



Appeal Decision

Site visit made on 21 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/J1915/W/19/3240107
248 Ware Road, Hertford SG13 7HB

- 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 J Hudson (Trustees of Mrs JM Hudson) against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0166/FUL, dated 25 January 2019, was refused by notice dated 11 October 2019.
 - The development proposed is erection of 1no. four bed dwelling, 1no. two/three bed bungalow, following demolition of existing garages, closure of one access and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect upon the character and appearance of the area.

Reasons

3. The appeal site contains a large detached dwelling (the existing dwelling) that is served by a considerably sized garden area that contains various outbuildings. The site is served by 2 separate access points on to Ware Road. The existing dwelling makes up part of a row of frontage development that addresses Ware Road and that is generally tightly spaced. Nevertheless, generous separation distances commonly exist between Ware Road properties and neighbouring dwellings to the rear, which contributes to a somewhat loose and spacious residential character and appearance being in existence in the local area. I also note that properties are of varied type and appearance and tend to be setback relatively short distances from the highway at the front of their plots.
4. The proposal involves the construction of a 2-storey dwelling (the proposed dwelling) to the side of the existing dwelling. This would utilise a newly repositioned access point (the access) from Ware Road and would respect the form and height of neighbouring properties in the streetscene. The proposed dwelling's front and rear building lines would loosely follow those exhibited by other properties in the frontage and a degree of separation would be maintained to the neighbouring property to the east.
5. I note that the Council has raised specific concern as regards an intended gabled element to the rear of the proposed dwelling, which would incorporate a

small area of flat-roof. However, particularly when noting the varied style of properties in the locality and the discreet location of the gabled element in question, I am satisfied that the proposed dwelling's design would suitably respect the character and appearance of the area.

6. However, the access is intended to also serve a new bungalow (the bungalow) that would be located to the rear of the site. Being set away from the site's highway frontage, the introduction of a new residential plot in this location would be at odds with the typical layout of other plots in the locality. Furthermore, the existing dwelling's rear garden area, whilst currently containing of several ancillary outbuildings, can be observed to provide important breathing space between surrounding dwellings which in some cases are generously sized.
7. The bungalow's visibility from publicly accessible locations would be limited. This is particularly when noting that planting is proposed to be retained/added to the edges of the site. However, the bungalow would cover a large footprint area and have a physical presence that would influence how the area would be read and experienced, most particularly by local occupiers. The local area's spaciousness would be compromised by the intended introduction of the bungalow, which would appear as a discordant addition due to its siting and size.
8. In the context of the above findings, and notwithstanding the large extent of the particular garden area in question, I do not consider that the proposal would make the best possible use of the land that is available. Indeed, if the proposed dwelling were brought forward in isolation, it is not the case that the land to the rear would serve no clear purpose or function. It would instead serve as residential garden, as it does currently.
9. For the above reasons, the proposal would cause harm to the character and appearance of the area in conflict with Policy DES4 of the East Herts District Plan (October 2018) (the District Plan) in so far as this policy requires that development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness.
10. Policy HOU11 of the District Plan appears geared towards proposals for householder development. Whilst reference is made in the policy's wording to works within residential curtilages, it is my interpretation that the policy is not intended to guide proposals that are centred upon the provision of new units of accommodation within a residential curtilage. Thus, Policy HOU11 is of limited relevance to my considerations here.

Other Matters

11. I have noted concerns raised by interested parties with respect to matters including highway safety, the effect upon neighbouring living conditions and the effect upon existing planting. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
12. The proposal would deliver 2 additional housing units and the National Planning Policy Framework (February 2019) reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. However, the contribution of 2 dwellings

would be modest and would not outweigh the significant harm I have identified to the character and appearance of the area. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

13. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR