

Appeal Decision

Site visit made on 25 April 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 1st June 2017

Appeal Ref: APP/J1915/W/17/3168659

**Land adjacent to 7 Pearman Drive, Dane End, Ware, Hertfordshire
SG12 0LW**

- 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 Sebastian Vallance against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2403/FUL, dated 25 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of future occupiers with regard to light.

Reasons

Character and Appearance

3. The appeal site is part of the garden of No. 7. The site forms part of a low density development of detached dwellings that has a rural quality with dwellings situated amongst trees and landscaping. The land rises with the appeal site occupying an elevated position within the Drive.
4. Both parties confirm that Pearman Drive was established in the 1960's with the dwellings developed in a chalet bungalow style. Some of the properties have been extended or altered but an attractive degree of uniformity to the area remains. The existing dwellings are set back some distance from the road with mature landscaping and parking areas to the front, private garden areas to the rear and a spaciousness about them. I find this to be a principal characteristic of the area.
5. The proposed dwelling would be of a design similar to the existing properties within Pearman Drive and, in this respect, would be acceptable. However, given the limited depth and size of the site, the new dwelling and parking area to the side would be sited very close to the rear boundary and thus appear cramped when compared to the layout of other dwellings in Pearman Drive. It would unacceptably erode the spacious qualities of the area and thus be an incongruous addition.

6. I therefore conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. The proposal would therefore be in conflict with policy ENV1 of the East Herts Local Plan Second Review 2007 (EHLP) which seeks to ensure, among other things, that development proposals are of a high standard and complements the existing pattern of development.
7. Both parties have referred to policies within the East Herts District Plan (Pre-Submission Version). This is at a relatively early stage and is yet to be formally examined. Therefore I am only able to attach limited weight to the emerging policies within this plan.

Living Conditions

8. The Officer's report confirms that the main habitable rooms would receive adequate outlook and light. However, concerns are raised that shading from trees to windows and gardens would result in pressure to remove or reduce them.
9. The appellant provided a plan which indicated that shading from one Ash tree (T9) would overshadow the proposed dwelling for less than 3 hours a day. Moreover, from my site visit, the appeal site was not excessively shaded as a result of existing trees on the boundaries. The trees were in full leaf at the time. Therefore, I do not share the Council's concerns that the proposed development would put pressure to remove or reduce existing trees at the site. For these reasons, I find the development to be in compliance with policy ENV11 of the EHLP which seeks, among other things, to protect existing hedgerows and trees.

Other Matters

10. The Council cannot demonstrate a five year supply of deliverable housing sites and I recognise that the proposal would contribute to the overall provision of dwellings in the district and make more efficient use of land within a sustainable location. However, the positive effects from only one additional dwelling would be limited and in my view the adverse effects I have identified above would significantly and demonstrably outweigh such benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole. As such, the proposal would not amount to sustainable development in the terms of the Framework.
11. In two of the appeal decisions referred to by the appellant the Inspectors did not find harm to the character and appearance of the area which is not the case in this appeal. In the other appeal decision referred to, the Inspector found that the harm he had identified to the rural surroundings was minimised by an area of open land to the front of the site. There is not that mitigation in this appeal. Consequently the planning balance in the other appeals was different to that before me. Against this background the other appeal decisions have only limited weight and, in any event, I am required to consider the individual circumstances of this appeal.

Conclusion

12. Whilst I found no harm to the living conditions of future occupiers of the dwelling, I have identified harm to the character and appearance of the area. That is the prevailing consideration and so, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR