



Appeal Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2022

Appeal Ref: APP/J1915/W/21/3279322

11, 13, 15 London Road, Sawbridgeworth CM21 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Geoffrey Hewson of Swayprime Ltd against East Hertfordshire District Council.
 - The application Ref 3/21/0539/FUL, is dated 24 February 2021.
 - The development proposed is creation of a crossover to the newly levelled parking area and 2 off-street parking spaces for the 11, 13 and 15 London Rd properties.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Hoskins against Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There is dispute between the main parties as to whether the appeal site is within the Sawbridgeworth Conservation Area (CA). However, contrary to a previous appeal decision¹ the map provided clearly shows the appeal site outside the boundary of the CA and I shall consider the appeal on this basis.
4. It is not in dispute that the development has been carried out. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

Main Issues

5. The main issues are the effect of the proposed development on; the character and appearance of the area including with respect to the setting of the CA, and highway safety.

Reasons

Character and Appearance

6. The appeal site is opposite the properties on the corner of London Road and Springhall Road and close to properties on London Road beyond Maylins Drive which are within the CA. Therefore, there is a visual relationship between 11-

¹ APP/J1915/W/19/3243572

- 15 London Road and the CA. As such the appeal site forms part of the surroundings from which the heritage asset is experienced.
7. Sawbridgeworth Conservation Area appears to be characterised, as a whole, by the historic layout and buildings associated with Sawbridgeworth town centre. The part of the CA close to the appeal site includes traditional residential properties peripheral to the centre. Although their detailing varies, characteristics in common include planting to front gardens and front boundaries. This arrangement provides a soft landscaped separation between the buildings and the road and a shared front boundary appearance which appear to be part of the historic pattern of development in this area. These elements therefore make a positive contribution to the significance of the CA.
 8. Outside the CA this part of London Road, including the terrace that the appeal site is part of, shares the attractive characteristics of dwellings being mainly set back from the street with landscaped front gardens and boundaries which generally include some planting. Furthermore, the road has a noticeable incline and therefore changes in levels within and between plots are also an important part of this area. At 11-15 London Road properties are at a lower level than the road and this increases along the row, with 15 having the greatest difference. Some front gardens have been hard surfaced, although these are uncommon and do not form an overriding feature of the area.
 9. The car parking area results in a large area of hard surfacing spanning the frontage of three properties. This is a stark urban feature, harmful to the soft landscaped pattern of development to front gardens in a conspicuous location.
 10. The land has been raised up to road level. This increases the prominence of this incongruous feature, as well as creating stepped gardens which undermine the sunken appearance of these gardens and consequently detracts from the characteristic topography in this location.
 11. The inclusion of black painted metal railings as boundary treatment would be similar to that found nearby. However, the size of the planting area would limit the extent of the boundary landscaping that could be provided. Consequently, this would remain discordant with the boundary treatment in this area and would be unlikely to provide screening to the extent that the hardstanding would not be visible.
 12. The proposed development is seen in views towards and from within the CA. It is a visually jarring disruption to the prevalent front boundary and front garden treatment in this area within and outside the CA boundary, which contributes to the significance of the CA. This inappropriate feature is therefore harmful to the setting of the CA.
 13. The suggested change of material to permeable paving allowing wildflowers to grow through, would reduce issues with gravel spilling onto the road. However, taking into account the proposed use, it is unlikely that any planting would be sufficient to create a soft landscaped appearance. As such this does not overcome the harm identified above.
 14. Therefore, the proposed development would have a harmful effect on the character and appearance of the area including the setting of the CA. As such, in this respect, it would be contrary to policies HOU11, DES4 and HA4 of the East Herts District Plan 2018. Together these require all new development

including works within residential curtilages to be of a high standard of design, to respect the character of the surrounding area, including with particular regard to landscaping and to preserve or enhance the setting of the CA.

15. Policy DES2, in the main, refers to the character or distinctive features of the district's landscape. As such, the policies set out above are more relevant to this main issue.

Highway Safety

16. The proposed plan shows two car parking spaces with the remainder of the hard surface area available for manoeuvres. A condition could be attached which would require that this layout is maintained. On this basis I see no reason why cars could not safely enter and exit the site in a forward gear.

17. London Road is a busy main road and the formation of a new access in this location would be contrary to the advice in Policy 5F of the Local Transport Plan (May 2018) (LTP) which requires that special circumstances should be demonstrated for a new access in this location. There are a limited number of movements associated with vehicles entering and exiting two residential parking spaces in a forward gear. This is an important main road, however it has not been demonstrated that, in these circumstances, the development is harmful to highway safety.

18. Therefore, the proposed development would not have a harmful effect on highway safety. As such it would not be contrary to development plan Policies DES4, TRA2 and TRA3 of the East Herts District Plan 2018. Together these seek a high standard of design and safe car parking arrangements which are acceptable in highway safety terms.

19. Policy HOU11 mainly relates to the design and character of the dwelling and therefore the policies set out above are more relevant to this main issue.

Conclusion

20. Whilst I do not find harm with regard to highway safety, this is a neutral factor. This does not, therefore, overcome the public and permanent harm to the character and appearance of the area including the setting of the CA, identified above.

21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR