



Appeal Decision

Site visit made on 7 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/J1915/W/20/3244655

17 Mangrove Drive, Hertford SG13 8AW

- 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 Bernard Gardner against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1843/FUL, dated 9 September 2019, was refused by notice dated 1 November 2019.
 - The development proposed is to demolish existing double garage and replace with a new dwelling within the curtilage of 17 Mangrove Drive.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing double garage and replace with a new dwelling within the curtilage of 17 Mangrove Drive at Land Adjacent to 17 Mangrove Drive, Hertford SG13 8AW in accordance with the terms of the application, Ref 3/19/1843/FUL, dated 9 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BG17A-LM Issue A, BG17A-EV Issue B, BG17A-FP Issue B and BG17A-LS Issue B.
 - 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
 - 4) The dwelling hereby permitted shall not be occupied until a plan indicating the position, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details prior to first occupation of the dwelling and shall thereafter be permanently retained.
 - 5) The dwelling hereby permitted shall not be occupied until the first-floor windows in the side elevation have been fitted with obscure glazing in accordance with details of the type of obscure glazing which have first been submitted to and approved in writing by the Local Planning Authority, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the approved obscure glazing shall thereafter be permanently retained.

Procedural Matters

2. The Council's decision notice identifies the site as 'Land Adjacent to 17 Mangrove Road', but it is clear from the submitted plans and my visit that the appeal relates to land adjacent to 17 Mangrove Drive which is the address given on the application form. I have therefore used this address in my decision above, and considered the appeal accordingly.
3. The Council's delegated report on the application indicated that the site was within an area designated as the 'Green Finger of Hertford'. However, the Council confirms that this was an error and the designation was removed from the site on adoption of the East Herts District Plan 2018 (EHDP) and I have determined the appeal on this basis. In this regard, I note reference within the Council's report to Policy CFLR2 of the EHDP, but as this relates to development within designated Local Green Spaces, it is not of direct relevance.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect of the proposal on the living conditions of the occupiers of 17 Mangrove Drive with particular regard to whether or not it would be overbearing.

Reasons

Character and Appearance

5. The appeal site includes part of the garden to 17 Mangrove Drive, as well as a detached single-storey garage between this dwelling and the neighbour at 15 Mangrove Drive. Mangrove Drive is a cul-de-sac comprising a mix of semi-detached and detached dwellings of varied scales and designs which are set on an irregular building line along the southern side of the street. The gaps between buildings vary in size, but typically afford views towards a backdrop of fairly generous rear gardens with established planting. To the northern side of Mangrove Drive, a boundary of mature vegetation provides separation to open land beyond, with further open areas around No 17 and its attached neighbour at 19 Mangrove Drive which are at the end of the street. Together, these factors contribute a spacious character to the street scene overall.
6. The proposed dwelling would be set back in comparison to both Nos 15 and 17. However, there is no uniform building line along the street which would be disrupted, and in the immediate vicinity of the appeal site, 11 and 11A Mangrove Drive are set notably forward of No 15 as well as 9A Mangrove Drive to their rear. In this context, the position of the development relative to neighbouring buildings would not appear unusual or jarring, and the set back of the dwelling would further reduce its prominence in views along Mangrove Drive. In my view, the position of the dwelling at an intermediate angle between the orientations of both No 15 and the pair at Nos 17 and 19 would also help to form a visual connection, linking between the different angles of these adjacent buildings. For these reasons, the siting of the dwelling would not result in an incongruous or unsympathetic addition in the street scene.
7. I accept that the dwelling would have a somewhat elongated footprint, and that both the dwelling and its plot would be of lesser width than nearby properties. Nevertheless, buildings on Mangrove Drive are not consistent in their form, scale or design. The height and pitched roof form, as well as the scale and

placement of fenestration to the front elevation of the dwelling would be broadly similar to Nos 17 and 19. The building would have a simple design, but I find that its appearance would sit comfortably in the context of the mixed surrounding architecture. Given the diversity in the street scene, I also see no reason that the size of the dwelling would cause it to appear conspicuous or striking here.

8. While smaller than those of immediate neighbours, the garden to the rear of the proposed dwelling as well as the retained garden to No 17 would remain relatively generous. Separation between the dwelling and neighbouring buildings would not be markedly different to that apparent around other buildings along Mangrove Drive and would retain opportunities for views from the street scene through to the garden backdrop and open land beyond the site. Spacing to the boundaries would also be sufficient to provide a suitable setting for the dwelling, and would increase towards the rear. Given these factors, the dwelling would not appear cramped on the site, or detract from the generally spacious character of the street scene and area.
9. For these reasons, I am satisfied that the proposal would make effective use of the site while responding to constraints without resulting in overdevelopment and I conclude on this main issue that the character and appearance of the area would not be unacceptably harmed. Consequently, I find no conflict with Policy DES4 of the EHDP which includes a requirement that development respects or improves the character of the site and surrounding area and reflects and promotes local distinctiveness.

Living Conditions

10. The development would extend some way beyond the rear elevation of 17 Mangrove Drive, but would be set in appreciably from the proposed boundary. No 17 is also set in from the boundary with its rear elevation orientated to angle slightly away from the proposed dwelling, and existing planting provides for separation between the patio to its rear and the boundary. In conjunction with the fairly modest scale of the development with a pitched roof form that would reduce in height towards the rear, these factors would limit the visual impact of the dwelling as seen from No 17. Furthermore, given the fairly generous depth of the garden to this neighbour beyond the dwelling, a significant sense of openness and unobstructed outlook would be retained avoiding an undue sense of enclosure.
11. I am therefore satisfied that the development would not be overbearing or dominant in views from No 17 or its garden, and would not result in unacceptable harm to the living conditions of the occupiers of this neighbour. The greater separation between the dwelling and 15 Mangrove Drive would similarly ensure that the development would not be visually intrusive or result in a loss of outlook for occupiers of this property.
12. Accordingly, I conclude on this main issue that the proposal would comply with Policy DES4 of the EHDP which requires, amongst other things, that development avoids significant detrimental impacts on the amenity of neighbouring occupiers.

Other Matters

13. Given its siting and orientation, windows to the front and rear of the dwelling would not overlook windows or the patios immediately to the rear of neighbouring dwellings, and views to the rear parts of neighbouring gardens would be similar to those already available from existing dwellings. Subject to the use of obscure glazing to the first-floor windows at the side of the dwelling which can be secured by condition, the proposal would not result in a harmful loss of privacy for neighbouring occupiers.
14. The Council indicate that parking would be provided to meet the required standards. Given the scale of the development, it is unlikely to result in a significant increase in vehicle movements and there is no firm evidence to suggest that it would lead to harm to highway safety or unacceptable levels of traffic on Mangrove Drive or in the surrounding area. Nor is there clear evidence that local services have insufficient capacity to meet needs generated by the proposal, or that the development would not be occupied as a dwelling.
15. I acknowledge that a previous application for a dwelling on the site was refused by the Council¹, but from the information before me, there have been material changes to the development now proposed. I also note comments referring to past increases in the number of dwellings nearby and permission which has been granted for a detached dwelling to the side of 19 Mangrove Drive², as well as proposals for development on land to the north of Mangrove Drive. However, there is no cap on additional housing coming forward within the area, and these factors do not alter my assessment of the merits of the appeal proposal.

Conditions and Conclusion

16. I have considered the Council's suggested conditions. Where necessary, I have altered these to ensure compliance with the tests outlined at paragraph 55 of the Framework, and in the interests of clarity or brevity.
17. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. To ensure a satisfactory appearance, a condition relating to the external materials of the development is necessary. I have also attached conditions to secure implementation of suitable boundary treatment and the use of obscure glazing to first-floor side windows. These are referred to within the Council's report on the application, and I agree that they are necessary in the interests of the living conditions of neighbouring occupiers.
18. Subject to these conditions, and for the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

¹ Application reference 3/19/0915/FUL

² Application reference 3/19/0102/FUL