



Appeal Decision

Site visit made on 30 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/J1915/W/24/3338323

**Saxons, Thorley Street, Thorley, Bishop's Stortford, Hertfordshire
CM23 4AS**

- 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 Saxons Fine Homes Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0018/FUL.
 - The development proposed is demolition of Saxons and all associated buildings and the construction of 9no. dwellinghouses with associated landscaping, car parking, widened site access and other works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a Heritage Statement dated February 2024 with the appeal. The Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the Heritage Statement. I have proceeded with the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would preserve or enhance the setting of the nearby listed buildings;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with regard to outlook, privacy and noise and disturbance; and
 - whether the proposal would provide a suitable provision of parking.

Reasons

Character and appearance

4. The appeal site comprises an existing two-storey dwelling, set back from Thorley Street within extensive grounds. Development in the area typically fronts Thorley Street and while there are rows of dwellings perpendicular to the road, there is a primarily linear pattern of development in the area. The dwellings in the area are typically on spacious plots at a low density with limited development to the rear of the frontage buildings. The land levels rise from Thorley Street, including at the site where the existing dwelling is on land elevated above the neighbouring properties.
5. The proposal is for nine two-storey dwellings, following the demolition of the existing dwelling and outbuildings. Plots 1 to 7 would be oriented towards Thorley Street with plots 8 and 9 perpendicular to the road. The dwellings would be to the rear of development fronting the road in an uncharacteristic position within this part of Thorley Street. Given the elevated position of the site and the removal of the existing hedge to the front of the site, the dwellings would be clearly visible from Thorley Street, highlighting the discordant position of the development.
6. The existing dwelling occupies the raised position to the rear of the neighbouring properties. However, the proposal consists of considerable built form, which would spread across the site to the rear of the neighbouring dwellings. The scale and massing of the dwellings would reflect that of the surrounding development. Nonetheless, the higher density, reflected in the tight grain of the layout, and the position of the dwellings on elevated land to the rear of the frontage dwellings would be at wholly odds with the general pattern of development in the area.
7. The proposed layout would make efficient use of the site, informed by its size and shape. Nonetheless, it does not take into account the prevailing characteristics of Thorley Street, including the linear pattern of development, which fronts onto the road. While higher density development is present to the rear of the site, it is set back away from Thorley Street and does not form part of the character of the street scene. While the density of development adjacent to Elm Trees as well as at Thorley High, Hill Cottages and The Cottages, would be comparable in qualitative terms to the proposal, these dwellings directly address Thorley Street and, in the case of development at Elm Trees, respect the general layout of development in the road.
8. The excessive scale and quantum of development, which is emphasised by the considerable change in land levels would harm the character and appearance of the area. The scheme would include landscaping, including new and replacement tree and hedge planting, which would assist in limiting the visual effect of the development, particularly following the removal of the considerable hedge to the front of the site. The provision of these soft landscaping features would soften the visual effect of the hardstanding and car parking to the front of the dwellings from both Thorley Street and within the site.
9. Nonetheless, given the height of the dwellings and their position on elevated land, the provision of trees and hedges would not provide substantial

screening of the development, particularly if the vegetation is not in leaf. Moreover, the long-term retention and maintenance of the landscaping cannot be effectively controlled. Consequently, it cannot be relied upon to obscure development that would otherwise be unacceptable.

10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES4 and HOU2 of the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (the Framework), which collectively require proposals to be of a high standard of design and layout to reflect and promote local distinctiveness, demonstrate how the density has been informed by the character of the local area and add to the overall quality of the area.

Listed buildings

11. The Coach and Horses is a public house on the opposite side of Thorley Street. Glen View and Moorlands are a pair of semi-detached dwellings positioned beyond the rear garden of Rainbow Cottage, which abuts the site. The Coach and Horses and Glen View and Moorlands are Grade II listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
12. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
13. The Coach and Horses is of fifteenth century origin and its significance is derived partly from its historic interest based on its use as a public house and coaching inn. The public house occupies a prominent position adjacent to Thorley Street and has extensive grounds to the side and rear, including the car park. The heritage asset is primarily appreciated along Thorley Street, particularly on the approach towards Bishops Stortford and from within the car park and garden area of the public house. The existing development on either side of Thorley Street contributes to the primarily urban setting of the building.
14. The appeal site is separated from the Coach and Horses by the road and the buildings and gardens forming the dwellings at Rainbow Cottage, Old Police Cottage and Hillside Cottage. The intervening features, and the separating distance between the site and the listed building minimises the contribution that the site makes to the setting of the Coach and Horses. Development at the site would be more prominent when viewed from the public house. However, whilst visible from the public house, the proposal would not lead to the further erosion of the special interest of the building, particularly given the presence of the intervening features, including neighbouring properties and the road.
15. Glen View and Moorlands is a building of seventeenth century origin. Its significance is derived from its architectural and historic interest. The building is partly to the rear of Rainbow Cottage and, with the new development adjacent to the Glen View, is largely obscured in views from Thorley Street. The heritage asset is primarily appreciated from immediately in front of the building and from glimpsed views from the front of the new development at

Elm Trees. The appeal site is separated from the listed building by the rear garden of Rainbow Cottage and there is limited intervisibility between the site and Glen View and Moorlands.

16. The development would be set away from the listed building and would be separated by intervening features that would considerably limit intervisibility. Moreover, the proposal would not impact on the views of the heritage asset that would primarily allow the buildings architectural and historic interest to be appreciated. Accordingly, the proposal would not harm the significance of Glen View and Moorlands.
17. I conclude that the proposal would preserve the special interest of the listed buildings. The development therefore accords with Policies HA1 and HA7 of the DP and the Framework, which collectively require proposals to preserve the historic environment and require that great weight should be given to the asset's conservation.

Living conditions

18. The site is adjacent to a pair of semi-detached dwellings, known as Old Police Cottage and Hillside Cottage. To the rear of Old Police Cottage and Hillside Cottage, the land rises considerably with a substantial hedge forming the boundary with the appeal site. While the slope and existing hedge provide a high level of privacy, including within the gardens to the side of the dwellings, the outlook to the rear for occupants of the neighbouring properties is limited.
19. Plots 1 to 7 include first floor windows that would face towards the dwelling and side garden of Old Police House. The dwellings would be sited away from the shared boundary limiting the visual impact of the development on the outlook of the occupants of the neighbouring property. The raised position of the dwellings could allow for overlooking of the private garden area of Old Police Cottage. However, given the position of the dwellings and the difference in land levels, the angle of views from the windows would not result in a significant level of overlooking that would result in a harmful loss of privacy for occupants of Old Police Cottage. Furthermore, while the retained and proposed soft landscaping may not always be in leaf and provide effective screening, it would further limit views towards Old Police.
20. The site is adjacent to the rear garden of Rainbow Cottage. Plots 8 and 9 would be close to the boundary with Rainbow Cottage and would include first floor windows within the rear elevation. The windows would not provide direct views towards the dwelling at Rainbow Cottage and given the separation between Plot 9 and neighbouring property, the proposal would not harm the outlook for occupants of the dwelling. Moreover, while part of the garden would be overlooked, the private area immediately adjacent to Rainbow Cottage would be distant from the proposed dwelling and consequently there would not be a harmful loss in the level of privacy enjoyed by the occupants of Rainbow Cottage.
21. The dwellings at Plots 8 and 9 would be at right angles to Plots 1 to 7. Given the orientation and layout of windows at Plot 9, the proposal would not result in direct overlooking of Hillside Cottage. Moreover, the position of the dwelling away from the shared boundary would limit the effect of the proposal on the

outlook of the occupants of Hillside Cottage such that it would not appear overbearing.

22. The development would include an access road close to the boundary to the rear of Old Police Cottage and Hillside Cottage. This would increase the activity to the rear of these properties due to the vehicle movements associated with the proposed dwellings. Nevertheless, the modest number of dwellings would not lead to a significant number of vehicle movements at the site. Furthermore, the layout of the site would restrict vehicle speeds, while the noise generated would be unlikely to exceed that of Thorley Street to the front of the site. Accordingly, the proposal would not result in a harmful increase in noise and disturbance for occupants of neighbouring properties.
23. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties with regard to outlook, privacy and noise and disturbance. The development therefore accords with Policy DES4 of the DP and the Framework, which collectively require proposals to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and create places with a high standard of amenity for all existing and future users.

Parking

24. Policy TRA3 of the DP requires vehicle parking provision associated with development proposals to be assessed on a site-specific basis and should take into account the provisions of the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). The car parking standards within the SPD require 2.5 car parking spaces for three-bedroom dwellings, and the SPD requires that this should be rounded up.
25. I recognise that the proposal would result in a deficit of 3 car parking spaces according to the guidance within the SPD. However, Policy TRA3 of the DP states that the necessary parking provision should be assessed on a site-specific basis. The SPD uses a zonal system to reflect that certain areas are likely to be more accessible to key services or facilities and provide opportunities for public transport.
26. Whilst there is no information before me concerning the appeal site's relationship with those SPD zones recognised as being more accessible, the evidence before me, including observations I made on my site visit, indicates that the site within walking distance of bus stops with frequent services to higher order settlements, while there is a pedestrian footway with street lighting leading towards the centre of Bishop's Stortford. Consequently, given the specific circumstances of the site, a reduction in the amount of on-site parking would be justified.
27. Whilst the Council do not detail precisely how parking deficiencies in this case would result in harm, I recognise that no objections were raised by Highways. Therefore, I am satisfied that no highway safety impacts would arise.
28. In any event, I find that the proposal would make adequate provision for parking. The development therefore accords with Policy TRA3 of the DP as set out above.

Other Matters

29. The Council has provided its Annual Monitoring Report dated March 2024, which concludes that the Council are able to demonstrate a five year supply of deliverable housing sites. The appellant has not provided any substantive evidence to the contrary. Therefore, there are no grounds for me to disagree with the Council's position.
30. The proposal would make a positive contribution to housing supply and delivery within walking and cycling distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. Moreover, the proposal would preserve the living conditions of the occupants of neighbouring properties and would preserve the special interest of the listed buildings.
31. The proposal would have suitable access arrangements, would provide ecological enhancements and would not result in the increase of flood risk. In addition, the proposal would incorporate measures to minimise energy use and limit carbon emissions. However, these associated benefits are limited by the scale of the development proposed and would not outweigh the harm identified.
32. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm to the character and appearance of the area and the conflict with the development plan would be of greater significance.

Conclusion

33. The proposal does not accord with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR