



Appeal Decision

Site visit made on 16 March 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/J1915/W/19/3243572

11-15 London Road, Sawbridgeworth CM21 9EH

- 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 Geoffrey Hewson (Swayprime Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0956/FUL, dated 7 May 2019, was refused by notice dated 1 November 2019.
 - The development proposed is described as "crossover and the regularisation of a hardstanding and a levelled parking area to provide 2 off-street parking spaces for nos. 11, 13 and 15 London Road properties".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address of the appeal site from the appeal form as this makes clear that the appeal relates to 3 neighbouring properties.
3. I have also taken the description of development from the appeal form as this is the most accurate description of the development and makes clear that planning permission is sought for the hardstanding and other works associated with the parking area, as well as the crossover.
4. During my site visit I saw that the creation of the parking area was substantially complete. I have determined the appeal on this basis.

Main Issue

5. The main issue is the effect on the character and appearance of the appeal site and the Sawbridgeworth Conservation Area.

Reasons

Character and Appearance

6. The appeal site is within the Sawbridgeworth Conservation Area (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The hardstanding sits above the ground floor level of the houses at 11, 13 and 15 London Road due to the rising street level from the other end of the terrace. The hardstanding is partly screened from view by the boundary fence, but within the wider street scene I consider that the parking area is visible and out of keeping with the character of the wider terrace as an elevated area above the ground floor level of the property.
8. The appellant states that the development makes a positive contribution to the appearance of the site and the host properties. They also consider that the development is not prominent in the street scene with restricted views of the hardstanding. However, the wider terrace consistently has level front gardens set down from the street level to an increasing degree with the change in street level. The development that is the subject of this appeal results in a stepped garden at the front of the host properties. Having viewed the site from London Road during my site visit, I found that the hardstanding was visible in the street scene and that this appeared incongruous within the context of the wider terrace.
9. The appellant also argues that the development has improved the appearance of the appeal site, which had become overgrown and unkempt. However, I am not convinced from the evidence before me that the condition of the site could not have been improved in other ways.
10. As material harm has been identified due to the appearance of the development it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) the development relates to a crossover and raised parking area out of keeping with the character of the host properties and the wider terrace. However, its visibility in the street scene is limited to its immediate vicinity. The harm to the character and appearance of the CA is therefore less than substantial when weighed against the significance of the CA as a whole.
11. I have not been presented with any evidence of any public benefit arising from the development. I am required to give great weight to the conservation of the significance of the CA, in accordance with paragraph 193 of the Framework, irrespective of the degree of harm that would result. In this instance I find that the harm from the incongruous appearance of the development within the context of the wider terrace of properties would outweigh the benefits of the development.
12. Taking all the above factors into consideration I therefore conclude that the development proposed would fail to preserve the character and appearance of the site and the CA, thereby causing unacceptable harm. It would therefore conflict with Policies HOU11, DES2, DES4 and HA4 of the East Herts District Plan October 2018. These policies require, amongst other things, that development in a CA preserve or enhance its special interest, character and appearance.

Other Matters

13. The appellant notes that the Council found that the principle of parking was acceptable in this location, and that the Council did not find that the erection of a fence and planters caused harm to the character of the CA. Be that as it may,

the absence of identified harm on these points is a neutral consideration in determining this appeal and does not weigh in favour of the scheme.

14. The appellant has also drawn my attention to the existing hardstanding at the front of No 17 London Road. I do not have in evidence before me the planning circumstances of this hardstanding. However, I note that it serves a single dwelling of a different character to Nos 11-15 and is on the same level as the ground floor of its host property. It therefore differs materially to the proposal before me.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR