



Appeal Decision

Site visit made on 9 August 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/J1915/W/21/3289434

1 Bullfields, Sawbridgeworth CM21 9DB

- 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 S Allan against the decision of East Herts Council.
 - The application Ref 3/21/0777/FUL, dated 23 March 2021, was refused by notice dated 27 August 2021.
 - The proposed development is demolition of existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling house and erection of four 2 bed flats with dedicated refuse and cycle storage provision, parking provision for four vehicles and associated outside amenity space in accordance with the terms of application ref: 3/21/0777/FUL dated 23 March 2021 and subject to the conditions set out in the Annex attached to this decision.

Main Issue

2. The main issue is the effect on the character and appearance of the street scene and wider area including the adjoining Sawbridgeworth Conservation Area.

Reasons

3. The appeal site lies at the southern end of Bullfields close to its junction with Station Road. It is long and narrow in shape with a single storey detached dwelling located at the far western end set back some distance from the road frontage behind parking and garden areas.
4. Bullfields is predominantly residential although the appeal site is adjoined to the north by a funeral directors premises. To the south the adjoining properties front Station Road, which contains a mixture of properties and uses. Nos. 15 and 17 comprise a pair of listed semi-detached cottages; these are adjoined by the fire station which is located to the south of the appeal site, adjoining about two thirds of the common boundary. The remaining boundary to the west is adjoined by garden areas, with a social club, which also fronts Station Road, to the southwest. These properties to the south of the site lie on higher ground. Residential properties in Walnut Tree Crescent lie to the north and northwest.
5. The Sawbridgeworth Conservation Area boundary is contiguous with part of the southern boundary of the appeal site and incorporates the listed cottages on

the corner of Station Road and Bullfields as well as the adjoining fire station yard. That part of the conservation area within the vicinity of the appeal site is of varied character and appearance with predominantly smaller terraced properties along Station Road to the south of the appeal site with more variation in size and layout in the area around the junction with Bullfields which has a pleasant open green area on its eastern side.

6. The proposal would comprise a two storey building set back from the Bullfields road frontage behind a small parking area. The front section of the building would occupy most of the width of the site and would resemble a detached dwelling with a hipped roof. A narrower long, rear 'wing' set towards the southern boundary would extend a substantial depth towards the rear, western boundary of the site with garden areas to the rear and on the northern side of the rear wing.
7. The adjoining funeral directors comprises a substantial one storey building with low eaves and front gable end facing the road and side dormers within a steeply sloping pitched roof. The proposal would be sited further back into the site behind the notional 'building line' formed by the funeral directors building and the adjoining properties further to the north. It would also be sited much further back from the Bullfields frontage in relation to the listed cottage to the south, the side elevation of which abuts the pavement edge along Bullfields. It would be only marginally higher than the ridge height of the funeral directors building and at a lower level than the properties to the south. As such, despite its full two storey height, the proposed building would not appear overly prominent in the street scene of Bullfields nor would it appear dominating in relation to surrounding buildings.
8. Whilst the bulk and depth of the building extending towards the rear of the site would be visible from Bullfields it would be more readily apparent in views from Station Road where it would be visible above the rear boundary fence of the adjoining fire station. There is a large open forecourt area to the side of the buildings on the fire station site through which the upper side elevation of the existing funeral directors building can be seen.
9. Given that the proposed building would be at the same level as the funeral directors, only the upper level and roof would be likely to be visible above the fence which marks the rear boundary of the fire station site. It would be quite close to this boundary such that there would be no space for any planting. Whilst this side wall with hipped roof over would present a lengthy elevation in this view, it would be partly 'hidden' behind the building on the fire station site and the articulated roof form, with lower central 'link' element, would provide some interest and assist in reducing the visual impact of the building. Given these factors and that it would be set back some distance from the Station Road frontage it would not appear prominently in this street scene.
10. In terms of proximity to boundaries, whilst the building would be sited close to the southern boundary it would mostly adjoin the open areas to the rear of the fire station site. The distance to the other side boundary would be more generous, particularly to the rear of the site but not such as to result in any harmful impact on the street scene. The pattern and layout of adjoining buildings is varied with only small gaps maintained to the side boundaries of the bungalow to the north of the funeral directors, with the latter having wider gaps to side boundaries. The open area retained to the front of the appeal site

would allow for some tree planting to be introduced thus maintaining a feeling of openness in the streetscene and further planting to the rear would provide some screening in views from this aspect. In these circumstances I do not consider that the development would appear cramped within the street scene nor would it be an overdevelopment of the site.

11. Overall, for the above reasons, I consider that the proposed building would sit comfortably on the site and within the wider street scenes of both Bullfields and Station Road. It would not have a harmful impact on the character or appearance of the wider site surroundings. In addition, it would preserve the character and appearance of the adjoining Sawbridgeworth Conservation Area and the setting of the listed buildings at Nos. 15 and 17 Station Road. It would thereby accord with Policies DES4, HOU2 and HA4 of the East Herts District Plan (2018) (DP) which seek a high standard of design and layout that promotes local distinctiveness and makes best possible use of available land by respecting the character of the site and surrounding area. They also seek to ensure that development preserves or enhances the special interest, character and appearance of the area by amongst other things, respecting established layouts and patterns and be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area.
12. DP Policy HOU11 is cited in the Council's decision notice but as this relates to extensions and alterations to dwellings it seems to me that it is not relevant.
13. I also find no conflict with the policies of the National Planning Policy Framework (the Framework) that seek well designed places that function well and are sympathetic to local character. In terms of the impact on heritage assets, I find that no harm would arise and the significance of the heritage assets affected would be conserved in a manner appropriate to their significance.

Other Matters

14. The Council concluded that there would be no adverse impact on the living conditions of the occupiers of neighbouring properties. However, I note that the occupiers themselves remain concerned with regard to loss of privacy and light and the potential overbearing nature of the development. I have had regard to the information, including photos, provided in this respect and have taken into account the distances maintained and relationships that would arise as a result of the appeal proposal on my site visit. Whilst I did not enter any of these adjoining properties, I consider that there was sufficient information to assess the impact.
15. The proposed building would be located some distance to the south of the dwellings in Walnut Tree Crescent which lie to the north of the appeal site. In the case of No. 14, it would be separated from it by the funeral directors site albeit the rear part of the building would be visible from this and other properties. However, taking into account the separation distances and the relative position and orientation of the building on the appeal site itself, being to the south and set away from the northern and western boundaries, no significant overbearing impact or loss of light would be introduced. With regard to possible overlooking, I note that there would be first floor windows in the north and west elevations which would face towards these properties. However, taking into account the distance of the building from the site boundaries and the opportunity for some screen planting to be introduced,

together with the overall separation distances from these existing properties, I consider that there would be no unacceptable loss of privacy.

16. In relation to Nos. 15 & 17 Station Road, the proposed building would be set back into the site such that only oblique / angled views would be obtained from first floor windows. Whilst the building would be closer to these properties, the separation distance and would also be sufficient so as to avoid any unacceptable impact on outlook.
17. I therefore concur with the Council on this matter and consider that the living conditions of the occupiers of adjoining and nearby properties would not be harmfully impacted.
18. A number of residents have also expressed concern regarding the level of parking provision, particularly in the context of apparent high levels of on street parking in the vicinity of the site. However, I note that the proposed provision meets the Council's standards and I consider that it would be satisfactory bearing in mind the accessible location of the site.

Conclusions

19. The Council has suggested a number of conditions which I have reviewed taking into account the 'tests' set out in paragraphs 55 and 56 of the Framework. A condition to relate to the approved plans is necessary for the avoidance of doubt. Conditions to require details of materials and landscaping are necessary in the interests of the environment and to preserve the character of the conservation area.
20. A condition to secure the provision of suitable car and cycle parking, as well as bin storage areas, is necessary to ensure that the development is adequately served in this regard and does not impact unacceptably on the highway. Conditions are also suggested to ensure appropriate noise levels are maintained and the impact on air quality and use of natural resources within the development is minimised. These are necessary to provide a suitable living environment for the occupants and to ensure that the development responds appropriately to climate change in accordance with local and national policy.
21. A number of conditions are suggested relating to the construction phase of the development. These are necessary to minimise the impact of the development on the amenity of the surrounding area, but in the interests of clarity, I have amalgamated these requirements into a condition to require a construction management plan. A separate condition to control hours of construction works is appropriate and necessary in the interests of the amenity of neighbouring residential properties.
22. Subject to the above conditions, and for the reasons set out, I find that the proposal would accord with the development plan and there are no material considerations that indicate a decision otherwise.
23. I therefore conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR

Annex: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) This development hereby permitted shall be carried out in accordance with the following approved plans: location plan (1:1250); block plan (1:500); BAS223-101A (proposed site plan); BAS223-102 (proposed floor plans); BAS223-103 (proposed elevations); BAS223-104 (proposed elevations); BAS223-105 (proposed elevations); BAS223-106a (proposed floor / elevations); BAS223-107 (proposed floor / elevations).
- 3) Prior to commencement of the proposed development, a noise assessment shall be submitted to the Council for approval of external noise levels, including reflected and re-radiated noise, and details of the sound insulation of the building envelope and of acoustically attenuated mechanical ventilation as necessary to achieve the internal room and external space amenity noise standards in accordance with the criteria of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The approved details shall be implemented prior to occupation of the flat to which it relates and thereafter be permanently retained.
- 4) No above ground works shall commence until details to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 5) No above ground works shall commence until details / samples of the materials to be used in the external construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) No above ground works shall commence until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Planting plans (c) Schedules of plants, noting species, to include those to encourage wildlife, planting sizes and proposed numbers/densities where appropriate. The approved scheme shall be implemented within the first planting season following completion of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
- 7) None of the flats hereby permitted shall be occupied until the bicycle and bin / recycling storage facilities, parking spaces and vehicle manoeuvring areas clear of the public highway as indicated on the approved plan BAS223-101A have been provided. As part of that provision, the areas used by vehicles shall be surfaced in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include means to ensure that surface water from the site is intercepted and disposed of separately so that it does not discharge onto the highway. These areas shall thereafter be retained as such to serve the development.

- 8) No flat hereby permitted shall be occupied until an electric vehicle charging point has been provided to serve that unit in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 9) Site demolition, preparation and construction and all associated works, including the operation of plant or machinery, shall not take place before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 10) The construction of the development shall be undertaken in accordance with a construction management scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
 - a) Measures to ensure that vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway,
 - b) Details of person(s) and contact details to enable residents to make contact during construction works.
 - c) Details of how construction waste is to be contained on site and removed / disposed of.
- 11) The development hereby approved shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying each dwelling will not exceed 110 litres per person per day as measured in accordance with the latest methodology approved by the Secretary of State. The dwelling shall not be occupied unless the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the Local Planning Authority.
- 12) Any gas-fired boilers installed shall meet a minimum standard of <40 mgNO_x/kWh.