The Planning Inspectorate

Appeal Decision

Site visit made on 22 February 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/J1915/W/16/3161933
Land between 39A Upper Green Road and Mimram Drive, Tewin, Welwyn, Hertfordshire AL6 0LE

- 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 Norman Jackson against the decision of East Hertfordshire District Council.
- The application Ref 3/16/1783/FUL, dated 27 July 2016, was refused by notice dated 19 September 2016.
- The development proposed is the erection of one (1) dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, I have used the address of the development given on the appellant's appeal form and the Council's decision notice. I consider this gives the fullest and most accurate description of the location of development.

3. The submitted plans identified one of the neighbouring dwellings to the site as No 41 and referred to the dwelling as being under construction. During the site visit, I saw that the building referred to was complete and actually numbered No 1. Again, for the avoidance of any doubt I have referred to this building as No 1 in my decision below.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupants of Country Spot, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site is a long, vacant narrow strip of land between two detached dwellings. The area around the site is predominantly residential. There is little consistency in architectural styles in the area, though the majority are detached, well-proportioned dwellings set within generous plots. To one side of the site is a detached bungalow known as Country Spot. This is set well back from the roadside behind a large front garden, driveway and a detached garage. To the other side is 1 Mimram Drive. This is a large modern detached dwelling located at the front of a small gated cul-de-sac of other similar sized

dwellings. No 1 sits behind a more modest front garden and has its vehicular access to the rear. To the rear of the appeal site is a modern housing estate. The site is within a Category 1 Village, as defined by saved Local Plan[1] (LP) Policy OSV1, which states that infill housing development may be permitted provided that a number of criteria are met.

6. The dwelling would be set back some way from the roadside to allow for a parking and turning area. As a result, it would be located at something of a pinch point between the two existing dwellings, neither of which have a large amount of space between their side walls and the common boundary with the site. Whilst I recognise there is a variety of architectural styles in the vicinity of the site, its constrained nature has necessitated a particularly narrow and elongated form of development that does not reflect the broad proportions or orientation of the majority of existing housing in the area. The contrast in appearance between the development and other houses in the vicinity of the site, including and in particular No 1 itself, would be stark and jarring. As such, the development would introduce an overtly discordant feature into the street scene.

7. There would also be little space to either side of the development. When combined with its uncharacteristic narrow form, the dwelling would appear somewhat cramped and as a contrived attempt to squeeze a building into an overly constrained plot, with little regard to the prevailing character of the wider area. In this regard, it would not appear as either a natural or harmonious infill scheme. I find, therefore, that the proposal would result in an inappropriate, incongruous and over intensive form of development that would materially harm the character and appearance of the area.

8. Accordingly, there would be conflict with LP policies OSV1 and ENV1 which seek, amongst other things, development in Category 1 Villages to be sensitively designed and to respect the character of the village. I also consider that the proposal does not properly consider the physical constraints of the site in conflict with Policy HSG1. Whilst not referred to in the Council's decision notice, I also find conflict with Policy HSG7. This expects infill development within Category 1 Villages to be not obtrusive or over intensive and to complement the character of the local built environment.

9. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as the development would not constitute good design or improve the character and quality of the area.

Living Conditions

10. I observed a front facing window in Country Spot relatively close to the common boundary with the site. There is currently a tall close-boarded fence between the appeal site and this property, which will already constrain the outlook from this dwelling to some extent. However, the top of the window is above the height of the fence and thus the occupants would enjoy some sense of openness from the direction of the development.

11. The development would extend beyond the front building line of Country Spot by some distance. When combined with the close proximity of the development to the common boundary, the development would encroach into

[1] East Herts Local Plan Second Review – April 2007

the outlook of the neighbouring occupants. I consider this would lead to an increased and unacceptable feeling of enclosure and confinement. This would tangibly diminish the enjoyment of the room for the occupants of this dwelling. Whilst the submitted plans show sight lines from Country Spot intersecting with only a small part of the proposal, I cannot be sure that these accurately reflect the position of the windows in that dwelling and these do not persuade me that there would not be an unacceptable impact.

12. The development would, therefore, result in an unduly dominant and intrusive feature that would materially harm the living conditions of the occupants of Country Spot. Accordingly, there would be conflict with LP policies OSV1 and ENV1 which seek, amongst other things, to ensure development respects and is not significantly detrimental to the amenity of nearby occupiers. I also find conflict with the Framework, which seeks to ensure a good standard of amenity for all existing occupants of buildings.

Other Matters

13. The Council have acknowledged that they cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework states that in such circumstances, the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that where relevant policies are out-of-date, 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 taken as a whole.

14. Policies ENV1 and HSG7 relate primarily to the design of new development and infill housing within villages and thus are not policies relating to the supply of housing. They are not, therefore, automatically out of date by virtue of paragraph 49 of the Framework. I see no conflict in these policies with the Framework and consequently significant weight can be attached to them in my decision. Policies OSV1 and HSG1 are clearly relevant to the supply of housing. However, in the context of this appeal, the relevant elements of these policies relate to the specific details of the development and not the principle. These elements are also broadly consistent with the requirements of the Framework and thus I have still given these policies significant weight, though less than would be the case if a five year supply existed.

15. I have regard to the contribution of the development to the supply of housing in a village where the LP has identified infill housing as acceptable in principle. There would be some associated economic benefits for any nearby facilities that may exist and temporary benefits to the construction industry. I have also noted the comments relating to the need for smaller dwellings in the area, though I have no substantive evidence before me in relation to this issue. However, the benefits associated with one dwelling would not be significant and I have given them limited weight.

16. I have concluded that the proposal would be contrary to the development plan in relation to the effect of the development on the character and appearance of the area and living conditions of neighbouring occupants. I have also found conflict with the requirements of the Framework with regard to these issues. The proposal would therefore conflict with the environmental and social dimensions of sustainable development insofar as it would not create a high quality built environment. Taking all the above matters into account, I find the

adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

17. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR