



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: 27 August 2019

Appeal Ref: APP/J1915/W/19/3228322

Land adjacent to Widford Rise, Hunsdon Road, Widford SG12 8RZ

- 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 S Dickinson against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2518/FUL, dated 14 November 2018, was refused by notice dated 31 December 2018.
 - The development proposed is erection of 2no. four bed dwellings with double garages, new vehicular access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would be suitably located as regards access to services other than by private car;
 - whether sufficient information has been submitted to determine the effects of the proposed development on the living conditions of future occupiers of the dwellings as regards noise from the Cadent Gas site, air quality and any contamination of the appeal site.

Reasons

Location, access to services

3. The appeal proposal involves the erection of 2 detached houses on a parcel of land between the villages of Hunsdon and Widford. The new houses would occupy a gap in the highway frontage between a large detached property at Widford Rise and a row of 16 semi-detached dwellings.
4. There is a maintained footpath opposite the site which allows access within reasonable walking distance to goods and services within the villages, which are each around 400m away.
5. Accordingly, the proposed development would be suitably located as regards access to services other than by private car. The new occupiers would also enhance or maintain the vitality of rural communities by patronising local village services in accordance with paragraph 78 of the National Planning Policy Framework (the Framework).

6. The new dwellings would be different in size and form to the row of properties to the south, but not wholly dissimilar in those respects to Widford Rise to the north. Their traditional design with hipped and gabled projections, timber-boarded and clay tile and slate roofs would not be out-of-keeping with the rural setting, and in any respect visibility of the new dwellings would be significantly limited due to tree and hedgerow screening on the boundary of the site combined with a significant amount of proposed new planting.
7. For these reasons taken together, the proposal would not be in conflict with Policies DPS1, DPS2, DPS3 and GBR2 of the East Herts District Plan (2018) (LP) since the development would represent limited infilling in a sustainable location in the Rural Area Beyond the Green Belt appropriate to the character and appearance of the site and surrounding area.

Information as to noise, air quality, contamination

8. The site is situated opposite a gas installation. I have seen documentary evidence submitted by the appellant from Cadent Gas which explains that the kiosks used for accommodating equipment are designed with acoustic mitigation measures such as baffles and insulation to restrict the amount of noise that comes from them. While this is evidence of noise mitigation, it does not provide evidence of noise produced by the installation. Neither that document or any other evidence before me assesses the likely noise impact on the occupiers of the close dwellings proposed, taking into account all relevant factors such as the level of noise, frequency, time, duration, any special acoustic characteristics and the background noise levels in this rural location.
9. The document from Cadent Gas also explains that a minimal amount of gas is vented every 6 months or so, using 3m high vent stacks to ensure safety of personnel on the ground. Although relatively infrequent, in my judgement this could have an adverse impact on the living conditions of the occupiers of the new dwellings proposed to be built directly opposite the location. No air quality impact assessment has been submitted.
10. I have seen no substantive evidence from the appellant that deals with the Council's concerns as to the potential land contamination of the site. While the consultation with Cadent Gas highlighted the presence of high or intermediate pressure gas pipelines running through the site and made safety and asset protection requirements in respect to proposed development, no contaminated land assessment has been carried out to quantify and assess any contamination risks that may be present on site and which might pose a risk to the health of future occupiers.
11. For all of the above reasons, sufficient information has not been submitted to determine the effects of the proposed development on the living conditions of future occupiers of the dwellings as regards noise from the Cadent Gas site, air quality and any contamination of the appeal site. As such it is in conflict with Policies EQ1, EQ2 and EQ4 of the LP which require appropriate environmental assessments to be made.

Conclusion

12. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Andrew Walker

INSPECTOR