
Appeal Decision

Site visit made on 16 January 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/J1915/D/16/3164324

64 Walkern Road, Benington, Stevenage, Hertfordshire SG2 7LS

- 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 D Carter against the decision of East Herts Council.
 - The application Ref 3/16/1620/HH was refused by notice dated 15 September 2016.
 - The development proposed is a garage.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies within a primarily residential area where dwellings in this part of the road are set back in a generally uniform pattern. This creates a uniformity of layout and an open and verdant character and appearance to the frontages in this part of the streetscene.
 4. The garage is erected in the front garden. The representations indicate that it is some 2.77 metres in height, some 5.67 metres in depth and some 5.52 metres in width with a flat roof. It is set forward behind existing front boundary vegetation, which does provide some partial screening from Walkern Road. Nevertheless, the garage is highly visible from the vehicular access to the property and across neighbouring properties.
 5. From my observations, due to the utilitarian flat roof form of the garage and its forward detached siting, I consider that it appears as an unacceptably incongruous addition to the streetscene. It is out of character with the overriding pattern of development in the immediate locality and appears as an unacceptably prominent building in the streetscene.
 6. I recognise that the garage provides parking for vehicles that would otherwise be parked on the frontage. From my observations, such frontage parking is an established characteristic of this part of Walkern Road. In my opinion, the parking of cars on the frontage would have significantly less adverse impact on
-

the character and appearance of the surrounding area than the permanent presence of the garage.

7. For the above reasons, I conclude that the development has an adverse effect on the character and appearance of the surrounding area. Thus the development is contrary to saved Policy ENV1 in the East Herts Local Plan Second Review (2007), where it seeks to ensure that all new development reflects local distinctiveness. In my opinion, the harm is so significant as to be sufficient to dismiss the appeal. I have also been referred to saved Policy ENV5 which refers to extensions to dwellings. The appellant has raised concern as to the appropriateness of this policy to this appeal. As I have found that the development causes significant harm to the character and appearance of the surrounding area, I have not dwelt on the relevance or otherwise of saved Policy ENV5.
8. I consider that the Local Plan policies referred to above are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area.
9. There may be exceptional occasions where granting planning permission for development that would not normally be permitted could be justified on planning grounds because of who would benefit from the permission. However, the Planning Policy Guidance states: *to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building but might, for example, result from enforcement action which would otherwise cause individual hardship.*
10. In reaching my conclusion, I have had regard to all matters raised including the personal circumstances. This is a material consideration. I have great sympathy with the situation. I realise that these are stressful circumstances and realise the importance of ensuring that there is a dust free environment. Whilst the garage would have to be demolished, it is possible for a building of such scale to be demolished in a short time. I do not consider that there is justification in this particular instance to grant planning permission solely on the grounds of personal circumstances and I have found in the wider public interest.

J L Cheesley

INSPECTOR