
Appeal Decision

Site visit made on 30 November 2021

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/J1915/W/21/3275908

30-34 London Road, Sawbridgeworth CM21 9JS

- 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 Adam Tindall against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1951/FUL, dated 2 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is roof extension to form five new one bedroom flats including new external rear staircase.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Sawbridgeworth Conservation Area (the CA) and whether any harm to the significance of the CA is outbalanced by any public benefits;
 - the effects of the proposed development on the living conditions of future occupiers of the development and the existing and future occupiers of nearby properties, particularly with regard to light, outlook and privacy; and
 - the effects of the proposal on the Sawbridgeworth Air Quality Management Area.

Reasons

Effect on the Conservation Area

3. London Road is a busy, vibrant, mixed-use street within the CA, defined by a predominance of two to three storey buildings with retail and service uses on the ground floor and, in some cases, residential above. As it is characteristic of the surrounding area, the appeal site is a mixed-use block, currently occupied by commercial and retail uses on the ground floor and residential above.
4. The significance of the CA comes from its history, which dates backs to at least the 13th Century and from the historic buildings of many eras displayed within the CA. There are several listed buildings within the proximity of the site which

speak to the site's sensitive historic location, including the inns along London Road, which are a mark of the importance of this Road during the coaching era. The scale of London Road is domestic and this is reflected in the height and size of the buildings.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.
6. The appeal site, consisting of 30-34 London Road, is a two storey flat roof 1960's block which is at odds with the predominant built form within the vicinity of the site in terms of its overall form, size, design and general appearance.
7. The Appellant's Statement of Case mentions that, in considering how the proposal would blend into the surrounding area, an effort was made to mirror other nearby properties, namely King's Head Court on the opposite side of the road. The same statement goes on to say that the surrounding units are a mixture of mansard and pitched roofs and that by adding another floor as a mansard structure, the property would better integrate with the wider area.
8. In addition to creating a new mansard roof, the present proposal would also increase the height of the existing structure by 3 metres, resulting in a significantly taller and therefore more dominant building than the one which currently occupies the appeal site.
9. The dominance of the proposed structure within the street scene would be further emphasised by its prominent location within London Road and also by being relatively taller than the buildings located to either side of the appeal site, which would be, if the proposal were to be implemented, dwarfed by the new structure.
10. At present, the existing buildings on either side of the appeal site are of a similar height to that of the existing structure. This assists in minimising the impact of 30-34 London Road on the CA. The proposed 3 metre height increase would result in a building that would be taller, more prominent within the streetscape and one which would be at odds with the predominant built form within the immediate vicinity of the site, in terms of size and scale.
11. Although I accept that the proposal would better reflect the roof structure of existing nearby buildings, namely King's Head Court, the overall appearance and design of the building would remain dominated by its other 1960s architectural and design features, which would then be made more prominent within the streetscape due to the proposed increased in the height of the building.
12. For all the foregoing reasons, the proposed development would harm the significance of the CA by failing to preserve its character and appearance. The magnitude of this harm would be less than substantial in the term of the Framework. In these circumstances, the Framework requires that, were a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. No specific public benefits have been brought to my attention in relation to the proposed development, albeit I recognise there would be some benefits, for

instance, in terms of increasing and improving housing stock and some benefits to the local economy. However, as any such public benefits would be very modest given the reasonably small scale of the development, these would be substantially outweighed by the relatively significant harm arising, bearing in mind the importance and protection given to designated heritage assets by statute and national and local planning policy.

14. The proposal would not, therefore, preserve or enhance the character of appearance of the CA. Consequently, it would conflict with Policy DES4, which aims to ensure that all development proposals are of a high design standard and promote local distinctiveness, and HA4, which aims to ensure that new development preserve or enhance the special interest, character and appearance of conservation areas, of the East Herts District Plan (2018).

Living Conditions

15. The appeal site is located in close proximity to other buildings to the east and south of the appeal site. Concerns have been raised by the Council in relation to the impact of the proposed development on the living conditions of the occupants of nearby properties, particularly as to light, outlook and privacy.
16. The south elevation of the proposed mansard roof would include four new windows. To the east elevation, two new doors one new window would be included. In addition to this, a new external staircase would also be proposed to the east facing rear elevation of the building.
17. Having reviewed the evidence provided by the Appellant in support of the proposal, no assessment appears to have been carried out in relation to whether the development would affect the living conditions of the occupants of nearby properties, particularly in relation to light, outlook and privacy.
18. Considering the design of the proposal and its proximity to other buildings, I find that the living conditions of occupiers of nearby properties could be affected.
19. Not only would the proposed development increase the overall height of the building, which could potentially impact levels of light currently enjoyed by the occupiers of nearby properties and their outlook, but it would also lead to the construction of new windows, doors and an external staircase which could impact levels of privacy currently enjoyed by occupiers of nearby properties.
20. I therefore conclude that the proposed development could have a harmful impact on the living conditions of occupiers of nearby properties, particularly in relation to light, outlook and privacy. Consequently the proposal would be contrary to Policy DES4 of the East Herts District Plan (2018) which states that all development proposal are expected to ensure that the environment of the occupiers of neighbouring properties is not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.

Air Quality Management Area

21. The appeal site is located within the Sawbridgeworth Air Quality Management Area (SAQMA), which was declared as a result of the exceedance of the annual mean objectives for Nitrogen Dioxide.

22. Policy EQ4 of the East Herts District Plan (2018) states that all applications should take account of the Council's air quality planning guidance which details when an air quality assessment is required. The Policy also states that all developments should include measures to minimise air quality impact and should incorporate best practice in the design, construction and operation of all developments.
23. Although the Appellant acknowledges that the appeal site is located within the SAQMA, an Air Quality Assessment has not been submitted as required by Policy EQ4. The Appellant also states that the development would lead to a net decrease in traffic as one of the available parking spaces would be used for cycling and bin storage. Therefore, additional emissions would not be created from the proposal because as no further parking would be provided. This, coupled with the classification of the development as minor C3 residential, would mean that no mitigation would be required.
24. Even if I were to accept this to be the case, Policy EQ4 does still state that best practice measures during the construction phase of the development should be considered as part of an air quality assessment. In the absence of such an assessment, I cannot be assured that the construction of the development would not have a detrimental effect on the SAQMA or its objectives, which could potentially be mitigated against.
25. Furthermore, I am also aided by the comments made by the Environmental Health Department which highlight the need to consider the creation of a street canyon effect which could exacerbate air pollution levels in the SAQMA.
26. In conclusion, the proposal could have a detrimental impact on the SAQMA and consequently be contrary to Policy EQ4 which aims to ensure that proposal take into account the Council's Air Quality Planning Guidance Document and that development does not lead to a breach or worsening of a breach of an Air Quality objective.

Other Matters

27. The Conservation and Urban Design Advice confirms that the building sits on a visually prominent corner with Bell Street which contains a number of listed buildings including eight Grade II Listed Buildings, namely the White Lion Hotel, The Pharmacy, The Elms Health Centre, The Chantry, The Barbary, Summer House at the rear of garden of No 9, Groves House and 53 London Road.
28. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting.
29. Limited information has been provided in order to establish the significance of the heritage assets, including its setting. Nevertheless, it appears to me that the significance of these assets is linked to their historical importance to the town of Sawbridgeworth, particularly as the medieval core of the town was defined by Bell Street, Knight Street, and Church Street.
30. Paragraph 194 of the Framework states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 192 also states that local planning authorities should maintain or have access to a historic

environment record that should contain up-to-date evidence about the historic environment.

31. Considering the prominent location of the appeal site, the design of the proposed development and its proximity to the previously mentioned heritage assets, depending on the significance of their setting, the proposed development could, potentially, have a direct and harmful effect on their significance.
32. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter.

Conclusion

33. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR