

Appeal Decision

Site visit made on 18 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/J1915/W/19/3226033

**Land rear of 35, 37 and 37a Station Road, Watton-At-Stone,
Hertfordshire SG14 3SH**

- 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 GDD Ltd against the decision of East Hertfordshire District Council.
 - The application, Ref. 3/18/2718/FUL, dated 10 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is the erection of a detached house with parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached house with parking on Land at the rear of 35, 37 and 37a Station Road, Watton-At-Stone in accordance with the terms of the application, Ref. 3/18/2718/FUL, dated 10 December 2018, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the street scene of Glebe Close and the area to the rear of Station Road.

Reasons

3. The Council's objection is that the proposed dwelling would be a cramped form of development which would be unduly intrusive and out of keeping with its surroundings.
 4. I saw on my visit that the immediate surroundings of the appeal site are formed by the terraces and semi-detached pairs of the former Council houses, which in my assessment are of no particular architectural merit. Indeed, the houses are examples of a nationally prescribed design of its time and easily recognisable as former local authority dwellings in countless towns and villages throughout the country. That said, with their plain and simple design and a consistent building line they are in their own way pleasing to the eye.
 5. The appeal building would be quite different, being detached with a more complex design incorporating gables, a high degree of articulation and a mix of render and brickwork. In my view it is undoubtedly an attractive design, but I agree with the Council that it would be 'out of keeping', albeit not in the
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pejorative way that this phrase implies. I consider that the proposed dwelling would be different because its bespoke appearance would contribute individuality to a neighbourhood that, as indicated above, was established in an era when a standard design and 'sameness' was an inevitable consequence of the need for a substantial supply of inexpensive community housing.

6. As regards the principle of an infill plot in this location, there is a policy imperative locally in the East Herts District Plan 2018 ('the District Plan') and in Government policy in the National Planning Policy Framework 2019 ('the Framework') to take advantages of opportunities to add to the housing stock in sustainable locations. The grounds of appeal make this case convincingly with references to Section 5: 'Delivering a Sufficient Supply of Homes' and paragraphs 11, 68, 117 & 118 of the Framework. In addition, there is Local Plan Policy VILL1, which identifies Walton-At-Stone as one of the 'Group 1 villages' that collectively need to accommodate at least a 10% increase in the housing stock of East Herts over the period up to March 2033.
7. In terms of detail, the issue is whether the development of this building in its somewhat isolated position away from the other dwellings would, as the Council, the parish council and a number of local residents allege, be visually intrusive through being a marked contrast to the grain of the street scene and also appearing as 'cramped'.
8. However on the first point, a building of essentially the same design as its neighbours would in my view be wholly incongruous – it would be perceived as a contrived and unsubtle attempt to 'fit in' with its surroundings, when as a detached dwelling on an individual plot it would manifestly be a much later addition to the street scene. It is because of this that the individuality of the building's appearance is justified, despite it being 'out of keeping'.
9. I therefore agree that the building will draw the eye as being noticeably different to its context, but given its good quality design and choice of external materials it will make a positive contribution to Glebe Close. This is in marked contrast to the unsightly conifer hedge that has been allowed to grow to a dominating and oppressive height and to the adjoining large garage court, that despite being part and parcel of the former Local Authority development has an unremittingly utilitarian character with no design merit.
10. As regards the development being 'cramped', infill development is by definition is of a higher density and characterised by much smaller plots than the area within which it is located. Be that as it may, it would not appear cramped in relation to nearby buildings because the building would be well away from the rear of the host properties of 37 & 37a Station Road and from the flank of No. 1 Glebe Close.
11. The front elevation would line in with the flank wall of No. 37a, and although it would be set forward of No. 1 the visual continuity of the road frontage is interrupted by the sight of the nearest of the lock up garages and their access drive. Within the site itself, the Council has not cited any minimum standard that would be breached, with this amended proposal now complying with the requisite garden space. It would also have a front curtilage large enough to accommodate two parking spaces; a path to the front door and side gate and an area of meaningful, rather than token, landscaping. Furthermore, although

the officer's report says that the appeal decision of February 2015 should carry significant weight in this appeal, the appeal statement explains in some detail that both the site itself and the form of development then proposed were materially different to the current scheme.

12. I have also noted the third party objections relating to a wide range of matters including parking, overdevelopment, overlooking, an absence of any need for another dwelling, the creation of a precedent and unacceptable disturbance during construction. This is not an exhaustive list and I have been left in no doubt of the local opposition to the proposal. However, whilst I have given careful consideration to all the matters raised, nothing I have seen or read carries sufficient weight in the planning balance to preclude a grant of planning permission.
13. Overall, I conclude that the proposed development would have a benign rather than harmful effect on the character and appearance of Glebe Close and the land to the rear of Station Road. There would therefore be no harmful conflict with District Plan Policies VILL1 & DES8 and Section 12: 'Achieving Well-Designed Places' of the Framework.
14. I shall therefore allow the appeal. The Council has suggested a large number of conditions but I have omitted those that in my view are (i) obviated by a condition requiring the development to be carried out in accordance with the approved plans including annotations (this condition being needed for the avoidance of doubt and in the interests of proper planning) or (ii) too onerous or indeed unnecessary in relation to a development of just one dwelling (including having regard to its access being to a residential cul-de-sac) or (iii) relate to matters covered by other legislation. I have also removed the discretionary element of the suggested conditions, which is contrary to Government guidance.
15. Of those that remain, a condition in respect of external materials will preserve the visual amenity of the street scene. Conditions restricting permitted development rights will enable the Local Planning Authority to retain control over the development in the interests of the amenity of the site and the living conditions of neighbours. A condition restricting external lighting is needed because of the siting of the development in relation to the gardens of neighbours which would have the potential for light pollution. Finally, a condition limiting the hours of work with machinery during the construction period will avoid noise and disturbance during evenings and weekends.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans, including annotations: OS Based Location / Site Plan; Drawing Nos. W901; W902; W903; W904;
- 3) Prior to the commencement of any above-ground construction works, details / samples of the external materials for the construction for the building hereby permitted shall submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials;
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no enlargement, improvement or other alteration of the dwelling as described in Schedule 2, Part 1, Class A of the Order shall be undertaken;
- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 2015, or any amending Order, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken;
- 6) No external lighting shall be provided in the rear garden or affixed to the rear wall of the property;
- 7) No plant or machinery in connection with all demolition, site preparation and construction works shall be operated on the site outside the hours of 0730 - 1830 on Monday to Saturday; 0730-1300 on Saturdays, and not at any time on Sundays or Public Holidays.