
Appeal Decision

Site visit made on 21 November 2017

by C Victory BA (Hons) BPI MRTPI

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

Decision date: 09 February 2018

Appeal Ref: APP/P1940/W/17/3181246

10 Gypsy Lane, Hunton Bridge, Abbots Langley WD4 8PR

- 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 Hobbs Developments Ltd against the decision of Three Rivers District Council.
 - The application Ref 17/0695/FUL, dated 31 March 2017, was refused by notice dated 10 July 2017.
 - The development proposed is the erection of 2 no. 3 bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of future occupants with regard to overlooking from No 10 Gypsy Lane.

Reasons

Character and appearance

3. No 10 Gypsy Lane is a detached dwelling positioned towards the front of a relatively large plot about 150 metres from the junction with Hunton Bridge Hill, and the appeal site comprises garden land to the side and rear of this property. Along the western side of Gypsy Hill are detached houses with a generally consistent building line, although No 12, a detached dwelling to the south of the appeal site is set centrally within its plot and well back from the road frontage. To the east of Gypsy Lane are open fields, and to the west of the appeal site a development of three detached houses is under construction, with access taken from Hunton Bridge Hill.
4. Policy DM1 of the Development Management Policies Local Development Document (DMP) (2013) states that the Council will protect the character and residential amenity of existing areas of housing from forms of backland development which are inappropriate for the area. The Council has referred to Gypsy Lane as being a local sub area different in character to nearby Fernhills or Hunton Close. These areas do not appear to be defined in any Council planning policy or guidance. Nonetheless, criterion v) of DMP Policy DM1 seeks

the maintenance of the particular character of the area in the vicinity of the application site. Hunton Close is a small cul-de-sac of dwellings, most of which are positioned behind the established building line of Hunton Bridge Hill, and tend to have quite small plots. In addition, although physically separated from Hunton Close, the alignment of the two dwellings at the rear of No 18 Hunton Bridge Hill with No 2 Hunton Close means that they are more closely related in character with that cul-de-sac than with the appeal proposal.

5. By contrast, there are no other examples of backland development within Gypsy Lane, and most dwelling have generous rear or side gardens. No 12 Gypsy Lane is untypical in being set well back from the road frontage. The two proposed dwellings would be situated towards the rear of the appeal site, with the dwelling on Plot 2 set about a metre behind of that of Plot 1, which would itself be positioned about midway along the flank wall of No 12 Gypsy Lane. As the principal elevations of these dwellings would be oriented towards Gypsy Lane, the two dwellings would be read as part of that road rather than as a continuation of the backland development at Hunton Close and the rear of Hunton Bridge Hill. They would be at odds with the prevailing character of the area when viewed from Gypsy Lane due to their back land location and significant set-back from the road compared with most other properties in the road. Although there is a drop in ground level towards the rear of the site the two storey dwellings would still be visible from the road via the new vehicular access.
6. I acknowledge that the density of the proposed development would be relatively low at 20 dwellings per hectare, taking into account the access, and this has not been disputed by the Council. Nevertheless, Plot 2 and the residual plot for the host property would be significantly smaller than any of the other plots on Gypsy Lane and would therefore create a much more cramped appearance than at present. In addition, the proximity of the dwellings to the flank wall of the nearest property at the rear of No 18 Hunton Bridge Hill would further diminish the spacious suburban character of Gypsy Lane and undermine the character and appearance of the area.
7. The dwellings would have a traditional appearance with brick elevations and the details of materials could be agreed with the Council through the imposition of a suitable condition. However, this would not overcome the material harm that would be caused for the reasons set out above.
8. For these reasons I conclude that the proposal would harm the character and appearance of the surrounding area. It would thus be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (CS) (2011) and DMP Policy DM1 and Appendix 2 to the DMP. These require, amongst other things, that developments have regard to local context and conserve or enhance the character, amenities or qualities of an area.

Living conditions

9. The host property is enclosed along the side and rear boundary with the appeal site by a close boarded timber fence of about 2 metres in height, and Laurel bushes planted within the appeal site along the rear boundary of No 10 provide some intervening screening between the host property and the new dwellings. However, due to the elevated position of No 10 about a metre above the ground level of the proposed dwellings, occupants of the former would have a view from the timber decked terrace at the rear of No 10 down towards the

front of the dwelling on Plot 2, which contains a ground floor window serving an open plan kitchen and day room, and bedrooms on the first floor. The potential for overlooking of Plot 2 would be exacerbated by the proximity to the main rear elevation of No 10, which falls below the minimum separation distance set out in Appendix 2 of the DMP between two storey and single storey elevations. I note the Council's stance that the rear terraced area is unlawful. However, my consideration of the appeal proposal is based on my observations at the site visit, and there is nothing before me to confirm that the rear decked terrace would be removed.

10. I conclude that the proposal would cause harm to the living conditions of future occupants, by reason of overlooking and loss of privacy. It would therefore be contrary to CS Policies CP1, CP3 and CP12, and DMP Policy DM1. These require proposals, amongst other things, to take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

Other Matters

11. The appellant has pointed out that the site is in a sustainable location within walking distance of shops, services and public transport connections. However, these benefits would not be sufficient to overcome the harm I have identified in relation to the main issues.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

C Victory

INSPECTOR