



## Appeal Decision

Site Visit made on 3 September 2020

**by S Thomas BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 April 2021**

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### **Appeal Ref: APP/J1915/W/19/3240279**

### **Land to North-east of Winchester Close, Bishop Stortford, CM23 4JQ**

- 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 Ser Contractor Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/1373/FUL, dated 28 June 2019, was refused by notice dated 24 September 2019.
  - The development proposed is erection of four bed detached house with garage and ancillary private space. Creation of new access and landscape works.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. During the course of the appeal the appellant submitted revised drawings which removed the footpath to the south of the proposed dwelling. Whilst third parties have not had the opportunity to comment, given the nature of the changes, I am satisfied that no party would be prejudiced by me taking these into account and therefore I have accepted these.

### **Main Issues**

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of neighbouring occupiers of Nos 51 and 52 Winchester Close and Nos 32-34 Ashdale.

### **Reasons**

#### *Character and Appearance*

4. The appeal site is an area of roughly triangular open space located to the rear of properties along Winchester Close and Ashdale. The open space provides a welcome visual break from the surrounding built form and contributes to the character of this residential area. The general character of dwellings within the immediate vicinity of the site are typically two storey red brick semi-detached dwellings with pitched roofs.
5. The proposed dwelling would visually intrude into this open space and would appear an awkward and fragmented form of development. This would be accentuated by the large catslide roof which would be uncharacteristic of the surrounding built form. Similarly, the proposed render finish would appear stark and out of character with surrounding brick properties. By virtue of the siting and design the proposed dwelling would jar with the surrounding built

form and would disrupt the open character of this green space. When viewed from the surrounding properties and footpaths the dwelling would appear a contrived an incongruous addition, intruding into this area of open space.

6. Whilst I acknowledge the proposed landscape improvement plan will provide some improvements to the remaining area of open space, this would not outweigh the harm the proposed development would cause to its open character.
7. The appellant has submitted an Open Space Assessment which they indicate demonstrates that adequate provision of open space in the locality would remain if the appeal site were developed. However, even if this was the case this would not alter my view that the proposal would result in harm to the character and appearance of the area.
8. For the reasons above, the proposal would be in conflict with Policy DES4 of the East Herts District Plan (2018) (District Plan). Amongst other matters this policy seeks to ensure that development proposals must be of a high standard of design and layout to reflect local distinctiveness. In addition, the policy states that proposals should respect or improve the character of the site and surrounding area in terms of scale, massing, siting, and layout having regard to the design opportunities and constraints of the site.

#### *Living Conditions*

9. The proposed dwelling would overlook the rear garden areas of surrounding properties. In respect of Nos 32-34 Ashdale, whilst there would remain sufficient distance between habitable windows, the dwelling would be sited in very close proximity to the rear boundaries of No 33 and 34 Ashdale. Given this relationship, the rear first floor bedroom windows of the proposed dwelling would lead to unacceptable levels of overlooking of the rear garden areas of these properties.
10. With regard to the relationship between the proposed dwelling and Nos 51 and 52 Winchester Close, there would be adequate separation distance to not result in a harmful effect on the occupiers of No 51. However, the bedroom window of the proposed dwelling would overlook the existing habitable room windows of No 52. The separation distance between these windows would be insufficient and would lead to an unacceptable level of overlooking. This would harm privacy for the occupiers of No 52.
11. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of Nos 33-34 Ashdale and No 52 Winchester Close with regard to privacy. Accordingly, the proposal would conflict with Policy DES4 of the District Plan. Amongst other matters, this policy seeks to ensure that development avoids significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensures that their environments are not harmed by inadequate privacy.

#### **Other Matters**

12. The Ministry of Housing, Communities and Local Government Housing Delivery Test results 2020 indicate that there is a positive increase in the Council's Housing delivery figures. Accordingly, this does not materially impact this appeal and Paragraph 11 of the National Planning Policy Framework (the Framework) is not engaged.

13. As the amended plans remove the footpath from the south of the site the proposal would not give rise to natural surveillance issues and would therefore be acceptable in this regard. Accordingly, there is no conflict with Policy DES5 of the District Plan and Paragraph 95 of the Framework. Nevertheless, this is not a matter on which the appeal turns.
14. I acknowledge the proposal would contribute to the area's housing stock; however, the proposal would provide only one additional dwelling. Accordingly, any benefits that might be associated with it would be very modest and would not outweigh the harm I have found to the area's character and appearance and to the living conditions of existing occupiers. Given this harm, the proposal would not comply with the policies of the development plan when taken as a whole.

**Conclusion**

15. For the above reasons, the appeal does not succeed.

*S Thomas*

INSPECTOR