
Appeal Decision

Site visit made on 17 February 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 21st February 2020

Appeal Ref: APP/J1915/W/19/3240955

Land adjacent to 3A Benningfield Road, Widford, SG12 8RD

- 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 and Mrs Woodley against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1483/FUL, dated 10 July 2019, was refused by notice dated 10 October 2019.
 - The development proposed is two storey dwelling and additional crossover for existing dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, taking particular account of the size of the dwelling and the width of the site; and the effect of the proposal on the living conditions of the host property No 3A Benningfield Road.

Reasons

Character and appearance

3. Benningfield is a cul-de-sac of mainly semi-detached or terraced houses and bungalows. No 3A was created as a result of the sub-division of No 3 Benningfield Road. The appeal site is part of the garden to the side of the host property No 3A Benningfield Road. It is located within the built-up area of Widford and there is no objection in principle to a new dwelling provided all other planning policies and material considerations are satisfied.
4. Due to the available garden width at the side of the house at No 3A, the proposed dwelling would be a much narrower building block than the other buildings on Benningfield Road. As a detached dwelling it would appear disproportionately tall and narrow compared to other building blocks. It would appear cramped and contrived in such close proximity to No 3A and accordingly would be harmful to the character and appearance of the area.
5. Two side by side parking spaces would be provided in front of No 3A and two tandem spaces would be provided in front of the proposed house. Due to the restricted amount of space retained at the front of No 3A its parking area would protrude to the side such that the shared access path to the rear of the

properties would be off-set. A retaining wall is proposed on the southern boundary of the appeal site as the site slopes. However, it is not clear from the submitted plan, which is drawn at a relatively small scale and has no dimensions marked on, that sufficient width is available to satisfactorily accommodate these together with a satisfactory shared access path for occupiers of two dwellings. As a result I cannot confidently conclude that the proposal would not appear cramped and contrived.

6. For the reasons set out above I conclude that the proposal would amount to over-development of the site. The detailed design of the proposed house would not be inappropriate in this instance. However, the proposal would have a harmful effect on the character and appearance of the area because of the size of the proposed building and the cramped arrangements for access and parking in relation to the available width of the site. Accordingly the proposal would conflict with those aspects of Policies VILL2 and DES4 of the East Herts District Plan 2018 (the DP) which seek to protect and enhance the character and appearance of the local area.

Living Conditions

7. The side wall of the proposed house would be about one metre away from the main door and windows in the side wall of the host property. The proposed house would therefore appear unacceptably over-dominating and intrusive, creating gloomy conditions when viewed from the windows and from the access path to the front door. This reduction in outlook would be harmful to the living conditions of existing and future occupiers of No 3A.
8. The submitted plans show that the main door to No 3A could be re-located to the front elevation. The windows in the side elevation are either secondary windows or to the stairs/hall and could be removed without significant detriment to the internal living conditions. However, the house at No 3A is not included in the appeal site boundary. In the absence of a mechanism to ensure the alterations to 3A would take place I cannot confidently conclude that the proposal would not have a harmful effect on the living conditions of its occupiers. I therefore conclude that the proposal would conflict with those parts of Policies VILL2 and DES4 of the DP which seek to avoid a detrimental impact on the living conditions of occupiers of neighbouring houses and land.

Conclusion

9. The proposal would provide an additional two bedroom dwelling of sufficient size to meet the Technical Standards for a four person two bedroom house. However, I have concluded it would have a harmful effect on the character and appearance of the area and I have been unable to conclude it would not have a harmful effect on the living conditions of occupiers of No 3A. In failing to comply with Policies VILL2 and DES4 of the DP in these respects the proposal cannot comply with the development plan taken as a whole. The appeal is dismissed.

S Harley

INSPECTOR