



Appeal Decision

Site Visit made on 03 September 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/J1915/W/19/3240071

11 Chestnut Close, BISHOP'S STORTFORD, CM23 3SY

- 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 Mrs Sizeland against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1104/FUL, dated 28 May 2019, was refused by notice dated 16 September 2019.
 - The development proposed is described as erection of 1no. 3 bedroom house with associated parking. Land Adjacent To 11 Chestnut Close Bishops Stortford Hertfordshire CM23 3SY.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not contain a description of development. Therefore, the description of development in the banner above is taken from the Council's decision notice and that quoted by the appellant on the appeal form.
3. Following the recent publication of the Ministry of Housing, Communities and Local Government 2020 Housing Delivery Test (HDT), the parties have been given the opportunity to consider this in relation to the appeal. I deal with this matter in the body of my decision.

Main Issues

4. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area and (ii) the effect of the proposed development on the living conditions of the occupiers of No 11 Chestnut Close (No 11) with particular regard to outlook and daylight.

Reasons

Conservation Area (CA)

5. The appeal site forms part of the existing garden area to No 11, an end of terrace dwelling. There is a regular pattern of development along Chestnut Close. This is characterised by the rows of terraces and semi detached dwellings fronting a central island of green space before transitioning to the bungalows arranged around the larger area of green space. The gaps between the end of terrace dwellings and the bungalows together with the open spaces contribute to the spacious and open character of the street scene.

6. The site lies to the western boundary of the CA. The Bishop's Stortford Conservation Area Appraisal and Management Plan (2014) (CAA) indicates the character of this market town is informed by its medieval heritage and the diverse and high-quality built environment including open spaces contribute to the character and visual qualities of the CA. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the character and arrangement of the built form.
7. The dwelling would be sited to the side of No 11, currently occupied by the single storey side addition. Given the constrained nature of the plot, the proposed dwelling would be sited tight to the western boundary and in close proximity to No 11. Consequently, the dwelling would appear shoehorned onto the site and cramped within the plot. In addition, the two-storey dwelling would intrude into the visual gap between the terrace and the bungalows, disrupting the spacious character of the street scene.
8. Furthermore, given the proximity of the dwelling to the western boundary, the large flank wall would be dominant and imposing in views from the adjoining public footpath. Overall, the proposal would be prominent and would fail to respect the pattern of development along Chestnut Close. It would not integrate successfully amongst the surrounding built form and would appear out of place in the street scene. It would therefore detract from the character or appearance of the CA.
9. I therefore conclude that the proposal would fail to preserve the character or appearance of the CA. Whilst I find the harm to this designated heritage asset to be on the lower end of the less than substantial spectrum in this instance, it is nevertheless of considerable importance and weight. The National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and that great weight should be given to a designated heritage asset's conservation. Whilst the proposal would result in the provision of additional housing, which is a public benefit, it is only for one additional dwelling. Accordingly, the benefits associated with it would be very modest and would not outweigh the harm I have found to the character or appearance of the CA.
10. For the reasons above, the proposal would conflict with Policies DES4 and HA4 of the East Herts District Plan (2018) (District Plan). Together, amongst other matters these seek that development in a CA should preserve or enhance the special interest, character and appearance of the area, development should respect established building lines, layouts and pattern and be of a high standard of design and layout to reflect and promote local distinctiveness.

Living Conditions

11. The side elevation of the proposed dwelling would be sited in close proximity to the boundary with No 11. Given the setback nature of the dwelling beyond the rear elevation of No 11, it would create a large flank wall which would appear imposing and overbearing for the occupiers of No 11 in views from the closest habitable room windows and from their garden. Consequently, it would harm outlook for the occupiers of No 11. In addition, given the above, it would lead to considerable overshadowing and loss of daylight to these habitable room windows. Together, this would not provide a high standard of amenity for existing occupiers and the proposal would be unacceptable.

12. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of No 11 with regard to outlook and daylight. Accordingly, the proposal would conflict with Policy DES4 of the District Plan which 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 daylight.

Other Matters

13. The HDT results 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 Framework is not engaged.
14. I acknowledge a previous planning permission¹ for a similar scheme opposite the appeal site. However, from my observations on my site visit it appeared this was a larger and wider plot. Even if this is not the case the appeal site is more prominent being adjacent to a public footpath. Accordingly, it would result in a far more cramped and imposing effect in the street scene.
15. In any event, at the time of my visit this permission had not been implemented and was required to be commenced by 3 November 2020. Even if the permission has now been implemented, the scheme was approved under a previous development plan and therefore the planning circumstances are different. Accordingly, for the reasons above it does not persuade me the appeal proposal would be acceptable.
16. Given the harm to the character and appearance of the CA and to the living conditions of neighbouring occupiers, the proposal would not comply with the policies of the development plan when taken as a whole.

Conclusion

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

S Thomas

INSPECTOR

¹ 3/17/1951/FUL