

Appeal Decision

Site visit made on 27 March 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/X1925/W/16/3164697
16 Shillington Road, Pirton, Herts SG5 3QJ

- 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 David Wright against the decision of North Hertfordshire District Council.
 - The application Ref 16/00583/1, dated 4 March 2016, was refused by notice dated 4 July 2016.
 - The development proposed is single detached dwelling with detached garage, parking/turning and gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly the effect of the development on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding residential properties with particular regard to outlook and noise and disturbance.

Reasons

Character and appearance

3. Saved Policy 7 of the District Plan No 2 with Alterations 1996 with saved Policies 2007 (DP) states that development proposals will normally be permitted in Selected Villages within the Rural Area beyond the Green Belt provided it meets three criteria. There is no dispute between the parties that Pirton is a selected village within the Rural Area. Furthermore it is agreed that the site is within the main area of the village but is not sited within a visual character area. As such the proposal meets the first two criteria of saved Policy 7.
 4. The third criterion requires that development maintains or enhances the character or visual quality of the village or the surrounding area. The appeal site is located on Shillington Road which is mainly formed from large detached houses set back from the road with generally well stocked front gardens giving an open spacious character and appearance on the edge of a rural village. Although there are gaps between the properties, views to the open countryside beyond are generally limited by fences, garages and other outbuildings giving a
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strong linear character to north side of the road. Where views are available it is generally down existing access tracks.

5. The appeal site is sited to the rear of, and between, 16 and 14a Shillington Road. It is currently grassed and has post and rail boundary to the rear to open countryside. The site is visible from Shillington Road through the larger than average gap between Nos 14a and 16. As a result the lack of buildings on the site adjacent to the open countryside makes the site unobtrusive in the rural landscape but it nevertheless contributes significantly to the openness and rural character of the area to the rear of the houses.
6. The side of Shillington Road on which the appeal site is located has a strong linear character with properties facing the road with small front gardens and longer, rear gardens. I saw only one example of a house set to the rear of those fronting the north side of Shillington Road behind Nos 24 and 26. However, this property has its own access from the road to the adjacent farm and has limited visibility from Shillington Road. As a result it would not in itself significantly alter the linear character of the road. I observed that other buildings sited to the rear of the houses tended to be small domestic garden outbuildings.
7. Accordingly the proposed development, being located to the rear of existing properties would introduce an inappropriate form of development which is out of character with the area. Furthermore, the position of the proposed dwelling centrally within the plot would make it particularly visible from Shillington Road. I note the difference in land level from the main road to the appeal site, but this would not be sufficient to prevent the proposed house being visible and creating an incongruous feature which would not relate to the existing linear character of the north side of the road.
8. The proposed dwelling would be viewed within the back drop of the existing two storey dwellings from the nearby footpath which runs to the north of the appeal site. Nevertheless, the proposed house would have a large footprint covering much of the width of the plot and would be one and a half stories in height. This together with its location intruding into the open rural area would make it prominent and obtrusive to users of the footpath, even given its distance from the appeal site.
9. The appellant states that the design of the building would be similar to that of a utilitarian building conversion. However the introduction of gable features, together with extensive amounts of glazing on the rear elevation would give a domestic appearance to the building. This would be reinforced through the introduction of further residential paraphernalia and more intensive domestic activity in and around the building.
10. I noted that a hedge was being established along the northern edge of the site. Furthermore, the appellant has stated his willingness to provide further screening to the northern boundary of the site. While trees are an important part of the character here, they would take some time to establish. In any case the screening and softening of the scheme through landscaping would not be sufficient to overcome the harm I have identified to the character and appearance of the area.
11. The appellant refers to a "Transition Zone" between the urban settlement of Pirton to the south and the open countryside to the north typified by less dense

development of small clusters of dwellings and farm buildings/complexes. I saw this to be the case. However, I found the development in the open countryside beyond the limit of the Pirton to be typically sporadic development, mainly relating to farming, to be expected in the open countryside and of a different character to that within the village. This would not in-itself justify the development of the appeal site in a manner that would not reflect the character of development on the road.

12. Both parties have referred to appeal decision T/APP/X1925/A/96/275840/P9 in support of their case. I note that the decision was taken some time ago but nevertheless taken with reference to the current development plan. Furthermore, I have not been informed of any significant changes to the immediate environment of the appeal site since that time when the Inspector found that housing on the appeal site would be harmful to the character and appearance of the area.
13. I acknowledge that the proposal at that time was for two houses whereas the current proposal is for one bungalow. However the bungalow is large and one and a half storeys high which I have already found would have a significant visual impact. Furthermore, the principle of the development would still be at odds with the surrounding pattern of development. Moreover, the location of the one bungalow would be more visible than the proposed two dwellings which would have been aligned behind Nos 14a and 16.
14. Therefore, while the proposal would be within the main area of the village it would not maintain or enhance the character or visual quality of the village or the surrounding area. The appellant points out that if the Council wished to protect the area then it should be removed from the settlement boundary within any future development plan or designated as an area of landscape protection. However, they state that it has been retained within the settlement limits of Pirton within the North Hertfordshire District Local Plan 2011-2031 Proposed Submission 2016 (LP). Yet, to my mind, that does not mean that an area of land is automatically acceptable for housing and any proposal would need to comply with other Policies within the development plan.
15. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area and consequently contrary to saved Policies 7 and 57 of the DP and the Core Principles and Section 7 of the National Planning Policy Framework. These require that developments should relate to and enhance their site and surroundings, always seeks to secure high quality design and reinforce local distinctiveness.

Living conditions

16. Nos 14a and 16 are both two storey dwellings. I had the opportunity to view the proposal from the rooms within the rear part of No 14a and its garden. Currently the three first floor bedrooms together with the windows to the ground floor living rooms have an open outlook towards the open countryside, albeit interrupted at ground floor by a hedge to the side and rear boundary.
17. The proposal includes a one and a half storey detached garage building. The garage although close to the boundary with No 14a would be restricted to one and a half storeys with a roof sloping away from the boundary hedge. This together with its siting at a lower level due to the difference in land levels means it would not be unduly overbearing. The proposed dwelling would be of

a similar height to the garage but set further back from the boundary with No 14a. Therefore I am not convinced that this would have a harmful impact on the outlook from No 14a.

18. The occupiers of No 16 have an outlook from their rear windows towards open countryside. The proposed house would be offset from No 16 so there would be a limited direct relationship between the two. As a result the majority of the windows in the rear elevation of No 16 would retain an open outlook. This together with the intervening distance means the proposed dwelling would not be harmful to the outlook of the occupiers of no16.
19. I have had regard to the comments of the Inspector on the previous appeal in this regard. However, the houses proposed would have been directly to the rear of both No 14a and No 16 and in this respect the current appeal proposal is different as it would be centrally located in the plot.
20. The proposed access would be taken between No 14a and 16. I saw on site that No 14a has a side window at ground floor. No 16 has windows and a door on its side elevation facing the new access road. Consequently vehicles using the access would travel close to the windows.
21. Furthermore, the turning areas and garage would be very close to the rear boundary of both properties. As a result the siting of the proposed dwelling would lead to more activity adjacent to the rear garden space of both existing houses. However, the location of the proposed garage would lead to noise and disturbance associated with the daily comings and goings to a dwelling together with vehicle manoeuvring and parking in an area that is an existing open area close to the rear garden of No 14a. As a consequence therefore while there would be an increase in noise and disturbance experienced by the occupiers of both neighbouring properties, it would have a particularly unacceptable impact on the occupiers of No 14a.
22. Existing or proposed boundary treatment between the properties, together with the existing topography, may provide some buffer to noise and disturbance, particularly headlights from manoeuvring cars. However, these factors would not be sufficient, given the proximity of the access, manoeuvring and car parking spaces and garage to No 14a, to overcome the introduction of noise and disturbance associated with car movements into the rear garden area which would normally be an area of quiet enjoyment.
23. I note that the Inspector on the previous appeal reached a similar conclusion. I acknowledge that the current proposal is only for one dwelling and therefore traffic movements are likely to be less than those associated with the two dwellings on the previously appeal. Nonetheless, the garage is in a very similar location to that proposed previously close to the rear garden of No 14a. In addition the proposed dwelling is large and could well attract multiple car owners.
24. The appellant refers to several recent developments in proximity to the appeal scheme which also benefit from access tracks which pass immediately alongside existing dwellings, which have been considered to preserve neighbouring amenity. He has supplied photographs to demonstrate the relationships. However, I am not aware of the full details of the circumstances that led to these proposals being acceptable and so cannot be sure that they represent a direct parallel to the appeal proposal. In particular I am not aware

of the proximity of garages and turning areas to existing private gardens. In any case I have determined the appeal on its own merits.

25. For the reasons above I conclude that while the proposal would not lead to unacceptable harm to the outlook from neighbouring properties, it would be harmful to the living conditions of the occupiers of 14a Shillington Road with particular regard to noise and disturbance. It would therefore be contrary to saved Policy 57 of the DP and the Core Principles and Section 7 of the National Planning Policy Framework. These require amongst other things that development should secure high quality design and a good standard of amenity for all existing occupants of land and buildings.

Other matters

26. The proposed access would be within the Pirton Conservation Area (CA). As such I am required to assess whether the proposal would preserve or enhance the character or appearance of the CA. The area within the CA designation currently forms part of the side garden of No 16. The proposal would result in the surfacing of an area about 4.2 metres wide to provide access to the dwelling. As there are numerous driveways giving vehicular access to the dwellings set back from the road then I consider the proposal would preserve the character and appearance of the CA.
27. The appellant refers to Policies within the LP and advises it is at an early stage of preparation. This has not been disputed by the Council, nor have they referred to any Policies from the Plan. In accordance with paragraph 216 of the Framework, I have therefore given it limited weight in my determination. In any case I have not been provided with detailed wording of any relevant Policies.
28. The appellant also refers to pre application advice given by the Council for a scheme which proposed a bungalow on the appeal site (15/02366/1PRE). Having seen the drawing that accompanied the application I note that there are significant differences between pre-application proposal and the scheme before me now. The appeal proposal is larger than that originally proposed both in terms of footprint and, it appears, a first storey of accommodation as the pre application proposal does not show any first floor windows. In addition the appeal proposal includes a garage close to No 14a, which is not shown on the pre application drawing, together with turning areas much closer to the rear boundaries of both Nos 16 and 14a.
29. While therefore I note the Council's support of the pre-application proposal, providing it was limited to single storey only, I have seen nothing in relation to the appeal proposals which would be considerably different. Furthermore, I have no reason to suggest the alleged advice was anything other than informal advice that would not, in any case, have prejudiced the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the proposed dwelling.

Planning balance and conclusion

30. The Council acknowledges that it is unable to demonstrate a five year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a

five-year supply of deliverable housing sites. While therefore I have found the proposal to be contrary to saved Policy 7 I give the policy limited weight in the planning balance.

31. In considering the potential benefits of the proposal, I note that a new dwelling in a relatively accessible location would contribute to the Council's five year housing land supply as required by the Framework. However, a net increase of one dwelling would be a small contribution so I afford this benefit only limited weight.
32. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant.
33. The proposal would be harmful to the character and appearance of the area and the living conditions of neighbouring residents. This would be contrary to both local and national policy and I therefore give this substantial weight.
34. I consider therefore that the considerable adverse impacts would significantly and demonstrably outweigh the limited benefits. The proposal would conflict with the Framework and Development Plan when taken as a whole and consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR