



Appeal Decision

Site visit made on 18 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2019

Appeal Ref: APP/J1915/W/19/3228604

19A&B Paddock Road, Buntingford SG9 9EX

- 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 C Lee against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2670/FUL, dated 4 December 2018, was refused by notice dated 12th February 2019.
 - The development proposed is 1 Bedroom Eco Dwelling & Replacement Garage.
-

Decision

1. The appeal is allowed and planning permission is granted for 1 Bedroom Eco Dwelling & Replacement Garage at 19A&B Paddock Road, Buntingford SG9 9EX in accordance with the terms of the application, Ref 3/18/2670/FUL, dated 4 December 2018 and subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Properties on the eastern side of Paddock Road front onto the highway and possess long and narrow rear gardens. The appeal proposal would end this consistency by introducing a backland development that would result in the subdivision of the existing rear garden area of the host property. However, in several other ways the appeal site is already inconsistent with the row of housing in which it is located.
4. Notably, the host dwelling is a detached gable-fronted property subdivided into flats and significantly distinct in type and roof-form from the predominantly terraced and semi-detached homes to either side. It is also set apart from adjacent properties by an existing vehicular access to its side, allowing access to a garage at the rear. Under the appeal proposal, these contrasting features would continue.
5. In the context of the existing contrast the appeal proposal would not cause an unacceptable impact, particularly as there would be very limited visibility of it. The garage would be rebuilt in broadly the same position as existing and would largely appear the same, including as when seen down the side access from the street. Vehicles would be parked in the same area as existing. There would be very limited views of the new home from the street, if at all. There would be some visibility from nearby properties but due to its compact size and sunken

- position at the rear of the garden, and being covered with a planted green roof which would only slightly project above the fence level of adjoining properties, the dwelling would not appear prominent or incongruous with its surroundings.
6. Further, the one-bedroom development would not appear cramped within the plot as the rear garden of the existing host property is wider than others immediately surrounding it and the proposed dwelling would be well separated from neighbouring properties. The wider garden both permits adequate space for a new dwelling and, together with the existing side access which other properties in the row do not possess, predicates against setting a local precedent in respect to backland development in the immediate area. Reasonable areas of amenity space would be provided for both existing and new dwellings.
 7. For all these reasons, the development would not harm the character and appearance of the area. As such the proposal would not be contrary to Policy DES4 of the East Herts District Plan (2018) which seeks to protect character and appearance. That policy also seeks to encourage development which incorporates high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient design and sustainable construction methods. The appeal scheme contains a significant amount of sustainable features and would accord with these objectives.

Other Matters

8. The development would use the existing side access onto Paddock Road, which the Highways Authority has confirmed has acceptable visibility splays for highway safety. Further, vehicles would be able to leave the site in forward gear due to turning space being provided within the site. As the proposal would provide adequate on-site parking spaces in line with the Council's standard there would be no unacceptable levels of on-street parking which might harm highway safety. The Highways Authority has submitted that traffic generation would not be significant in the residential road, and I agree based on the modest nature of the proposal. For these reasons, the proposed development would not harm highway safety.
9. Due to the proposed positioning of the new dwelling at the rear of the long garden, and its excavated ground level, there would not in my judgment be any material adverse impacts on the living conditions of neighbours including as regards noise and light pollution.
10. While the proposal would result in the development of a large portion of the existing garden of the host property, there would be biodiversity enhancements such as the provision of a wildlife-friendly rooftop garden and boxes supporting habitats for bees, bats and birds.

Conclusion

11. In addition to the commencement condition, I am attaching a condition specifying the approved plans as this provides certainty. I am also attaching conditions suggested by the Council which meet the 6 tests of the Planning Practice Guidance and are necessary to protect character and appearance, highway safety and the living conditions of neighbours including during construction.

12. The proposed development would accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed with conditions.

Andrew Walker

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates shall be begun within 3 years.
- 2) The development hereby approved shall be carried out in accordance with the approved plans, which are: BUN/CB/18/03 (Proposed Site Plan); BUN/CB/18/02 (Proposed Plans, Elevations and Location); BUN/CB/18/01 (Existing Plans, Elevations and Location).
- 3) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 4) Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 5) If percussion piling is considered to be the most appropriate method of foundation construction, then prior to commencement of development a justification statement detailing why percussion piling has been deemed the most appropriate method of foundation construction, and proposed control measures having considered the proximity of the site to noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.
- 6) Noise resulting from the operation of the air source heat pump or other external plant installed in connection with the consent hereby granted shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.
- 7) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 8) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing by the Local Planning Authority and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as

originally approved, unless the Local Planning Authority gives its written consent to any variation.

- 10) The dwellings hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed.
- 11) Prior to commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Traffic Management Plan shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.