
Appeal Decision

Site visit made on 29 May 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/J1915/W/23/3325473

21A Knight Street, Sawbridgeworth CM21 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs P Passfield against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2159/FUL.
 - The development proposed is the conversion of a garage/outbuilding to one 1 bedroom detached two-storey dwelling, alterations to fenestration and openings, the addition of new windows and installation of air source heat pump and photovoltaic roof panels.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a garage/outbuilding to one 1 bedroom detached two-storey dwelling, alterations to fenestration and openings, the addition of new windows and installation of air source heat pump and photovoltaic roof panels at 21A Knight Street, Sawbridgeworth CM21 9AT in accordance with the terms of the application, Ref 3/22/2159/FUL and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the Sawbridgeworth Conservation Area (the CA);
 - the living conditions of the occupiers of 33 The Forebury (No 33), 21 Knight Street (No 21) and The Coach House, with particular regard to privacy; and,
 - the living conditions of future occupiers of the proposed development, with particular regard to outlook and natural light.

Reasons

Character and appearance

3. The appeal site is within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The CA boundaries encompass the medieval core of Sawbridgeworth, concentrated on the historic streets and spaces that converge at The Square. The special interest of the CA lies within its combination of historic buildings,

many of which are listed, its street pattern, and its townscape, which have evolved over many centuries. The character and appearance of the CA as a whole is contributed to positively by the rich variety of vernacular buildings, legibility of historic plot layouts, open spaces, trees and watercourses.

5. The appeal site comprises a relatively narrow, long plot that extends away from The Forebury, behind properties on Knight Street. The CA boundary runs alongside the appeal site and excludes the north side of The Forebury beyond it. The prevailing development pattern on Knight Street is defined by a fairly regular building line, with dwellings set forward in the plot. The plot rhythm and development pattern along The Forebury is less well defined and indicative of the mid-20th century expansion to the town that is identified within The Sawbridgeworth Conservation Area Appraisal (2014) (CA Appraisal).
6. The appeal site entrance is opposite a substantial and prominent flat-roofed school building, running parallel to the pavement, cited within the CA Appraisal as having a negative effect on the character of the CA. The corner plot between The Forebury and Knight Street, and adjacent to the appeal site entrance, is occupied by a relatively modern dwelling. On the opposite side of the appeal site's access, and outside of the CA boundary is an electricity substation enclosed by utilitarian metal security fencing forward of No 33.
7. Therefore, while the appeal site lies within the CA boundaries, it is located where the built form, street form and legibility of historic plot layouts has been subject to change in the 20th century. The character and appearance of the area today is defined by an unfussy, municipal feel entirely distinct from the historic charm of Knight Street. Therefore, apart from being indicative of the town's evolution in the 20th century, the appeal site itself contributes little to the significance and special interest of the CA as a whole.
8. At the far end of the appeal site is a detached, pitched roof building used as a domestic garage, store, and office. The extant structure is set well back from the highway which, along with the modest height and unassuming character, gives it a discreet presence. Though it is of little architectural interest, within the wider context of a library, a local hall, and car parking it is not harmfully out of place in the context of 20th century form and functional use and character. Therefore, the existing garage makes a neutral contribution to the character and appearance of the CA as a whole.
9. The appeal proposal would extend the garage building by some five metres, with the further addition of an entrance porch beyond that. The main body of the extension would incorporate external timber cladding on the elevations, but otherwise form a seamless continuation of the existing building in terms of external materials, height, shape and form.
10. In combination with the continuity of shape and form, the proposed south elevation would feature 'crittall' style fenestration and good quality materials that would not replicate but respect more traditional buildings in the CA and retain a modest, unassuming character. Therefore, while the plot width would be comparatively narrow, the proposed dwelling would not be harmfully out of place or uncharacteristic in the context of the residential uses found elsewhere in the locality.
11. The distance between the building and the road would remain significant, and the extended part of the building would be largely obscured from view by No

33, and new boundary fencing. Overall, I do not consider the proposal to result in an incongruous addition to the area. Rather, the proposal would ensure the proposed dwelling would maintain a discreet presence as viewed from the street, be of an appropriate scale, density, and good quality design, and would preserve the character and appearance of the CA as a whole.

12. Overall, the proposed development would respect and not cause harm to the character and appearance of the area or the CA. It follows that there would be no conflict with the statutory presumption under Section 72 of the Act.
13. The proposal also accords with Policies HOU2, DES4 and HA4 of the East Herts District Plan (2018) (the District Plan). Amongst other things, these policies seek to ensure new development and extensions to existing buildings in Conservation Areas will be permitted provided they preserve or enhance the special interest, character and appearance of the area; requires housing development make efficient use of land informed by the character of the local area; and make the best use of the available land by respecting the character of the site and surrounding area.
14. Whilst not cited in the Council reason for refusal, I have been provided with District Plan Policy HA1. For the same reasons set out above, the proposal would accord with this policy, which seeks to ensure development proposals preserve and where appropriate enhance the historic environment. As I have not found any harm in respect of the CA as a designated heritage asset, there would be no conflict with the and the historic environment protection policies of the National Planning Policy Framework (the Framework).

Privacy

15. The proposal incorporates five new windows at ground floor level, each utilising obscure glazing, along with the retention of two existing rooflights facing towards No 33.
16. The ground floor windows would partly protrude above the current boundary fencing, and be visible to occupiers of No 33, No 21 and The Coach House. The use of obscure glazing in the ground floor windows, as proposed, would prevent any overlooking of neighbouring properties and no harm would be caused in that regard, therefore.
17. I recognise that there may be some perception of overlooking related to the ground floor windows, particularly when both the windows and the residential use of the appeal building are new. In the first instance, the perception of being overlooked would be mitigated by the partial concealment of the windows behind fencing. Thereafter, casual examination by occupiers of neighbouring homes would confirm the windows to be obscure glazed, easing any sense of being overlooked.
18. For these reasons, and as there would be no actual overlooking from the ground floor windows, I consider that any perception of overlooking would abate over time and at no point cause harm to the living conditions of occupiers of No 33, No 21 and The Coach House. The proposals are acceptable in that respect, therefore.
19. The existing upper floor rooflights serve a comfortable office/storage space, which has the potential for regular use. The rooflights are top-hung, and whether opened or not, allow overlooking of the house and garden at No 33.

20. The appeal proposal involves using the upper floor of the appeal property as a bedroom, which would significantly increase the likelihood and frequency of overlooking. Rendering the rooflights obscure-glazed and non-opening would prohibit overlooking and constitute an improvement on the current arrangement. Subject to the imposition of suitably worded conditions, the proposed development would not lead to a harmful loss of privacy over and above the existing situation.
21. For the above reasons, I conclude that the proposals would not have a harmful effect on living conditions for occupiers of No 33, No 21, and The Coach House, with particular regard to privacy. Accordingly, I find no conflict with Policy DES4 of the District Plan, which requires development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensure that their environments are not harmed by inadequate privacy, and no conflict with the similar aims of the Framework.

Outlook and light

22. The proposed dwelling would incorporate a predominantly glazed, south-facing façade leading out onto a private garden. Occupiers of the main living areas would have a pleasant outlook towards the garden which, as a result of the large, glazed openings, would be constantly visible. This would create a sense of connection between house and garden, enhanced further by the use of bifold doors between the two spaces.
23. The south elevation would incorporate substantial first floor windows, level with the bedroom. The bedroom would be separated from these windows by an atrium, and then a section of internal glazing; It is not proposed that this be obscure-glazed or fixed shut, only that it incorporate privacy blinds.
24. This arrangement would provide a pleasant outlook from the bedroom, affording a raised view of the double-height living area and vaulted ceiling within the property, as well as a view over the garden, and across treetops towards the local church spire.
25. The quality of southward vistas would be sufficiently high that views from the existing first-floor rooflights are not required for the bedroom to have acceptable levels of outlook, overall. To my mind the proposed development could be made acceptable if conditions were imposed that ensured these rooflights were obscure-glazed, and fixed shut to the degree necessary, in the interests of privacy, therefore.
26. The extent of glazing in the south elevation, combined with the southward orientation of the building, would result in significant natural light to the main living areas of the proposed dwelling during the day. The separation distance between the appeal site and the homes at 21a and 23 Knight Street is such that the proposed dwelling would enjoy evening sunlight to a significant degree as well.
27. The parts of the dwelling furthest from the south-facing glazing would receive less natural light from that source but would be served by new ground floor windows which would provide adequate natural light to those areas. The ground floor windows do not provide a view, but this is acceptable given they serve either bathrooms and storage areas or, in the case of the furthest part of the

kitchen dining area, a space well-served in terms of outlook by the main glazing onto the garden.

28. As described above, the rooflights in the upper floor facilitate some overlooking of No 33 which would likely increase in frequency as a result of the proposed development. However, if the proposed rooflights were obscure-glazed and fixed shut as necessary, which could be controlled by suitably worded conditions, I am satisfied that there would be no harmful loss of privacy for the occupiers of No 33. Otherwise, the rooflights would assist in providing natural light to the bedroom, in combination with the internal and south-facing glazing.
29. For the above reasons, I conclude that the proposals would provide acceptable living conditions for future occupants of the proposed dwelling. Accordingly, I find no conflict with Policy DES4 of the District Plan, which requires development to incorporate high standards of design, and no conflict with the similar aims of the Framework.

Other Matters

30. I acknowledge concerns raised in response to the planning application as to the accuracy of the site boundary shown on the submitted plans. Disputes over land ownership are a private matter and have not formed part of my assessment. My determination is based on the plans that were before the Council and upon which it based its decision.

Conditions

31. The Council has suggested a number of conditions in the event that I am minded to allow the appeal. Notwithstanding the appellants have not raised any issue with the Council's conditions, I have considered them against the tests under paragraph 56 of the Framework, and the Planning Practice Guidance. In some instances, while I have adopted the suggested conditions, I have made changes to wording to add clarity as appropriate.
32. Conditions setting out the commencement of the development and the list of approved plans are required in the interests of providing planning certainty and clarity. Given the locational circumstances of the appeal site and proximity to neighbouring occupiers, a condition requiring a Construction Method Statement is necessary; I have sought agreement to the wording and imposition of this pre-commencement condition.
33. In the interests of the character and appearance of the area, conditions requiring further details of external materials, as well as a scheme of hard and soft landscaping are necessary, proportionate to the scale of development.
34. To ensure adequate privacy to nearby occupiers and future occupiers, conditions to control the opacity and opening of certain windows, and to required details of external lighting are reasonably and necessary. Furthermore, I consider it reasonable and necessary to control permitted development rights to restrict insertion of any new windows or other openings without permission. There is no compelling evidence to indicate a particular issue with noise in the locality that would unacceptably harm the living conditions of future occupiers and so it would not be reasonable to impose a noise assessment condition. However, I do consider that a condition requiring a scheme to control noise emitting from the Air Source Heat Pumps would be necessary ensure potential harmful noise and disturbance would be suitably mitigated.

35. As conditions should not be used to control matters that are subject to other primary legislation, I do not consider it would be reasonable or necessary to impose conditions requiring minimum standards for gas fired boilers. As details of soft landscaping would be incorporated with a scheme of landscaping condition, the proposal includes an ASHP, and the design and materials are controlled by the approved plans, I do not consider it would be reasonable to impose a condition requiring further details to control heating or green infrastructure.

36. In the interests of biodiversity, I have included a condition requiring details of bird boxes and their installation. While a condition requiring details of Electric Vehicle charging points and water saving measures are reasonable in the in the interests of reducing carbon emissions and minimising the use of mains water. In the interests of protecting human health and the environment, it is necessary to impose a condition to monitor and control unexpected land contamination.

Conclusion

37. For the reasons given above the appeal should be allowed.

A Knight

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: FGF BLOCK01, FGF EX01, FGF EX02, FGF PR02, FGF SITE01 REV B, FGF PR01 REV.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.

The Statement shall provide for:

- i. loading and unloading of plant and materials;
- ii. storage of plant and materials used in constructing the development;
- iii. wheel washing facilities;
- iv. measures to control the emission of dust and dirt during construction;
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vi. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. The development hereby permitted shall not be occupied until the ground floor level rear and side elevation windows and the rooflights at first floor level have been fitted with obscured glazing and fixed shut, in accordance with details of obscured glazing that shall first have been submitted to and approved in writing by the Local Planning Authority. No part of those windows or rooflights shall be capable of being opened, or the obscured glazing removed.
5. Prior to the installation of any Air Source Heat Pump (ASHP) on the development hereby permitted, a scheme shall first have been submitted to and approved in writing by the Local Planning Authority that provides details of the noise radiating levels and ensures appropriate mitigation to the most affected habitable rooms in a way which will minimise transmission of structure-borne sound to the proposed development and neighbouring properties. Prior to use, the ASHP shall be enclosed with sound-insulating material and mounted in accordance with the approved details, and retained thereafter.
6. No construction above ground level of the development hereby approved shall take place until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

8. No development shall commence until a scheme of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of: all existing trees and hedgerows on and overhanging the land, identifying those to be retained and set out measures for their protection throughout the course of development; all proposed new trees and shrubs. all means of enclosure including boundary fencing and entrance; hard surfacing materials. The development shall be carried out in accordance with the approved scheme.
9. All new trees and shrubs comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling hereby approved or the completion of the development, whichever is the sooner; and any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission shall be inserted into the external fabric of the building hereby approved.
11. No development above ground level shall take place until details of water saving measures and equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. Notwithstanding the approved plans, no construction above ground level of the development hereby approved shall take place until details of the Electric Vehicle (EV) charging point, to include its location, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the provision has been made for the EV charging point in accordance with the approved details, which shall be retained, or appropriately upgraded, thereafter.
13. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

End of Schedule