

Appeal Decision

Site visit made on 24 October 2016

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th November 2016

Appeal Ref: APP/J1915/W/16/3153611

Land at 54 Hawkins Hall Lane, Datchworth, Hertfordshire SG3 6TE

- 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 and Mrs K and D Nee against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0718/FUL, dated 23 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is detached dwelling on land adjacent to No. 54.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the street scene within Nutcroft; and the living conditions of the occupiers of 94 Nutcroft (No 94), with particular regard to whether or not the development would be overbearing.

Reasons

3. The development would involve the construction of a two storey detached house within part of the side and rear garden of No 54. No 54 is a semi-detached corner property which has been enlarged with the addition of a comparatively large side extension with the result that that addition has become the principal dwelling with the original house in part being occupied as an annex. The house would front onto Nutcroft.

The approach to this decision

4. The Council acknowledges that it cannot demonstrate the availability of a five year supply of deliverable housing sites (an HLS). Accordingly, having regard to the provisions of paragraph 49 of the National Planning Policy Framework (the Framework), the Council's policies for the supply of housing cannot be considered as being up to date.
 5. Having regard to the provisions of paragraph 14 of the Framework I have therefore approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole or specific policies within the Framework indicate that development should be restricted.
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Character and Appearance

6. The junction between Hawkins Hall Lane and Nutcroft is flanked by Nos 52 and 54, properties that were purposefully designed with spacious plots. That spaciousness has been somewhat diminished as a result of No 54's enlargement and the provision of the house would further erode the spaciousness of No 54's plot. In this respect the plot area of the new house would be a comparatively small one for the area and I consider that it would have a cramped appearance and would not sit comfortably with the streetscene, given the site's prominent position at the entrance to Nutcroft.
7. The house would read as being part of Nutcroft's streetscene, a road that is characterised by semi-detached and terraced two storey houses, with the pairs of semi-detached properties on the even numbered side of this street, for the most part, having a staggered siting relative to one another. While the front elevation of the house would have a similar alignment to that of what is now No 54's principal front elevation, part of the side (western) elevation would project forward of Nos 92 and 94. This siting would mean that the house would be readily apparent when seen from the west and because it would be a detached one, that would emphasise this development's uncharacteristic form within Nutcroft.
8. For the reasons given above I conclude that the development would be harmful to the character and appearance of Nutcroft's street scene. There would therefore be conflict with saved Policies ENV1, HSG7 and OSV2 of the East Herts Local Plan Second Review of 2007 (the Local Plan), insofar as the development would not be of a design and layout that would reflect the area's distinctiveness. There would also be conflict with the Framework, most particularly paragraphs 58 and 64 in that the development would not add to the overall character of the area.

Living Conditions

9. While the house would be sited in advance of No 94's front elevation, I consider that the siting and height of the former relative to the latter would be such that the new property's presence would not be overbearing for the occupiers of No 94. While there would be some loss of light and outlook from No 94's side windows, having regard to the presence of the existing boundary fencing and planting, I consider that those losses would be of a scale that would not be harmful to the living conditions for the occupiers of No 94.
10. I therefore conclude that the development would not be harmful to the living conditions for the occupiers of No 94. There would therefore be no conflict with Policies ENV1 and OSV2 of the Local Plan because the living conditions (amenities) of the occupiers of a neighbouring property would not be significantly harmed. In this respect I find that there would also be no conflict with the Framework, most particularly the fourth planning principle (paragraph 17) insofar as a good standard of amenity would be secured for the occupants of a neighbouring property.

Other Matter

11. While that the Parish Council has raised no objection to the development this does not persuade me that it would not be a harmful one.

Conclusions

12. In the absence of an HLS the provision of a house would give rise to some limited social and economic benefits weighing in favour of this development. However, while I have found that the development would not be harmful to the living conditions for the occupiers of No 94, it would unacceptably harm the character and appearance of the street scene. There would therefore be conflict with the Framework and policies of the Local Plan, insofar as they address the appearance of new development, including infilling within a settlement. I therefore consider that the harm that I have identified significantly and demonstrably outweighs the benefits of the development and could not be overcome by the imposition of reasonable planning conditions.
13. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR