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## Appeal Decision

Site visit made on 12 August 2019 by Mariam Noorgat BSc (Hons)

**Decision by Andrew Owen BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 September 2019**

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**Appeal Ref: APP/J1915/W/19/3226035**  
**Windmill Way, Much Hadham SG10 6BH**

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Snowgold Ltd against the decision of East Herts Council.
  - The application Ref 3/18/2691/FUL, is dated 7 December 2018 was refused by notice dated 20 February 2019.
  - The proposed development is the erection of detached residential dwelling and two new vehicular accesses.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on the living conditions of the occupiers of 26 Windmill Way, and future occupiers of the proposed development, with particular regard to privacy; and
  - the effect of the proposed development on highway safety.

### Reasons

#### *Character and Appearance*

4. The appeal site is located within the Category 1 Village of Much Hadham, on the south side of Windmill Way. The proposed development would be set within the rear garden of 24 Windmill Way and would have a direct road frontage as No 24 sits perpendicular to the road. The host property lies to the east of the appeal site and is the end property in a terrace of three. The surrounding area largely consists of similar terraces to the north and west and varied architectural forms to the east and south. The plots within the surrounding area

are spacious with large gardens sited to the rear, including that of the host property. This is a characteristic feature of the area and provides a sense of uniformity and local distinctiveness.

5. The proposed development would impinge on this character by virtue of its siting in an area of undeveloped garden and the subdivision of the existing plot into two, hence contrasting with the common size of the plots, built form and pattern along the rear of the terrace it is a part of. The proposal would drastically reduce the spacious garden of the host property and although the ground floor conservatories will be removed, the shape of the new garden created for the host property (L shaped garden) and the position of the garden for the proposed development (side garden) would not reflect the local character. Overall, the small plot size, garden size and new built form would lead to an overdeveloped and cramped appearance compared to the surrounding area. As such, the proposed development would be out of keeping with the established pattern and character of development in the surrounding area.
6. The appellant states the proposal will be in keeping with the character of the area as the recent addition of No.22a on the adjacent plot has changed the grain and pattern of development. However, I am of the view that due to the proposal's narrower width compared to No.22a, and its side garden which, although larger than that at No 22a, does not follow the pattern of No.22a, it contrasts with this property and so fails to accord with the character of the immediate vicinity as well as the wider area.
7. The appellant provided a drawing from the previous planning application (ref 3/18/0513/FUL) to demonstrate the changes made to the current scheme in order to overcome the reasons for refusal, including narrowing the dwelling to overcome the cramped site and increasing the gap to No. 24. It is further suggested that the Council did not at first state overdevelopment to be a factor when determining that application. Be that as it may, I have determined this appeal based on the current scheme alone and, as I have described above, even with a narrower form, the proposal would appear cramped on the site, especially when walking uphill from east to west on Windmill Way.
8. As such, the proposal would detract harmfully from the character and appearance of the area. For these reasons, the development conflicts with Policies DES4 and VILL1 of the East Herts District Plan, 2018, (District Plan), which generally seeks to ensure developments are well designed and respect the local character.

#### *Living Conditions*

9. The rear windows of the proposed development would directly look into the rear garden of 26 Windmill Way by virtue of the proximity to the boundary. This would impede on the privacy of the occupants utilising the garden. I note there is a tree present within this garden which could minimise the impact of overlooking, however, due to the non-permanent nature of this, and the seasonal changes that effect the level of screening, this is not regarded as a solution to mitigate this impact. The lack of neighbour objections in this regard do not outweigh the harm identified above.
10. Overlooking would also be possible from the rear elevation of the host property at first floor level to the proposed dwelling's garden due to the short distance

from the new boundary fence to the rear elevation of the host property. This would impact the future occupier's privacy when utilising the garden and the intervening boundary fence would not prevent this.

11. Overall, the proposal would likely result in an unacceptable degree of overlooking, impacting the privacy of adjoining occupiers of No.26, and would fail to provide acceptably private amenity space for the future occupiers of the proposed development. It would therefore result in unsatisfactory living conditions for these occupiers. For these reasons also, the development conflicts with Policies DES4 and VILL1 of the District Plan which seeks to protect the amenity of neighbouring occupiers.

### *Highway Safety*

12. As the host property lies on a corner plot, new crossovers can be provided for the host and proposed dwelling. The proposal creates two side by side parking for the host property and the proposed development.
13. My site visit established Windmill Way to be a quiet road with very little vehicular movement. Policy TRA3 of the District Plan states parking will be assessed on a site-specific basis and should take into account the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). An update to the SPD provides a table with required amount of parking spaces for specific developments. It requires 2.5 spaces for a 3-bed dwelling so, as the parties agree No. 24 is a three bed house, a total of five spaces would be needed to serve both properties within the site. Though the four spaces shown would be a shortfall of one parking space, this would not, in my view, result in congestion or effect the free and safe flow of traffic along Windmill Way. The Highways Authority also opined that there would be no threat to highway safety.
14. The proposed parking provision is therefore deemed acceptable and the development would not result in an adverse effect on highway safety. Although it does not accord with the standards stated within the updated SPD, it does accord with Policy TRA3 in that the proposal is assessed on a site-specific basis, which I deem suitable.

### **Other Matters**

15. Though I recognise the support from the District Councillor of Much Hadham the proposal would, I consider, conflict with development plan policies.
16. Also the support provided by the occupiers of 24 Windmill Way outlining their objectives to provide affordable housing in Much Hadham, although admirable, would not outweigh the harm from the proposed development, particularly as there is no mechanism to ensure the dwelling would be affordable.

### **Planning Balance and Conclusion**

17. Whilst I acknowledge the development would provide suitable parking provision, this would not outweigh the harm identified in relation to the scheme's impact on the character and appearance of the area and the living conditions of future occupiers of the proposed development and neighbouring occupiers of 26 Windmill Way. Therefore for the reasons outlined above, I conclude that the appeal should be dismissed.

*Mariam Noorgat*

APPEAL PLANNING OFFICER

**Inspector's Decision**

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Andrew Owen*

INSPECTOR