
Appeal Decision

Site visit made on 13 August 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2019

Appeal Ref: APP/X1925/W/19/3230030

Land to the rear of 13 Eldefield, Letchworth Garden City SG6 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by North Herts Property Services Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 18/03309/OP, dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is the erection of a detached chalet-style dwelling-house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been made in outline with all matters reserved.

Main Issues

3. The main issues are (i) the effect of the proposal on the character of the area, and (ii) the effect of the proposal on the living conditions of residents of neighbouring properties with specific regard to outlook and privacy.

Reasons

Character of the area

4. The appeal site is a fenced off part of the rear garden of 13 Eldefield. Eldefield is characterised by relatively large, semi-detached houses, typical of the garden city and set in large, deep plots with generally long rear gardens and generous front gardens. The street and the houses on it, viewed from the front and the rear exhibit a form, regularity and rhythm showing a strong character typical of the garden city movement.
5. Bedford Road, from where the dwelling would be accessed is somewhat different in character. One side has regular groupings of more modern dwellings, but still generally exhibits the garden-city principles of deep plots with front and rear gardens. The other side features grass-verges and trees, providing a green setting to the rear boundaries of Eldefield whilst still allowing an appreciation of their plot-depth.

6. There are some outbuildings and a garage court, accessed from Bedford Road, to the rear of Eldefield, but due to their scale, form and ancillary nature they do not alter the overall character of the area. The general impression of this part of Bedford Road is of a boundary between two distinct, but coherent areas of low density, generously landscaped housing.
7. The erection of a dwelling to the rear of 13 Eldefield would introduce development of scale, form and use which would be markedly different from the existing established character of the immediate area. The plot length would also be significantly shorter than others in the area. The proposal would not respect the existing, established character of the immediate area nor would it respect the garden city principles set out in the adopted policy. As a result, I consider that the proposal would cause significant harm to the character of the area.
8. The proposal would therefore conflict with saved Policies 57 and 58 of the North Hertfordshire District Local Plan No 2 with Alterations, April 1996 (the Local Plan) and Policy D1 of the 2016 Proposed Submission Local Plan 2011-2031 (the Proposed Submission Local Plan). These policies seek to ensure that development responds positively to its context, reflects surrounding layout and design principles and is in sympathy with the existing character of the area.
9. The proposal would also conflict with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places which respect the character and quality of an area.

Living Conditions

10. The appeal site is formed from the garden of an existing dwelling. As such, the host property already has a relatively short rear garden. As discussed above, the appeal site is atypical for the area in terms of its overall size and particularly its depth. As a result, a dwelling within this plot would have an unusually close back-to-back relationship with the host property and the neighbouring properties.
11. I note the comments of the appellant regarding the ridge-height and intended position of the dwelling within the plot. However, as the proposal is in outline with all matters reserved, I give these suggestions little weight. The positioning of the dwelling as far forwards as possible within the plot would in itself be harmful to the character of the area as both sides of Bedford Road are typified by houses set back from their front and rear plot-boundaries. This adds to my other concerns regarding the issue of character and appearance.
12. I also note the comments of the appellant with regard to the likely form and fenestration of the proposal and how he considers this would address any concerns over living conditions. However, as the proposal is in outline, these comments are of limited weight. I have addressed the position of the dwelling within the plot in my comments above.
13. In light of the arrangement of the existing and proposed dwellings, I consider that the appeal proposal would, on balance, be likely to be harmful to the living conditions of residents of neighbouring properties through the introduction of a level of overlooking and perceived overlooking, resulting in a loss of privacy which would be significantly greater than that which currently exists.

14. As a result, I consider that the proposal would conflict with Policy 57 of the Local Plan and Policy D3 of the Proposed Submission Local Plan, which aim to protect privacy and ensure that development does not cause unacceptable harm to living conditions. The proposal would also conflict with the overarching aim of the Framework to deliver well designed places that deliver a high standard of amenity for existing and future occupiers.

Planning Balance

15. I note that the appellant and the council agree that the council cannot currently demonstrate a five year supply of deliverable housing sites. As such, the provisions of the Framework apply.
16. Notwithstanding the benefits of the proposal suggested by the appellant, I have found that there is significant conflict with the development plan in terms of the harm which the proposal would cause to the character of the area and to the living conditions of residents of neighbouring properties. The development plan is consistent with the Framework in these regards, so I find that the proposal also conflicts with the Framework.
17. Therefore, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of a single dwelling, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development in the Framework does not therefore apply in this case and there are no other material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR