
Appeal Decision

Site visit made on 15 November 2016

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 28TH December 2016

Appeal Ref: APP/J1915/W/16/3156362

18 Brook Lane, Sawbridgeworth, Hertfordshire, CM21 0EL

- 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 John Eaton against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0303/FUL, dated 8 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is construction of a bungalow in the rear garden of no. 18 Brook Lane, the access to the proposed dwelling will be from Brookfields.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The setting of the appeal site on Brook Lane consists of detached houses with substantial back gardens. Brookfields is a relatively narrow, lane-like road, which runs along the rear boundaries of these gardens as they slope upwards from Brook Lane. Their boundary with Brookfields consists of a long run of fences and hedges, broken only occasionally by pedestrian or vehicle gates. Buildings close to this boundary include modest outhouses or garages. To the north of Brookfields are large detached houses behind generous front gardens bounded with beech and other hedges. The character of the area is, therefore, open and green overall.
 4. The appeal dwelling would be inserted into the rear garden of 18 Brook Lane, with a new access created on to Brookfields. It would occupy nearly the full width of the plot and would be fronted by a large area of hard surfacing to create two parking spaces. It would require the removal of the existing hedge and creation of a dropped kerb.
 5. The appeal proposal would therefore introduce a new dwelling fronting the south side of Brookfield. The new access and building behind would interrupt the largely continuous and partially greened boundary and would be inserted into an otherwise secondary frontage. It would therefore appear as an
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- anomalous and intrusive insertion, which would be at odds with the existing character and appearance of the area.
6. While the height of the proposed bungalow would be modest, it would have a footprint similar to that of 18 Brook Lane. Although dwellings along Brook Lane have extensions, garages and outhouses, their back gardens remain generous in size. The appeal dwelling would have a garden to the rear which would be conspicuously small in comparison to these, as would the truncated garden to be provided to no. 18 Brook Lane. Being visible from the host dwelling and from other adjoining properties, it would therefore create a cramped appearance to the proposal and to the host dwelling, which would conflict with the spacious character and appearance of the area.
 7. Land to rear of 12 Brook Lane has been subdivided to create 1 and 2 Applegate, but these houses face on to London Road and do not relate to the character of Brookfield. Windy Ridge sits at the end of Brookfield, but is located down the slope from the road, with well planted boundaries and parking set back to the rear of the site. Adjoining it is a hardstanding and access to the rear of no. 14 Brook Lane, also set behind a well planted boundary. Their effect on the character of Brookfield are therefore limited and not significantly harmful. The appeal property is more centrally located and would entail both an area of hardstanding with parking and a building close to the boundary, and its impact would therefore be more pronounced.
 8. I have had regard to the appeal decision put before me by the Council, and consider that, although it is from some time ago, the quality of the prevailing sense of enclosure and quietude identified at that time has not significantly diminished over time, notwithstanding some incremental changes since. I have also noted the changes to properties along Brook Lane pointed out by a number of local residents but do not consider that these have a bearing on the character and appearance experienced along Brookfield.
 9. The appellant refers to a number of developments elsewhere in Sawbridgeworth where dwelling have been constructed in within the curtilage of existing dwellings, however no detailed information on these has been put before me, and this does not therefore cause me to alter my decision that the appeal proposal would cause significant harm to the character and appearance of the area.
 10. The policies of the pre-submission District Plan could be subject to change, and I can therefore accord them only limited weight. As the appeal proposal would harm the character and appearance of the area, it would therefore conflict with saved Policy HSG7 of the East Herts Local Plan Second Review 2007 (the LP) which seeks infill development which is well-sited in relation to surrounding buildings and does not appear obtrusive or over intensive; and Policy ENV1 of the LP which requires that development proposals should reflect local distinctiveness.

Planning Balance

11. The appellant has indicated that the Council is not able to demonstrate a five year housing land supply, and that local plan policies related to the supply of housing can therefore be considered to be out of date. The Council has not contested this. Paragraph 14 of the Framework states that where relevant policies are out of date, the presumption in favour of sustainable development

means 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 in the Framework as a whole.

12. The Framework defines the three dimensions to sustainable development, social, economic and environment. The Framework is clear that sustainability should not be interpreted narrowly, and that the dimensions of sustainable development are mutually dependent and should be sought jointly and simultaneously through the planning system.
13. The appeal proposal would make a contribution towards the supply of housing in the district, although the addition of a single dwelling would be a small one, and I therefore accord it limited weight. There would be some short term economic benefit arising from the construction of the appeal dwelling, and a small contribution to the viability of the area, to which I also accord limited weight. However, the harm I have identified above to the character and appearance of the area significantly and demonstrably outweighs these benefits, and I conclude that the proposal would not therefore comply with the requirements of the Framework in terms of sustainable development.

Conclusion

14. For the reasons given above, and taking into account matters raised, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR