



Appeal Decision

Site visit made on 30 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/J1915/W/24/3337986

Flat 3 29C, North Street, Bishop's Stortford, Hertfordshire CM23 2LD

- 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 A & P Norris against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1750/FUL.
 - The development proposed is a second floor extension to create duplex to existing flat at front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application states that the site address is 29c Flat 3, whereas the decision notice and appeal form refer to the site as Flat 3 29C. I have taken the address from the decision notice and appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The description of development within the application form refers to the proposal being a resubmission of an earlier application. The resubmission of a proposal is not an act of development under s55 of the Town and Country Planning Act 1990 and so I have not included this within the description above.
4. This appeal relates to an unlisted property. However, one of the disputed issues is with regard to the potential effect of the proposal on the adjacent Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). Section 66 (1) requires that I have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses where development which affects a listed building. I have proceeded with the appeal on this basis.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the special architectural or historic interest of the Grade II listed building, No 31 North Street (No 31)¹;

¹ 1307818

- whether suitable living conditions would be provided for future occupants of the proposed development, with regard to the provision of internal space; and
- whether the proposed development would deliver biodiversity net gain.

Reasons

Listed building

6. The appeal site comprises a two-storey property within a terrace of buildings to one side of North Street. The property is adjacent to No 31, a Grade II listed building, which is in use as a public house and dates from the 17th Century with later 19th Century alterations. Its façade displays a jettied first floor, a steep pitched roof constructed of red tile and various elements of decoration all of which contribute to the building's traditional appearance. Given the above, I find that the significance of the listed building, insofar as it relates to this appeal, to be primarily with its historic form, traditional materials and architectural interest.
7. The existing roof and upstand associated with the host property would be altered, and part of the affected roof slope and upstand is attached to both the host building and the listed building. There would potentially therefore need to be a change to the fabric of the listed building to facilitate the works. Given the historic materials and architectural significance associated with the adjacent listed building's roof form, I would expect detailed analysis in this regard. However, there is no substantive evidence before me in this regard and insufficient information has been provided to determine any potential harm to the listed building.
8. I cannot therefore be certain that the proposal would not harm the listed building, for example with regard to loss of historic fabric, or its breathability or stability. Given the potential adverse consequences of allowing the proposed works before these matters have been addressed, and my duty under S66 of the Act, I consider that it would not be appropriate to leave such detail to be controlled by conditions. Consequently, I am unable to conclude that the proposal would preserve the special interest of the Grade II listed building.
9. I conclude that it has not been satisfactorily demonstrated that the proposal would preserve or enhance the special architectural or historic interest of the listed building. The development therefore conflicts with Policies HA1 and HA7 of the East Herts District Plan 2018 (DP) and the Framework, which collectively require proposals to preserve the historic environment and requires that great weight should be given to the asset's conservation.
10. The Council has referred to Policy DES4 of the DP in its reason for refusal. This policy relates to the design of development and does not relate directly the considerations within this issue.

Living conditions

11. The site includes a first floor flat consisting of a bedroom, bathroom and a combined living, kitchen and dining room. The existing accommodation is constrained and provides limited space for occupants. While the living, kitchen

and dining room provides is particularly confined, the level of existing harm is limited by the lower number of occupants.

12. The proposal would add a second bedroom and a small study area at second floor level. The Council has suggested that the proposal would provide a floor area of 63.8 square metres, which is below the minimum standards of 70 square metres set out in the Nationally Described Space Standards 2015. The appellant has not disputed this figure and there is no substantive evidence before me to find against this figure.
13. The proposed Bedroom 2 would provide a good standard of accommodation for future occupants given its size and layout. Nonetheless, the proposal would allow for an increase in the capacity of the flat with limited additional shared spaces. The living, kitchen and dining room would be particularly cramped with limited communal space for future occupants to dine or socialise within a private setting. Consequently, the proposal would provide a poor standard of accommodation for future occupants of the flat.
14. I conclude that the proposal would not provide suitable living conditions for future occupants of the development in respect of internal space. The development therefore conflicts with Policy DES4 of the DP, which requires that all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved.

Biodiversity

15. Policy NE2 of the DP states that all proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so. The proposal is for an additional storey to a building within an urban setting to create further living accommodation. Consequently, and given the confined size of the site, it would not be feasible to create opportunities for wildlife and achieve a net gain in biodiversity. The proposal would therefore accord with Policies NE2 and NE3 of the DP.

Other Matters

16. The site is within the Bishop's Stortford Conservation Area (CA). As required by Section 72 (1) of the Act, I have paid special regard to preserving or enhancing the character or appearance of a conservation area. The CA is focussed on the town centre of Bishop's Stortford, with its street pattern associated with its market town function.
17. Development in North Street is varied in scale and in terms of the design and age of buildings. There is a mix of two and three-storey buildings in the area with stepped ridge lines following the gradient of the land. The roof pitches and heights also vary, particularly within the row of buildings including the site where the rooflines step down with the gradual decline of the land level.
18. The proposal would retain the roof pitch and utilise similar materials to that used in the existing building. Moreover, the proposal would maintain the stepped roofline on this side of North Street. Bearing in mind the extent, nature and location of the proposed development, the character and appearance of the CA as a whole would be preserved. I note that the Council has raised no objection in this regard, nevertheless the lack of harm weighs neutrally and does not alter my overall conclusions on the main issues.

19. I have had regard to concerns raised by the appellant about the way that the Council handled the planning application, including the Council's pre-application service. These issues are procedural points between the main parties, which are not relevant to my consideration of the case before me.

Conclusion

20. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal would increase the size of an existing dwelling. However, the accommodation would not provide suitable living conditions for future occupants of the property. Consequently, the limited public benefits of the proposal would not outweigh the harm identified to the listed building.
21. The proposal conflicts with the development plan when considered 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