, I saw that the rear elevations of the host property and its immediate neighbour No 4 Portland Road, are only visible from certain vantage points. No 4's rear elevation, with the proposed development in place, would sit lower than the proposed extension. As such views to this area would be very limited from public vantage points.
10. The positioning of the existing properties on Apton Road, combined with the layout of the road, means that the proposal would be largely obscured other than in longer distances along Apton Road. The built form of No 2 and No 4 Portland Road is already close to No 1 Apton Road and they are not separated

¹ Bishop's Stortford Conservation Area Appraisal and Management Plan - East Herts Council (2014)

by large garden space. As such, the proposal would not significantly alter the distance of the existing gap between them. Furthermore, due to the height difference between the footpath and the proposal, as well as the positioning of the large brick wall and fence, once directly adjacent to the site, the views towards the property are largely obscured.

11. I acknowledge that the proposed development would alter the existing symmetry to the roofs of No 2 and No 4. However, this would not necessarily be harmful, as the proposal is designed in a way that the rear projection of No 4 would align with the proposed extension's wall. Although the proposal is positioned high up from Apton Road and would be visible from certain public vantage points, it would have matching materials to the host dwelling. Therefore, it would not appear as a stark or incongruous feature within the street scene, and the limited views of the proposal would not be harmful to the character and appearance of the area. The proposal would be sympathetic to its surrounding and would not detract from the character and appearance of the CA or prevail over the features of the nearby properties.
12. The proposal includes the loss of the existing tree which would make the proposal slightly more visible. However, even if the tree was not removed, the screening provided would only be seasonal and would not completely obscure the proposal from view. The Council has stated that the tree would not meet the criteria to be designated under a Tree Preservation Order due to its proximity to the existing dwelling. Whilst I acknowledge it has some amenity value, trees are not a defining characteristic of the immediate area. In any case, I note from the plans that a replacement tree would be planted in the garden area to offset the loss of the tree.
13. I have had regard to my statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, namely section 72(1) which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
14. As the host property is located within the CA which is a designated heritage asset, paragraphs 193 – 194 of the Framework advise that great weight should be given to a designated heritage asset's conservation, and that any harm to the significance, should require clear and convincing justification. Whilst the proposal would result in a minor change within the street scene, it would be in materials and colours that matches the host dwelling and surrounding properties. The proposal in its design and materials would have a neutral impact on the character and appearance of the CA.
15. For the reasons set out above the proposed development would have an acceptable effect on the character and appearance of the host dwelling and surrounding area and would preserve the character and appearance of the CA. The proposal would therefore accord with policies HOU11, DES4, HA1 and HA4 of the adopted East Herts District Plan (2018) and Bishop's Stortford Central, South and All Saints Neighbourhood Plan Policy HDP2. These policies, amongst other things, seek development to be high quality design and be appropriate to the character, appearance and setting of the existing building and preserve the historic environment.

Other Matters

16. The Council has stated that there have been 2 previous planning applications² on the site proposing similar forms of development. However, I have assessed the proposal before me on its own planning merits.
17. The Council has suggested that the proposal would impact on the living conditions of No 4 Portland Road and No 1 Apton Road, with particular reference to loss of light and overshadowing. However, as No 4 is situated south of the proposal the impact would not be material. Although No 1 is west of the proposal, its orientation is different to the host dwelling with the garden area facing south, and the impact to the side of the property would be limited and would not be materially harmful.
18. It has also been suggested by the Council that the proposal may impact on the living conditions of Nos 20 and 22 Apton Road due to the proposed development enabling views towards these properties. However, given the distance to these properties, I do not consider that this would cause material harm or be materially different from the overlooking of the existing neighbouring properties.

Conditions

19. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt.
20. In order to protect the character and appearance of the area, I have also imposed a condition requiring that external materials used in the construction of the development shall match those of the existing building.

Conclusion

21. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR

² Planning application references 3/18/0946/HH and 3/18/1711/HH