
Appeal Decision

Site visit made on 19 August 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Thursday, 10 September 2020

Appeal Ref: APP/X1925/W/20/3249581

17 Mill Road, Royston SG8 7AE

- 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 Crickmore (Leisure Parks Luxury Living Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref: 19/02887/FP, dated 2 December 2019, was refused by notice dated 28 January 2020.
 - The development proposed is the erection of one detached four bed dwelling and two semi-detached three bed dwellings including new vehicular access following demolition of existing side extension, rear conservatory and front porch of No. 17 Mill Road. Erection of single storey rear extension to No. 17 Mill Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council amended the description of the proposed development from 'erection of 3 No. dwellings and alterations and extensions to existing property' to 'erection of one detached four bed dwelling and two semi-detached three bed dwellings including new vehicular access following demolition of existing side extension, rear conservatory and front porch of No. 17 Mill Road. Erection of single storey rear extension to No. 17 Mill Road'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more concise description of the proposed development and have therefore proceeded on this basis.
3. References have been made to an emerging local plan. Whilst I have had regard to these, the weight that I have been able to attach is reduced by reason of the findings from the examination in public being awaited.

Main Issues

4. The main issues are:
 - The effect of the development upon the living conditions of the occupiers of 13 Mill Road;
 - Whether appropriate living conditions would be secured for the future occupiers of the development, with particular reference to the garden of Plot 2
 - The effect of the development upon highway safety; and

- The effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions for occupiers of neighbouring property

5. The appeal site is located to the rear of 15 and 17 Mill Road. These are existing semi-detached dwellings. Adjacent to the appeal site is 13 Mill Road. Whilst No. 13 is also a semi-detached dwelling, it is set back from the front elevation of Nos. 15 and 17 and features a projecting rear gable.
6. The proposed development comprises three dwellings arranged within a linear form. Whilst there is enough distance between the proposed dwelling and the existing houses at Nos. 15 and 17, the separation distances with the dwelling at No. 13 would be substantially less on account of the relative position of the existing neighbouring dwelling and its relatively shorter garden. The separation distance is also reduced by reason of the projecting rear gable on the neighbouring property.
7. By reason of its proximity and height, the proposed development would have a significant enclosing effect on the neighbouring property, which would substantially reduce the level of outlook available for residents of that property. Furthermore, by reason of this proximity and the height of the dwellings it would not be possible to adequately screen or attenuate this overbearing effect. Whilst land levels do not vary by a significant amount, the scale and height of the proposed development is such that there would be a notable loss of outlook for the occupiers of the neighbouring property.
8. In addition, the general proximity of the development to the shared boundary would allow for direct views from the proposed dwelling into the adjoining property. As the proposed dwellings would be two storeys, views from the upper storey would be possible over any boundary treatments and landscaping. Whilst I acknowledge that such views would be at angle, from the garden of No. 13, views of the windows of Plot 3 would be possible. As such, activity behind the windows would be perceptible, which would contribute to a general perception of a loss of privacy. This would occur irrespective of whether some windows are fitted with obscure glass as noise would still be audible when the windows are open.
9. I acknowledge the appellant's suggestion that I could insist on a reduction in the size of the windows. However, such a revision would amount to a different scheme to the one that has been considered by the Council and subjected to public consultation. Accordingly, I do not believe that this suggestion would allow me to disregard my previous concerns.
10. The proposed development includes three dwellings that would be accessed via a new service road. Any usage of this service road would be in addition to activities taking place in the adjacent dwelling of Queen Anne Court. Owing to this layout, vehicles would be manoeuvring in proximity to the boundary with No. 13. This would generate noise which would be apparent within the adjoining property's garden. Owing to three dwellings being proposed, the number of vehicle movements has the potential to be significant. Furthermore, any vehicle movements would be in conjunction to any pedestrian activity.

11. These activities would therefore impinge upon the ability of residents to experience a satisfactory level of peace and quiet. This is of particular concern as the rear garden of No. 13 is the only area in which private outdoor recreation might take place.
12. Whilst I do not believe that the proposed development would result in a significant loss of light to the occupiers of No. 13, this does not outweigh my previous concerns.
13. I therefore conclude that the proposed development would have an adverse effect on the living conditions of the occupiers of 13 Mill Road. The development, in this regard, would fail to comply with Policy 57 of the North Hertfordshire District Local Plan (1996) (the Local Plan). This policy, amongst other matters, seeks to ensure that new developments are acceptable in functional terms

Living conditions for occupiers of Plot 2

14. The proposed development consists of three dwellings arranged in a linear form. To the rear of the dwellings would be the gardens for each of the proposed houses.
15. The proportions of the proposed garden of Plot 2 would be commensurate with the footprint of the specific proposed dwelling. This naturally restricts the width of the garden. This poses a concern as the proposed dwellings would be sited far back in the appeal site. In consequence, the depth of the garden would also be restricted.
16. By reason of the number of bedrooms, there is a likelihood that Plot 2 might be occupied by a family. In result, the restricted size of the rear garden is likely to impede the ability of the occupiers of the dwelling from being able to undertake the full range of outdoor recreation activities, including outdoor play.
17. Whilst I am aware that there are some areas of public open space within the wider area, these are a less convenient option. Furthermore, any area of public open space would lack the same level of privacy that would be anticipated within a garden area. In consequence, the presence of open space elsewhere within the surrounding area would not represent an appropriate alternative for residents of the dwelling proposed for Plot 2.
18. I acknowledge that the garden of Plot 2 could be redesigned to increase the level of available space. However, its area would still fall below the guidance specified within local planning policies. Therefore, my concerns are not overcome.
19. I therefore conclude that the proposed development would not result in appropriate living conditions for the occupiers of Plot 2, owing to the level of private garden space. The development, in this regard, would not comply with Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that the developments have sufficient recreation space to meet the future needs of residents.

Highway safety

20. The proposed development would be accessed from Mill Road, which is relatively narrow and features some parking restrictions and dropped kerbs and

- vehicular accesses. There are also parking restrictions and vehicle access points within the surrounding road network.
21. The proposed development includes relatively few parking spaces, which means that the development is unlikely to accommodate all the vehicles that are likely to arrive at the site such as those associated with visitors.
 22. Given the relative lack of on-site car parking spaces, some cars would be displaced onto the surrounding road network. This poses a particular concern as the vicinity features a number of parking restrictions and vehicle accesses. In result, there does not appear to be an abundance of on-street car parking within the vicinity of the site. Owing to the presence of the restrictions, the level of spaces is likely to vary throughout the day, and access to a convenient space cannot be guaranteed. In consequence, the increased demand for car parking is likely to encourage unsafe car parking practices.
 23. I am aware that the surrounding area features several services and public transport links, which may be of some use to the future occupiers of the development. However, their presence is unlikely to serve as an adequate replacement for all potential trips, and therefore not all car journeys can be discounted, particularly those involving visitors to the development. In result, the likelihood of residents of the existing and proposed dwellings having access to private cars cannot be discounted. As such, the presence of inappropriate on-street car parking practices cannot be discounted.
 24. I therefore conclude that the proposed development would have an adverse effect upon the highway safety within the vicinity of the site. The development, in this regard would fail to accord with Policies 55 and 57 of the Local Plan and Vehicle Parking at New Development Supplementary Planning Document (2011). These, amongst other matters, seek to ensure the provision of appropriate levels of car parking, and that developments do not have an adverse effect on highway safety.

Character and appearance

25. Dwellings in the surrounding area are constructed to a variety of scales, styles and ages. In addition, dwellings are set back from the highway by different amounts. A footpath runs adjacent to the appeal site's rear boundary.
26. The proposed development would therefore be viewed against this varied character. The varied character is also emphasised by Queen Anne Court, which is located to the side of the proposed development. Owing to the absence of a unifying trend between dwellings, the proposed development would not be unduly incongruous.
27. In addition, views of the development from Mill Road would be screened, to some extent, by the existing dwellings, in addition to neighbouring buildings. This would further reduce the prominence of the proposed development.
28. Whilst the development would be visible from the footpath to the rear of the site, views would be somewhat obscured by the height of the boundary treatment. In addition, owing to the different set backs from Mill Road, dwellings within the vicinity typically have different length gardens. In consequence, the presence of additional dwellings that appear closer to the footpath would not be particularly strident, or unusual.

29. Furthermore, had I been minded to allow this appeal, I could have imposed a condition that would have enabled the Council to control the materials from which the dwellings would be constructed. This would have provided a further mechanism by which it could be ensured that the proposed development would harmonise with its surroundings.
30. Therefore, I conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that new developments relate to the site's physical shape and existing features, and the character of the surroundings

Other Matters

31. The evidence before me is indicative that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance' as outlined in paragraph 11(d) of the National Planning Policy Framework applies. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.
32. Whilst the development would deliver three additional dwellings the benefits of the development are limited on the grounds that it is for a relatively small number of dwellings. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and would also be relatively localised in impact. Accordingly, I find that the benefits of the proposal are significantly and demonstrably outweighed by the harm to the living conditions of the occupiers of the neighbouring property, highway safety and the lack of sufficiently sized garden for the occupiers of Plot 2.
33. I acknowledge that no objections were received from the Council's Highways, Environmental Health and Waste and Recycling Departments. Whilst these are matters of note, they are only some of all of the matters that must be considered and therefore do not outweigh my conclusions in respect of the Main Issues.

Planning balance and conclusion

34. Whilst I do not believe that the proposed development would have an adverse effect upon the character and appearance of the surrounding area, this would be outweighed by the adverse effects on highway safety and the living conditions of the occupiers of No. 13, and the lack of appropriate garden facilities for all future occupiers. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR