
Appeal Decision

Site visit made on 3 September 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/J1915/W/19/3231522

34 Queens Road, Ware SG12 7DN

- 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 Mrs K Hopson against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2579/FUL, dated 16 November 2018, was refused by notice dated 16 January 2019.
 - The development proposed is demolition of existing single storey w.c./store and erection of attached two storey building consisting of 2no. one bedroom apartments with new off-street parking, vehicle entrances and crossovers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the second and third reasons for refusal relates to highway safety issues resulting from the proposed off-street parking spaces. Therefore, I have considered these together under the heading highway safety.
3. The appellant states that the provision of off-street parking could be provided without the need for planning permission. However, it is not for me, under a section 78 of the Town and Country Planning Act 1990 (the Act), to determine whether or not the proposed development would constitute permitted development. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - the effect of the proposed off-street parking spaces on highway safety.

Reasons

Character and appearance

5. Queens Road is largely characterised by semi-detached properties with a small number of terraced properties. Whilst there is variation in the use of building

materials and a mix of hipped and gabled end roofs in the locality, this part of Queens Road is largely characterised by semi-detached properties with fairly regular rhythm and spacing. In addition, many corner plots within the estate have large side gardens which together contribute to the overall open and spacious character and appearance of the street of the area.

6. No 34 Queens Road is a semi-detached house in a prominent location on the curve on Queens Road, close to the junction with Cromwell Road. It has a side garden which contributes positively to the spaciousness at this corner. The adjoining semi-detached property at No 36 Queens Road has a similar side garden. As a result, this pair of semi-detached properties provide a clear sense of visual symmetry and balance in the streetscene, particularly when viewed on the approach from Cromwell Road. Similar layouts of semi-detached properties, with large open side garden plots can be seen elsewhere within the estate including on the other side of Queens Road, when approaching from both Fanhams Road and King George Road.
7. The proposed dwelling in this location would substantially erode the open space to the side of No 34 and would unbalance the appearance and symmetrical form of these semi-detached properties (Nos 34 and 36) in this prominent location close to the entrance of Queens Road. Consequently, the proposal would result in an incongruous dwelling that would have a harmful effect on the open character and appearance of the area.
8. Furthermore, the width of the proposed dwelling would be greater than that of the adjoining semi-detached properties and the number of windows proposed in the front elevation at first floor level fails to match those on the existing pair of semi-detached properties (Nos 34 and 36). As such, the proposal would not be in keeping with the existing development and would detract from the symmetry and uniformity on this part of Queens Road.
9. The appellant contends that the proposal would make the most efficient use of the land and that the materials would match the existing properties at Nos 34 and 36, with a gabled end and a slightly lower ridge line. However, these positive aspects of the proposal would not outweigh the harm I have identified to street scene as the position of the new building would be particularly discordant, and the development would have an unsympathetic design in relation to the existing pair of semi-detached properties.
10. The appellant also states that the proposal would project no further sideways than the existing garage block. However, the existing garage block is single storey only and well set back behind the pair of existing semi-detached properties at Nos 34 and 36 such that it remains subservient to these properties. The proposed development in contrast would introduce an overly dominant and incongruous feature in the street scene.
11. I therefore conclude that this development would be harmful to the character and appearance of the area. It would therefore be contrary Policy DES4 of the East Herts District Plan, 2018 (DP), which amongst other things, requires all development proposals, including extensions to existing buildings, to be of a high standard of design and layout, and to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

Highway safety

12. The Council states that the visibility for drivers at the proposed vehicular access points are substandard, owing to the location of the site on the bend of the road on the junction of Queens Road. It is also stated that the traffic arising from access points in front of the existing dwelling would interfere with the free and safe flow of traffic on highway network and detrimental to highway safety, since the existing property lies close to the junction of Queens Road, which is a 30mph speed limit zone and on a bus route.
13. With regards to the proposed parking spaces in front of the existing dwelling at No 34 I observed that driver visibility would be limited when exiting the site in a reverse gear. This is particularly an issue, as this new access would be positioned centrally on the bend in the road, on the junction of Queens Road, which is also a bus route for the No 395¹. As such, I also share the Council's concerns with regards to the new off-street parking spaces in front of the existing dwelling. Furthermore, I do not consider that the relatively narrowness of the road nor the number of existing properties with off-street parking in front of them overcomes the harm identified above.
14. Two new off-street parking spaces are also proposed in the front garden of the new two storey building. During my site visit I observed that this part of the site is positioned further away from the junction with Queens Road, and therefore would not interfere with the bus route which runs along the southern side of Queens Road². In this respect the proposed access points in front of the new building, would be less likely to have a harmful effect on the free flow of traffic on the Queens Road. In addition, the off-street parking spaces for the new building would have greater visibility than the existing property at No 34 since it would be positioned next to the low boundary wall and forecourt of the adjacent garage block. A condition requiring the provision and maintenance of visibility splays at the access could be attached if planning permission were granted. Therefore, in respect of the new parking spaces in front of the new building, I find no harm in relation to the highway safety.
15. However, I conclude that the proposed off-street parking spaces to the front of No 34 would have an unacceptably harmful effect on highway safety. This would be contrary to DP Policy TRA2 which states that development proposals should ensure that safe and suitable access can be achieved for all users and that development should be acceptable in highway safety terms.

Other matters

16. In support of their appeal, the appellant also states that the site is not within a conservation area and that there is no article 4 direction and therefore properties within it could benefit from permitted development rights. Whilst this may be so, I have dealt with the proposals before me on its merits and in accordance with its site-specific circumstances, and relevant national and local policy.
17. The proposed development would provide two additional dwellings which would make a small contribution to the supply of housing in the Council. I also recognise that this dwelling would be in an established residential area and that it would be located with good accessibility to open space, shop and services.

¹ Taken from the appellant's statement of case.

² Compass point taken from the appellant's statement of case.

However, the adverse impacts of the proposed development in terms of the harm to character and appearance to the area and highways safety would outweigh the small benefit of two additional dwellings.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR