
Appeal Decision

Site visit made on 5 January 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20.02.2024

Appeal Reference: APP/J1915/W/23/3321931

Land at 49 London Road, Bishops Stortford, Hertfordshire CM23 5NA

- 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. J. Sayed against the decision of East Herts Council.
 - The application (reference 3/22/2660/FUL, dated 3 January 2023) was refused by notice dated 28 February 2023
 - The development proposed is described in the application form as follows: "demolition of existing single storey, three bedroom dwelling and replacement with two four bedroom dwellings".
-

Decision

1. The appeal is dismissed.

Main issues

2. There are three main issues in this appeal. The first is the effect of the proposed development on the character and appearance and its surroundings. Related to that issue, it is necessary to consider whether the scheme would make adequate on-site car parking provision. The third main issue is the effect of the proposed development on biodiversity.

Reasons

3. London Road (the A1060) is a busy through route in Bishops Stortford and the appeal site is located near to the centre of the town, opposite the junction of London Road and Station Road. The appeal site is easily accessible to local jobs and services as well as to public transport links, including the main line railway station.
4. Number 49 is located on the eastern frontage of London Road, between Grange Road and Warwick Road. This frontage and the side roads are essentially residential in character, while the western frontage of London Road is primarily non-residential, with a large supermarket at the corner of London Road and Station Road.
5. The dwellings on this part of the eastern frontage of London Road are mixed in character, including two-storey houses as well as the single-storey dwelling on the appeal site. These sites are closely built up and at a higher level than the

highway, while the pedestrian footpath is rather narrow. Even so, the dwellings are set back from their front boundaries and they do not excessively dominate the road.

6. The dwelling at number 49 London Road is a modest bungalow with a tiled roof above rendered walls, set back from the road. The front garden is screened by a high front hedge and is reached from the road by a flight of steps. The back garden is mainly laid to grass, with a paved terrace and a small outbuilding. The properties on either side are significantly larger, two-storey semi-detached houses.
7. It is now proposed that the existing single storey dwelling should be demolished and replaced with a pair of semi-detached dwellings with accommodation on three floors.
8. A revised version of the National Planning Policy Framework was published in December 2023 and it has been taken into account in this appeal. It encourages the construction of new homes, in principle, subject to other planning considerations of course.
9. Thus, the 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes the provision of good standards of accommodation.
10. Policies in the Development Plan also identify the need for new housing, while seeking to achieve high standards of design. In particular, Policy DES4 of the 'East Herts District Plan' (dated 2018), and Policies HDP1, HDP2 and HDP3 of the 'Neighbourhood Plan for All Saints, Central, South and part of Thorley (First Revision)' emphasise the importance of achieving a high standard of design. It is also recognised that higher densities may be appropriate, however, in order to make efficient use of land.
11. The 'National Planning Policy Framework' also states that new developments should function well. It promotes sustainable transport (at Section 9) and recognises that parking standards need to be flexibly applied, taking account of specific site considerations.
12. Policy TRA3 of the 'District Plan' and Policy TP8 of the 'Neighbourhood Plan' are concerned with residential parking provision but it is recognised that the need for on-site parking provision in relation to development proposals can be assessed on a site-specific basis, taking into account the provisions of the District Council's Supplementary Planning Document (entitled 'Vehicle Parking Provision at New Development').
13. In Section 15, the 'National Planning Policy Framework' sets out the need for planning policies and decisions to contribute to and enhance the natural and local environment. Similarly, Policy NE3 of the 'District Plan' has the aim of seeking to enhance biodiversity and to create opportunities for wildlife.

14. The proposed new semi-detached houses would create a bulky building on the appeal site, with three-storey elevations to the main road and their back gardens. The building would have a considerable depth and mass on the site and would include an area of flat roof to create space for accommodation on the second floor. The footprint of the new building would be only a little larger than that of the existing bungalow but the building would be much larger in scale and bulkier than others nearby.
15. On the other hand, the architectural style of the new building would not be out of keeping with the surroundings. Moreover, although I have noted that the Bishops Stortford Conservation Area covers land to the east, west and north of the appeal site (without covering the appeal site itself), the scheme would not have a materially harmful impact on the character or appearance of the Conservation Area.
16. Nevertheless, the scale and dominance of the new pair of semi-detached houses would be excessive on the site, in my view. The new building would not be in harmony with the surroundings in London Road and it would be intrusive in the streetscene. I have formed the opinion that it would amount to an overdevelopment of the site.
17. Turning to the second main issue, I acknowledge that the site is well located in relation to local facilities and public transport connections. I am also aware that it could be difficult to achieve a safe and practical access for on-site parking, due to the ground levels and the nature of London Road. Even so, I am conscious that the project would generate two large four-bedroom houses and I have concluded that the scheme would also add unacceptably to parking pressures in the vicinity. This issue reinforces concerns about the scale of the proposed development, therefore.
18. The Council have also argued that insufficient information has been provided to clarify the effect of the proposals on biodiversity. Nonetheless, I have noted that the existing plot has little obvious biodiversity potential, in view of its small size and its nature, and I accept that this issue could have been dealt with adequately by the imposition of suitable conditions, if there had been no other objections.
19. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a small but useful addition to the provision of housing within the urban area. I am conscious that in this appeal the Council's failure to achieve its housing targets is an important consideration and, based on the evidence that has been submitted, I consider that a "tilted balance" should apply in the decision-making.
20. Nevertheless, I am convinced that the benefits of the proposals are significantly and demonstrably outweighed by the harm that would be done to the character and appearance of the surroundings, combined with the lack of parking provision for a scheme of this scale.
21. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that

have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR