



Appeal Decision

Site Visit made on 16 February 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/J1915/W/20/3261158

Land adjacent to 208 Stortford Hall Park, Bishops Stortford CM23 5AS

- 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 D Harvey (Stortford Hall Property Limited) against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0962/FUL, dated 28 May 2020, was refused by notice dated 31 July 2020.
 - The development proposed is Erection of new attached dwelling in the side garden of 208 Stortford Hall Park. The development would provide a new three-bedroom, two-storey house with separate access, parking provision and a front and side garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The first reason for refusal on the Decision Notice (DN) refers to Policy HOU7 of the Council's Local Plan¹. However, I have not found against that policy as it relates to the accessibility and adaptation of homes, and neither the DN nor the Officer Report identify any concerns in respect of either matter. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are: -
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 210 Stortford Hall Park, with regard to outlook and privacy; and
 - whether suitable living conditions would be provided for future occupiers of the proposed house, with regard to the provision of internal space.

Reasons

Character and appearance

4. The appeal concerns the garden of a two-storey semi-detached house situated at a corner within Stortford Hall Park, a residential street typically characterised by staggered pairs of houses of generally consistent proportions and design. Each house is also set back from the street behind hard and soft landscaped frontages, which incorporate parking. Given its corner location, No 210 to the

¹ East Herts District Plan (Adopted October 2018).

southwest is separated from No 208 by the gardens of both houses. While these are enclosed by a low wall and clearly distinguishable from open amenity land, together with their planting, they form an important open and undeveloped gap between the houses. This softens the appearance of the street which is otherwise formed of a continuous built-up frontage of houses.

5. Despite part of the front and side garden being retained, the proposed house not projecting beyond the building line formed by the pairs of houses to either side and being aligned with the pair of houses opposite, its presence would nevertheless draw existing development closer together. Moreover, it would significantly erode the open, undeveloped and landscaped qualities of the space between the houses and the contribution it makes to the local distinctiveness of this part of the street.
6. The design of the proposed house would reflect elements of the existing pair of houses, but it would be noticeably wider than the existing adjoining houses and the other pairs of houses in the street. It would therefore appear at odds with the established visual characteristics of these properties and the wider street.
7. I am mindful that the proposal originally included parking to the front, the location of which altered to the side of the property to satisfy concerns regarding highway safety. I note that there are other examples of parking to the side of houses within the locality but the proposal would not follow the general pattern of parking arrangements found within the street. The presence of the parking in the gap between the houses would therefore add to the harm that would be caused to the character and appearance of the area.
8. I have had regard to the spaces between Nos 47 and 49 and to the south of the flats situated near to the junction with Church Manor. The former is occupied by garages and areas of hardstanding, so is not comparable with the appeal site, but the latter shares characteristics with the appeal site in that it softens the appearance of the flatted development within the street. Similarly, I have been referred to extensions built at Nos 35, 49 and 186 and a new dwelling alongside No 15. However, these relate to existing terraces of houses of varying extents, so would not be comparable with the appeal scheme before me for a house attached to a pair of houses.
9. For the reasons outlined above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area. Hence, the proposal would not accord with the design aims of Policies DES3 and DES4 of the Council's Local Plan.

Living conditions of occupiers of No 210

10. The appeal property and No 210 are arranged roughly at right angles to one another with a gap between. The side boundary of the rear garden of No 210 therefore abuts the rear garden of No 208. While the proposal would not be deeper than No 208, it would add considerably to the extent of built development and significantly close the gap between the houses, creating an enclosing effect, and would appear oppressive and unduly prominent in views from the conservatory and garden of No 210.
11. The proposal would introduce two additional windows at first floor that would face toward the garden and conservatory of No 210, the closest of which would serve a bathroom, so could be obscure glazed. The other window would be

directly alongside that serving a bedroom in No 208. While overlooking of the garden or conservatory would not be introduced from different vantage points, it would add to the feeling of occupants of No 210 being overlooked in these spaces. This would be of detriment to their living conditions.

12. I appreciate that part of the garden of No 210, between the boundary and its flank wall is narrow and a fence and some established planting is present along the boundary. However, the proposed development would be visible from and allow visibility of the garden of No 210 beyond this area. The existing screening would not therefore be sufficient to screen the harmful effects of the proposal and, in any event, the planting could not be relied upon in perpetuity.
13. In light of the above, I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 210 Stortford Hall Park, with regard to outlook and privacy. Hence, the proposal would not accord with Policy DES4 of the Council's Local Plan and paragraph 127 of the National Planning Policy Framework (the Framework), in respect of these matters.

Living conditions for future occupiers of the proposed house

14. The main parties agree that the floor area of Bedroom 2 within the proposed house would fall below the minimum requirements for a single bedroom, as described in the Government's Technical Housing Standards - Nationally Described Space Standards (NDSS).
15. Footnote 46 of the Framework advises that policies may make use of the NDSS, where the need for an internal space standard can be justified. Policy DES4 of the Council's Local Plan does not refer to internal space standards or compliance with the NDSS and I have not been referred to another policy which specifically does so. With this in mind, while the NDSS may provide a useful indication of what would constitute a reasonable size for bedrooms, it is not a policy requirement.
16. The accommodation in Bedroom 2 would include a cupboard above the bulkhead of the stairs leading to ground floor, so the room would not necessarily be spacious. However, the floor plan demonstrates that it would be similar in size to Room 3 in No 208 and that furniture could still be housed within it. The room would therefore not appear cramped and would form a usable and functional part of the overall living accommodation for future occupiers.
17. I therefore conclude that the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of internal space. Hence, the proposal would not conflict with aims of Policy DES4 of the Council's Local Plan in respect of the size and dimensions of rooms.

Other Matters

18. The appellant submitted the proposal following pre-application advice. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst I am mindful that this is not binding, in any event, I have considered the individual merits of the proposal afresh and any positive feedback given in respect of any matters does not warrant allowing this appeal.

Planning Balance

19. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
20. The appeal scheme would deliver a new three-bedroom house, which would be sustainably constructed and located, and could be built out relatively quickly in order to contribute to local and national housing targets. Despite these factors, given the scale of development proposed, the contribution to the supply of housing would be minor in its extent, so it would only be afforded limited weight.
21. I also recognise that the proposal could be said to make more efficient use of the site. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
22. The proposal would be compliant with the policies of the development plan in respect of the living conditions of future occupiers. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to character and appearance and living conditions of neighbouring occupiers.
23. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework.

Conclusion

24. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR