
Appeal Decision

Site visit made on 7 October 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 26 October 2020

Appeal Ref: APP/J1915/W/20/3254038

58 Prestwick Drive, Bishops Stortford CM23 5ES

- 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 Anthony Hornett against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1810/FUL, dated 3 September 2019, was refused by notice dated 16 December 2019.
 - The development proposed is the sub-division of the plot and the erection of a detached dwelling together with parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. One of the reasons for the refusal of planning permission refers to the effect of the development upon the living conditions of the occupiers of 54a Prestwick Drive. It has subsequently been confirmed that this reference is erroneous and should refer to 52a Prestwick Drive. I have therefore proceeded on this basis.
3. A revised layout plan has been submitted with the appeal. However, I am not certain that this has been the subject of formal consultation with the local highway authority, or with the occupiers of neighbouring properties. In consequence, I have therefore proceeded on the basis of the plans originally considered by the Council.

Main Issues

4. The main issues are:
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook;
 - whether suitable living conditions would be provided for the future occupiers of the development;
 - the effect of the development upon highway safety;
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions of the occupiers of neighbouring properties

5. The proposed dwelling would be located to the rear of the existing house. The appeal site adjoins 56 Prestwick Drive. At the side of the appeal site is 52a Prestwick Drive.
6. The proposed dwelling would encompass a significant proportion of the site's width. This means that the proposed dwelling would be close to the shared boundary with No. 56. In addition, the neighbouring dwelling features a rear projecting element. Owing to the position of windows on this part of the neighbouring house and the layout of the garden, the proposed development would have a significant enclosing effect on this dwelling's windows and rear garden.
7. Whilst the dwelling at No. 52a is orientated differently, the proposed dwelling would encompass a significant proportion of the neighbouring property's garden. In consequence, in conjunction with the neighbouring dwellings at No. 54 and No. 56, the proposed development would have a significant enclosing effect on this existing neighbouring dwelling.
8. In addition, the proportions of the neighbouring properties would mean that the proposed dwelling would be in proximity to the windows of the existing dwellings.
9. As the proposed building would have a foot print equivalent to a significant proportion of the appellant's garden, this would also have an overbearing and enclosing effect. This would be increased due to the height of the proposed dwelling and would be exacerbated by reason of the proportions of the garden that the proposed development would have.
10. I acknowledge that the proposed development would be separated from the rear elevations of the existing neighbouring gardens. However, the proposed development would be readily perceptible from the gardens of the adjoining properties. This poses a concern as, owing to the layout of the existing dwellings, the rear gardens are the only areas where private outdoors recreation or play might take place. In consequence, the effect on the outlook of the neighbouring properties would be significant.
11. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of existing properties. The development, in this regard, would conflict with Policy DES4 of the East Herts District Plan (2018) (the District Plan). This policy, amongst other matters, seeks to ensure that new developments avoid significant detrimental effects on the amenity of the occupiers of neighbouring properties.

Living conditions of future occupiers

12. The proposed development features a garden to the side of the dwelling and has two storeys. The main point of access would be via a door on the front elevation.
13. By reason of the layout of the development, the garden would have a narrow depth. As this would need to have boundary treatments in order to ensure that the users of this garden space benefit from appropriate levels of privacy, the

levels of outlook from the garden would be very limited. Furthermore, the boundary treatment would have an overbearing effect.

14. This poses a concern as the garden is the only area where residents of the development might undertake outdoors recreation, or activities such as outdoor play. In consequence, the lack of a garden space with an appropriate outlook would prevent residents of the development from experiencing appropriate living conditions. In reaching this view, I have had regard to the fact that the proposed development would feature three bedrooms. Therefore, there is a reasonable likelihood that the proposed development would be occupied by families, who are likely to require an adequate garden.
15. The proposed development would feature sufficient internal room for a variety of activities to take place. I have not been directed towards any adopted policy that specifically requires that new developments be carried out in conformity with the Nationally Described Space Standards. In addition, the layout of the proposed development would include sufficient space for the storage of personal effects and household items.
16. In addition, by reason of the design, layout and orientation of the site, the proposed development would enable future residents to experience suitable levels of light, outlook and privacy.
17. Whilst I have not found any harm arising from the layout and proportions of the proposed dwelling itself, this does not overcome the adverse effects arising from the lack of appropriate outlook for the garden.
18. I therefore conclude that the proposed development would not secure appropriate living conditions for the future occupiers of the proposed dwelling. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design and layout

Highway safety

19. The proposed development would be accessed from Rochford Road. Many of the dwellings in this road feature dropped kerbs, leading to driveways or garages. In addition, a feature of the surrounding area is the presence of front boundary treatments.
20. Whilst the property currently features a vehicular access into the rear garden, the proposed development would feature a different layout. By reason of the shape of the new parking area, users of this space would need to undertake a convoluted manoeuvre in order to access the space. In addition, space for manoeuvring would also be limited in the event of a vehicle being parked in the development's other car parking space.
21. By reason of this complicated manoeuvre, motorists leaving the site would not have sufficient visibility of other road users or pedestrians within the surrounding area. Therefore, a vehicle might leave the development at an inopportune time, which could cause conflict with other motorists or pedestrians and potentially erode highway safety.
22. In addition, visibility for motorists leaving the site would be further impeded by boundary treatments that might be installed at the proposed development. In

- addition, there would be a lamp post in proximity to the access, which would result in less visibility.
23. Whilst many of the nearby dwellings feature driveways, these have a different arrangement and layout to the scheme before me. In consequence, they do not have the same effects on highway safety. In consequence, the presence of driveways elsewhere does not enable me to disregard my previous concerns.
24. The proposed development would remove the possibility of the rear access being utilised by the occupiers of the existing dwelling. However, I note that there is an area of hardstanding in front of the existing house. On my site visit, I noted this being used for the parking of vehicles.
25. There is a reasonable separation distance between this area of hardstanding and the junction between Prestwick Drive and Rochford Road and the overall visibility to and from this area. Therefore, had I been minded to allow this appeal, I could have imposed a condition requiring the implementation and retention of a new dropped kerb. This would enable this space to be used for car parking throughout the life of the proposed development.
26. Whilst I have identified that appropriate car parking could be provided for the occupiers of the existing house, this does not overcome my previous concerns regarding the effect of the development upon highway safety.
27. I therefore conclude that the proposed development would result in an erosion of highway safety. The development, in this regard, would conflict with Policies TRA2 and TRA3 of the District Plan. These, amongst other matters, seek to ensure that new developments be acceptable in highway safety terms and that car parking should be integrated as a key element of design in order to ensure a good quality safe, secure and attractive environment.

Character and appearance

28. Despite the address of the appeal site, the proposed development would have a frontage onto Rochford Road. Dwellings in this road, whilst generally of two storeys, are a combination of semi-detached and detached houses. In addition, the existing dwellings feature several different design approaches, including projecting gables, different architectural details and some varying palettes of materials.
29. In consequence, the surrounding area can be defined as being reasonably varied. In result, the proposed development whilst being of a different design to the other houses in the vicinity, would be viewed against a backdrop of varied dwellings of different designs. In consequence, the proposed development would not appear unduly incongruous or strident.
30. In addition, the proposed dwelling would have a height that would be consistent with a significant number of other dwellings that are present within Prestwick Drive and Rochford Road. This would provide further assistance in enabling the proposed development to harmonise with its surroundings.
31. The proposed dwelling would be set further forward of the adjoining dwelling in Rochford Road. However, owing to the variety of house types in the surrounding area and the separation distances that would be involved, this arrangement would not be particularly jarring or discordant. In addition, had I been minded to allow this appeal, I could have imposed a condition covering

the materials from which the development would be constructed. This would also contribute to the proposed development harmonising with its surroundings.

32. The building's side elevations would be visible from a comparatively limited number of view points. In consequence, this view would not be prominent and would therefore not lead to a significant erosion of the area's character.
33. The proposed development would feature a garden to the side of the dwelling. A garden would also be retained to serve the existing house. These gardens, when combined, would provide a sufficiently sized area that would create a visual break between the dwellings in Prestwick Drive and Rochford Road. This would enable the delineation between the two streets to be maintained.
34. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DES4 of the District Plan. This policy, amongst other matters, seeks to ensure that new developments be of a high standard of design that promotes local distinctiveness.

Other Matters

35. My attention has been drawn to some other developments within the surrounding area. I have not been provided with the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that these dwellings are located in different locations, are constructed from different designs and have different relationships with other dwellings. Accordingly, these different circumstances mean that they are not directly applicable to the scheme before me. Therefore, the presence of development elsewhere does not allow me to disregard my previous conclusions.
36. My attention has been drawn to the Bishops Stortford Neighbourhood Plan. However, the Council's refusal reasons do not cite any specific policies from this document. I have also been directed towards adopted Development Plan policies that are relevant to the proposed scheme. I have assessed the proposed development against the requirements of these policies.
37. Whilst the proposed development would increase the supply of housing within the existing urban area, such benefits are limited by reason of the scale of the development. Furthermore, this is outweighed by the adverse effects to the living conditions of the occupiers of neighbouring properties; the lack of appropriate living conditions for the future occupiers of the development; and the adverse effects on highway safety, which would arise from the scale and layout of the proposed development.
38. It appears that no objections to the proposed development have been raised by the Bishops Stortford Town Council. Whilst this is a matter of note, it is only one of the matters that must be considered in assessing a proposal. In consequence, it does not outweigh the adverse effects as previously identified.

Planning Balance and Conclusion

39. Whilst I have found that the proposed development would not result in harm to the character and appearance of the surrounding area, this is outweighed by

the harm to the living conditions of the occupiers of neighbouring properties, the lack of appropriate living conditions for the future occupiers of the development and the effect on highway safety. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR