The Planning Inspectorate

Appeal Decision

Site visit made on 20 July 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/J1915/W/20/3246979
Land adjacent to residential parking area, Ashdale, Bishops Stortford, Hertfordshire

- 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 Simon Farrugia against the decision of East Hertfordshire District Council.
- The application Ref 3/19/2157/FUL, dated 21 October 2019, was refused by notice dated 23 December 2019.
- The development proposed is the erection of a single garage.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single garage at Land adjacent to residential parking area, Ashdale, Bishops Stortford, Hertfordshire in accordance with the terms of the application, Ref 3/19/2157/FUL, dated 21 October 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: 1915ASH_1000, 1915ASH_1100 Rev A, 1915ASH_1230, 1915ASH_1240 and 1915ASH_1340.

    3) Prior to first use of the development hereby approved, details of soft landscaping shall be submitted and approved in writing by the local planning authority. The landscaping shall be implemented in accordance with the approved details.

    4) The garage hereby approved shall be used for the housing of private vehicles or personal storage and shall not be used as living accommodation or for any commercial activity without the express consent of the local planning authority

Main Issue

2. This is the effect of the development upon the character and appearance of the area.

Reasons

3. The application site is a thin strip of land sandwiched between Ashdale and Villiers-sur-Marne Avenue. The proposed garage would be a simple flat-roofed structure measuring 5.2m (length) x 3.6m (width) x 2.5m (height).

4. Villiers-sur-Marne Avenue is a residential distributor road that runs through the wider Thorley Park housing estate to the west of Bishops Stortford town centre. From my observations, the area surrounding the appeal site lacks distinction and I can see nothing inherently sensitive about the Villiers-sur-Marne Avenue street scene or the wider Thorley Park estate that would preclude small scale additions such as the appeal scheme.

5. When viewed from Villiers-sur-Marne Avenue, the houses on Ashdale and associated parking areas were all visible and the existing low-level hedges on the appeal site perform a limited screening role in that regard. As I travelled south along Villiers-sur-Marne Avenue and notwithstanding some intermittent areas of landscaping, most notably on the eastern side of the road, the area retains a strong suburban character with built development of one form or another readily apparent.

6. I have noted the requirements of Policy HOU12 of the "*East Herts District Plan 2018*" (the LP). Part II of the policy states that the Council will seek to ensure the retention of amenity land/open space/landscaped areas around housing developments and planning permission for the enclosure of such land into gardens will not usually be given. However, in this case the appeal proposal does not concern the enclosure of the land for a garden. This policy is therefore of limited relevance to the appeal scheme. I have therefore considered the development against the more general advice in Policy DES4 which amongst other things, seeks a high standard of design and layout to reflect and promote local distinctiveness.

7. Although it would be a simple and unassuming structure, the garage would be visible from Villiers-sur-Marne Avenue. However, as I have already set out, the character and appearance of the area is unremarkable and not subject to any special designation. Accordingly, I do not see visual exposure as a particular impediment in this instance. The proportions of the garage would be relatively modest, and it would simply be seen against the backdrop of existing built development on Ashdale. Compensatory landscaping to the eastern elevation and/or careful management of the highway hedges would both assist in softening the visual impact of the development in the long-term.

8. Based on the foregoing, I am satisfied that whilst there would be some change to the character and appearance of the area, the level of change would be modest and would not bring the development into conflict with Policies DES3, DES4 and HOU12 of the LP.

Other Matters

9. Local residents have expressed a wide range of concerns including but not limited to the following; parking, noise disturbance, loss of light, privacy and security. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.

10. Whether a right of access exists is a private matter and not a material planning consideration to which I can ascribe any degree of weight.

11. I have noted concerns that the development could set a precedent for other similar proposals. However, the fear of precedent, is seldom a good or

sufficient reason, in itself, to refuse development proposals, especially in circumstances where I have found the proposal to be acceptable on its merits. Moreover, no specific examples of other comparable developments have been provided. In these circumstances I am giving very limited weight to these arguments.

12. I have attached conditions covering time limits and specifying the approved plans in the interests of proper planning and to provide certainty. To ensure the satisfactory appearance of the development I have attached a landscaping condition. I have however amended the conditions supplied by the Council to ensure they are commensurate to the scale of development. To protect the amenity of neighbouring occupiers, I have imposed a condition to ensure the garage is only used for car parking and/or domestic storage. The external materials are shown on the submitted plans and detailed in Section 7 of the Application Form. A separate materials condition is therefore unnecessary.

Conclusion

13. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

INSPECTOR