
Appeal Decision

Site visit made on 6 August 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/J1915/W/19/3230431

7 Pearman Drive, Dane End SG12 0LW

- 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 Ms Hannah Smale against the decision of East Hertfordshire Council.
 - The application Ref 3/18/2722/FUL, dated 12 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the relationship with protected trees on the site

Reasons

3. The site is located adjacent to No.7 Pearman Drive and is currently utilised as the garden area for that property. The area has a spacious and verdant character with mature trees along the street frontage and within the plots themselves.
4. The appeal site is reflective of this with mature planting to site boundaries. From the public realm there are glimpsed views through the site to the open countryside beyond which, along with the landscaped setting, results in the surrounding area and site having a semi-rural character and appearance.
5. Pearman Drive is a cul-de-sac and is characterised by large dwellings set within large plots, with substantial setbacks from the frontage and generous separation to their rear boundaries. Although some of the properties have been subject to extensions and alterations there remains a regularity in their size and design.
6. The proposed dwelling would have a similar appearance and materials to the existing properties on Pearman Drive. However, its overall size, particularly its depth, is noticeably smaller than the adjacent properties. In attempting to achieve a set-back and maintain the existing character of the streetscene the appellant has positioned the dwelling in very close proximity to the rear site boundary.

7. Considering this and the limited depth of the property the dwelling would result in harm to the existing spacious character of the site. It would also be at odds with the established pattern of development on Pearman Drive through the removal of a significant part of a presently undeveloped site, which currently makes a positive contribution to the character of the area.
8. Whilst Policy VILL2 of the East Herts District Plan 2018 allows for infill development, as detailed above, the proposals would erode the spacious character of the site and not reflect the established character of the area, contrary to the advice within the policy.
9. The proposals would have a harmful impact on the spacious character of the site, and this would be to the detriment of the character and appearance of the surrounding area.
10. There are a number of mature trees within the site, primarily located along the front and rear site boundaries and the site is covered by an area Tree Preservation Order (TPO). The protected trees make a positive contribution to the verdant, semi-rural character of the surrounding area.
11. The appellant has raised a concern that the Council did not take specialist landscape advice during the application process and therefore did not fully consider the findings of their submitted arboricultural report 'OMC Associates BSi 5837 Report for Development'.
12. Nonetheless, I have considered the report, and noted its findings that, although the proposed dwelling would encroach into Root Protection Areas (RPAs) and pruning would be required to facilitate the development, the majority of trees could be retained and it would be possible to mitigate any impacts during construction through the adoption of appropriate working practices and foundation techniques.
13. However, whilst conditions could be imposed to ensure appropriate methodology is employed to minimise any impact, it is clear from the details submitted that the canopies would be close and probably overhang the proposed dwelling.
14. The majority of the habitable room windows, particularly at ground floor level, are to the rear of the proposed dwelling. In addition, although there is outdoor space proposed to the east, due to the internal layout and level changes across the site it does not have any direct relationship to the main living accommodation. Given the configuration of the site it would also offer a more private area than other parts of the site. It is therefore likely that the area to the rear of the property will be used as an outdoor amenity area and future occupants will seek to maximise this and their outlook to the open countryside beyond.
15. The existing trees would be significant features and dominate the outlook from the property and rear amenity space. Furthermore, considering the orientation of the site they would result in a significant level of shading. On that basis I consider there would be pressure in the future to prune or remove these trees, due to their effect on light, maintenance and safety or structural integrity concerns which may be difficult for the Council to resist in the future.
16. Any extensive pruning or felling of these trees would have a harmful impact on the verdant character of the site and surrounding area. This risk to the trees

would also undermine any potential mitigation they would provide in screening the development from the adjacent countryside. Therefore, the development would conflict with Policy DES2 of the East Herts District Plan which seeks to ensure that developments retain, protect and enhance existing landscaping features which have amenity value.

17. Therefore, for the reasons stated the development would be contrary to Policies VILL 2, DES 2 and DES 4 of the East Herts District Plan 2018 which seek to ensure development is of a high standard of design and layout which reflects local character and distinctiveness, and retains existing landscape features. For the same reasons the development would not accord with the Framework's design policies.
18. I note that policy HOU2 of the East Herts District Plan and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Whilst I have taken this into account, I do not consider these benefits would be sufficient to outweigh the harm I have identified. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.

Other Matters

19. The appellant has referred to a previous Inspector's decision (reference APP/J1915/W/17/3168659) relating to the erection of a detached dwelling on the appeal site. Although this is the same nature of development as the appeal scheme, I note that the siting and layout of the dwelling subject to this appeal has been amended by the appellant in an attempt to overcome the previous Inspector's concerns.
20. Whilst it is acknowledged that the current appeal scheme sites the dwelling within the wider part of the site, due to the setback from the frontage it will still be very close to the rear boundary.
21. As I have detailed above, due to the proximity to the rear boundary the development would appear cramped, lacking the spaciousness that is an integral part of the established pattern of development on Pearman Drive. I note the previous Inspector was similarly concerned with the proximity to the rear boundary and this is not resolved by the current scheme.
22. Although the previous Inspector found no concerns with the impact on trees, the siting of the dwelling proposed as part of the current appeal is different to that which he considered, and I have considered the present appeal on its own merits.

Conclusion

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

A Denby

INSPECTOR