



Appeal Decision

Site visit made on 21 October 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/W1850/W/19/3229286

34 Dulas Avenue, Hereford HR2 7PA

- 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 Glyn Jones against the decision of Herefordshire Council.
 - The application Ref 184467, dated 30 November 2018, was refused by notice dated 30 April 2019.
 - The development proposed is erection of an end of terrace dwelling attached to no. 34 Dulas Avenue HR2 7PA.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. No. 34 Dulas Avenue (No. 34) is situated in Redhill, a residential suburb on the outskirts of Hereford. The local area is characterised by mid-20th century residential development, defined by short terraces and pairs of semi-detached houses. With little variation, development tends to be grouped by a common design approach, with balanced proportions, symmetrical fenestration and consistent roof forms and building lines. End-terrace and corner properties tend to occupy larger plots that, along with evenly spaced frontages, define a regular plot rhythm and layout and reflect the careful spatial planning of the local area. Gaps between dwellings and those provided by larger corner plots make an important contribution to the overall sense of a spacious suburban environment.
4. No. 34 is an end-of-terrace property that occupies a relatively large plot rounding the corner of Dulas Avenue. The absence of development to the side of the No. 34 creates a gap in development that off-sets the density of built-form. Moreover No. 34 is at the end of a short terrace notable for its overall balance, symmetry, roof form and building line. In this regard, the appeal site contributes positively to the area's appearance and reflects its character as a spacious and carefully planned mid-20th century housing estate.
5. The proposal is to erect a two-storey, 2/3-bedroomed dwelling on the garden to the side of No. 34. The material palette and fenestration would broadly fit

- with that of existing development and provide a similar size of accommodation. Nevertheless, the proposal would fail to reflect the form and pattern of terrace groups that define the local context and would noticeably disrupt the balance and symmetry that the existing group of four presents.
6. The proposed first floor and roof line would have an awkward relationship with No. 34 and relate poorly to the mansard design that is a recognisable feature within the local context. Moreover, the slight stepping back away from the front building line would further emphasise disparity with the terrace and wider development pattern. Consequently, the appeal scheme would fail to defer to the prevailing building line and roof forms that characterise the area.
 7. The absence of housing on the corner garden plot reinforces the characteristic plot layout and spaciousness that defines the wider suburb. Accommodating a two-storey dwelling on the appeal site would require it to reach very close to the side boundary, leaving limited space at the corner of Dulas Avenue. Notwithstanding that the provision of internal and external space would be adequate in terms of living conditions, the proposed building-to-plot ratio and garden would be uncharacteristically small for an end-terrace corner plot. Therefore, the development would appear cramped and conspicuously out of place.
 8. Fundamentally, the proposal would fail to integrate successfully into the local area and fail to take account of the local context, site characteristics and character of the townscape, contrary to Policies SD1 and LD1 of the Herefordshire Local Plan Core Strategy (CS). Conflict also arises with the National Planning Policy Framework, Revised February 2019 (Framework), insofar as it too seeks to achieve development that respects the character and quality of the area and promotes high quality design.
 9. It is not a matter in dispute that the Council cannot currently demonstrate a 5-year supply of housing land, indicating that relevant policies on delivering housing are out-of-date. The relevant development plan policies and those that are most important for determining the appeal are SD1 and LD1 of the CS that relate to design, character and appearance. These are consistent with the Framework read as a whole, throughout which is the common thread of achieving well-designed places, and are not out-of-date. The appeal scheme would also involve the provision of housing, albeit only one.
 10. Benefits would be realised through the modest contribution that this dwelling would make in boosting housing supply and increasing the choice of homes, as well as through future occupiers making use of the accessible local services and facilities; there would also be short-term economic benefits associated with the construction phase. Given the scale of the proposed development, and the contribution that one house would make to the supply of housing, the sum of these benefits would be modest. On the other hand, the proposed development would cause real and permanent harm to the character and appearance of the area and would conflict with the design, character and appearance policies in the development plan and the Framework, which are matters that weigh heavily against the proposal. Even noting that there would be no harm to heritage assets or in relation to flood risk, on balance, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole.

Other matters

11. The appeal site is situated within the Impact Risk Zone for the River Wye, a Special Area of Conservation and Site of Special Scientific Interest. In light of the European Court of Justice ruling made in April 2018, had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment to ensure compliance with Article 6(3) of the Habitats Directive. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.

Conclusion

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

H Porter

INSPECTOR