



Appeal Decision

Site visit made on 30 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/X1925/W/17/3175571
33 Melbourn Road, Royston SG8 7DE

- 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 WJ Mead against the decision of North Hertfordshire District Council.
 - The application Ref 17/00169/1, dated 23 January 2017, was refused by notice dated 19 April 2017.
 - The development proposed is a detached 3 x bedroom dwelling with integral garage following demolition of existing garage. Detached single garage for no 33 Melbourn Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form as this most accurately and concisely describes the development to which the appeal relates. I am content that the Council would not object to this since the same description appears on their decision notice. I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of existing neighbouring dwellings with specific regard to whether or not it would be overbearing and give rise to noise disturbance.

Reasons

4. The appeal site is the elongated rear garden to Number 33 Melbourn Road. The proposed development would comprise a detached two storey dwelling situated to the far rear of the existing garden. Its gable end would be in close proximity to the shared boundary between No 33 and Collingwood Court to the north. Collingwood Court is an assisted apartment complex for elderly residents. As well as a large number of south facing windows, the south elevation of Collingwood Court features a communal outdoor space. The outdoor space is located immediately adjacent to the shared boundary, the other side of which would also be a gravelled access road, forming the private access for the proposed dwelling.

5. The area of communal outdoor space that is afforded to Collingwood Court's residents appears to be well used, it features a number of areas to sit out and enjoy. It is a pleasant landscaped space. Whilst enclosed to some degree by the height of the complex itself and the hedge and tree planting to the aforementioned shared boundary, an open aspect can be appreciated both through and over the planting.
6. A two storey building, of full gable height, would be located in very close proximity to this boundary and would give the impression of almost completely enclosing the outdoor space with built form. The building would be visible through and above the boundary planting. The over bearing effect that such height, bulk and proximity would have would be experienced mainly by users of the outdoor space but it would also all but dominate the outlook from some of the closest windows on the complex's lower floors. I have particular concern over the protection of this communal area of outdoor space for the simple reason that there are a number of residents, due to their advancing years, whose access to outdoor space is limited. Their enjoyment of what they have therefore is of significant importance to the quality of their living conditions.
7. On the matter of the driveway, I am of the view that a suitably worded condition could ensure an appropriate surface to minimise noise from its use which would be of minimal additional frequency given that movements would be associated with one single dwelling in any event. The lack of harm I have found in this respect does not however reduce the other harm I have identified to the living conditions of the existing occupiers of Collingwood Court by way of the over bearing nature of the proposed development.
8. This harm would result in conflict with saved Policy 57 of the Local Plan¹. Amongst other things and along with the Framework², this policy seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

9. For the above reasons, and having regard to all other matter raised, the appeal is dismissed.

John Morrison

INSPECTOR

¹ North Hertfordshire District Council District Local Plan No.2 with Alterations 1996, saved 2007

² The National Planning Policy Framework 2012