
Appeal Decision

Site visit made on 11 August 2020

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/J1915/W/19/3238632

How Green Stables, Baldock Road, Buntingford SG9 9EW

- 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 T. Carey against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0752/FUL, dated 5 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is Erection of a two bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The site address on the banner heading above differs slightly from that on the planning application form. The appellant has confirmed that this is the correct address as set out on the appeal form and the Council's decision notice.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to loss of privacy.

Reasons

Character and Appearance

4. The appeal site lies to the outskirts of the town of Buntingford, in an area of mixed development types. The surrounding dwellings are of varying scales and designs. The proposed dwelling would be set behind an existing detached house 'How Green Meadow' which fronts Baldock Road. To the rear of the site are relatively low density detached two storey houses on Deacons Place and Longmead. Beyond a recently constructed dwelling opposite the site at 4 Deacons Place are a range of commercial uses including a vehicle service garage.
5. At present the site comprises a garden area and hardstanding which was most recently used as the base for a residential static caravan. The caravan has

since been removed from the site following an appeal decision for its retention¹. The plot is narrow and irregularly shaped, narrowing to the front where it joins a gated access, and tapering at an angle to the rear. The site is surrounded on all sides by existing residential development. Whilst it is self-contained by fencing and some vegetation to its boundaries, the site has a distinct presence within the street scene, both from the private drive at Deacons Place and from Baldock Road where it is clearly visible as the ground levels gently slope upwards to the rear.

6. The detailed design of the proposed dwelling is not objectionable in itself, and indeed the design and proposed use of materials would be very similar to the dwelling opposite at 4 Deacons Place. However due to the constrained and awkwardly shaped nature of the site the dwelling would appear cramped within the plot and incongruous in the street scene. I accept that no. 4 is also on a relatively small and narrow plot, nevertheless no. 4 fronts Deacons Place and is not constrained by oppressive boundary features or the close presence of other dwellings. There is a large gap between no. 4 and the adjacent garage, and its more conventionally shaped gardens and parking area allow it a more coherent presence within the street scene. This is not the case for the proposed dwelling.
7. I therefore conclude that the proposed development would result in unacceptable harm to the character and appearance of the site and the surrounding area, contrary to Policy DES4 of the East Herts District Plan 2018 (the District Plan) which requires development proposals to be of a high standards of design and layout which, amongst other things, respects or improves upon the character of the site and the surrounding area having due regard to the design opportunities and constraints of the site. The development also fails to accord with Policies HD1 and HD4 of the Buntingford Community Area Neighbourhood Plan 2017 (BCANP) which require new housing development to respect the character of the Buntingford Community Area and its immediate context. In turn, the proposed development would be contrary to paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) in in respect of achieving well designed places which are sympathetic to local character and the surrounding built environment.

Living Conditions

8. Whilst there would be an adequate area of garden and parking space for future occupants of the dwelling, the constrained and irregularly shaped nature of the site has the potential to result in harm to the living conditions currently enjoyed by all the immediate neighbouring occupiers. Views over adjoining gardens and windows would be possible from the first floor bedroom windows of the proposed dwelling, to each gable end of the building. These views would be oblique, nonetheless the proximity to the boundaries and lack of alternative and unconstrained views would exacerbate the effects to an unacceptable degree. Furthermore, the difference in levels between the appeal site and the dwellings to the rear at 1 Deacons Place and 14 Longmead would amplify such effects. I have had regard to the Design Code in Appendix 4 of the BCANP and consider it unlikely that the minimum separation distances could be achieved in all instances.

¹ APP/J1915/W/19/3230627

9. I note that there is a range of vegetation both within the site and on the neighbouring boundaries. However I visited the site when the trees are in leaf and whilst I noted that the trees have some beneficial screening effect, it is most likely that clearer views would be obtained into neighbours' property during the winter months. Side windows would also have the potential to result in loss of privacy, however these would serve a landing and bathroom and a condition could ensure that they are opaque glazed.
10. I conclude on this main issue that the proposed development would result in an unacceptable loss of privacy, adversely affecting the living conditions of neighbouring occupiers. Consequently the proposal would be contrary to District Plan Policy DES4 which seeks to avoid detrimental impacts on the amenity of occupiers of neighbouring properties, and BCANP Policy HD4 which requires new housing design to respect its immediate context having appropriate regard to the standards set out in the Design Code. In turn, the proposals would also be at odds with paragraph 127 of the Framework insofar as it seeks a high standard of amenity for existing and future users.

Other Matters

11. The lawful use of the site is not for me to determine as part of this appeal and as such I do not make any assumptions on whether the plot is classified as brownfield or not. In any event, How Green Meadow has ample garden space and the evidence does not suggest any loss of landscape or ecological features therefore I find no conflict with BCANP Policy HD5.
12. There is no dispute that the appeal site is located within the built up area of Buntingford, and has good access to local services. The efficient use of potentially previously developed land in an accessible location does alter my conclusions that the proposed development would result in unacceptable harm to the character and appearance of the area and neighbours' living conditions.
13. I have considered the suggested condition which would remove permitted development rights, however the necessity to impose such a condition only emphasises the constricted nature of the proposals.
14. There would be sufficient parking provision for a two bed property and I note the lack of objection from the highway authority. Nonetheless, the proposed front tandem parking spaces and small turning area would be tightly constrained within a fenced area and serve to accentuate the restrictions of the site.
15. The appellant's connections with the local area and the background to their ownership of the land are considerations that carry little weight and do not outweigh the harm caused by the development. Any future sale or potential alternative use of the site are not matters for my consideration.

Conclusion

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

S Hunt

INSPECTOR