



Appeal Decision

Site visit made on 29 September 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/J1915/W/20/3246290

29B North Street, Bishops Stortford, Hertfordshire CM23 2LD

- 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 M. McNamara against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2352/FUL, dated 18 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is the demolition of single storey rear extension and its replacement with a two-storey rear addition comprising office accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of adjoining residential properties with particular regard to outlook and light.

Reasons

3. The appeal site is located in a mainly commercial area of Bishops Stortford albeit with properties either side of the appeal site having residential accommodation at the rear, including at ground floor level. The appeal building itself consists of a mid-terrace commercial building with a single storey lean to extension at the rear. The buildings either side extend back to the rear boundary.
4. The appeal proposal would involve the replacement of the single storey lean to extension with a two-storey extension, together with a new single storey element rearwards.
5. From my site visit I saw that the ground floor residential accommodation at 29C North Street had side facing habitable room windows which face the existing extension. The replacement of this extension with a two-storey one would have a significant impact on the availability of light and outlook to the occupants of this ground floor accommodation, especially given its proximity to these windows. There would also be unacceptable impact on outlook, and to a lesser extent the availability of light, to the first floor window closest to the rear wall of the front part of the building as a result of the first floor element of the proposal blocking views from that window.

6. The proposal would also impact on outlook and light to the other windows along the side elevation of No.29C. However, given the juxtaposition between these windows and the proposal itself I consider that the impact to these windows would not be so severe as to warrant the withholding of planning permission.
7. Turning to the effect of the development on the occupiers of 29 North Street, I note that there are habitable room windows on the rear of the frontage part of the building and also side facing windows at first floor level in the area of the proposed extension.
8. The first-floor element of the proposal would be directly in front of the side facing windows and would also create a tunnel effect to the rear facing window. The net result of this would be a significant detrimental impact on outlook from all of these windows as well as the blockage of light.
9. In coming to the above views, I acknowledge that the Council does not have any specific design standards or guidance in respect of distances between buildings and the effect on outlook and light. I also acknowledge that the site is within a town centre location where buildings are more likely to be in close proximity to one another and that the assessment of any harm is very much a subjective matter. That said, it is clear to me that the proposal would have an unacceptable impact on the occupiers of both No.29 and 29C.
10. I have also had regard to the comments made in respect of potential loss of privacy as a result of views from the office windows. However, given the position of these windows and those on the adjacent properties, I consider that there would not be any significant overlooking or loss of privacy as a result of the development.
11. Finally, reference has also been made to residential accommodation in the roofspace of 29B with an impact on outlook from the rear facing dormer windows. Whilst I was not able to ascertain at my site visit as to whether this was residential accommodation, given that the proposal would be at a lower level than these windows I consider that there would not be any significant impact on outlook.
12. For the above reasons the proposal would harm the living conditions of the occupiers of 29 and 29C North Street and would be contrary to Policy DES4 of the East Herts District Plan October 2018 which amongst other matters seek to ensure that proposals avoid significant detrimental impacts on the amenity of the occupiers of neighbouring residential properties.

Other matters

13. The appeal site is located within the Bishop Stortford Conservation Area (BSCA) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area. That said, the Council have not identified any harm to the character or appearance of the BSCA and from what I observed on site I have no reason to disagree with that assessment.
14. The Appellant has also advanced a case that the economic benefits of the proposal should outweigh any harm to neighbour amenity. Whilst I consider that additional and improved office accommodation weighs in favour of the

proposal, I consider that this is not sufficient to justify an otherwise unacceptable proposal.

Conclusion

15. Taking all matters into consideration, including the economic benefits of the proposal, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR