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## Appeal Decision

Site visit made on 18 August 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Thursday, 10 September 2020**

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**Appeal Ref: APP/X1925/W/20/3249691**

**15 The Crescent, St Ippolyts SG4 7RE**

- 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 Paul Thapar against the decision of North Hertfordshire District Council.
  - The application Ref: 19/02791/FP, dated 21 November 2019, was refused by notice dated 17 January 2020.
  - The development proposed is the erection of one three-bed attached dwelling and garden shed in rear garden.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Paul Thapar against North Hertfordshire District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The Council amended the description of the development from 'Proposed new three-bedroom attached dwelling, free go resubmission within 12 months, in reference to application 19/01038/FP' to 'the erection of one three-bed attached dwelling and garden shed in rear garden'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description is a more concise summary of the proposal and have therefore proceeded on this basis.
4. 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

5. The property is sited within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the erection of new buildings in the Green Belt is generally inappropriate. There are some exceptions to this, which include limited infilling within a village. In this instance, the scale of the proposed dwelling, combined with its relationship with other properties would not compromise the intrinsic quality of openness

within the Green Belt. In consequence, from the evidence before me, the Main Issues are:

- the effect of the development upon highway safety;
- whether appropriate living conditions would be provided for the future occupiers of the development; and
- the effect of the development upon the character and appearance of the surrounding area.

## **Reasons**

### *Highway safety*

6. The appeal site consists of a dwelling, with a driveway to the front, which is accessed from The Crescent. Some of the surrounding dwellings also feature driveways. These are reached via a dropped kerb. The appeal site is close to the junction between The Crescent and Mill Road.
7. Given that the proposed development would create an additional dwelling, it is likely that vehicle movements to and from the site would increase as, in effect, an additional household would be resident within the site. This causes a concern as the evidence before me indicates that the parking spaces associated with the dwelling would not be sufficient to accommodate all vehicles that might reasonably be expected to be present.
8. Whilst I note that the proposed development includes a driveway, the available space is limited because it would feature inward opening gates. In consequence, the amount of space to accommodate two vehicles within the confines of the development is somewhat reduced, particularly if space for two larger vehicles is required. Although there is some space on the driveway that would serve the existing house, there is no guarantee that the households would be linked throughout the life of the development.
9. Therefore, should the development proceed there is a likelihood that some vehicles would be displaced onto the adjoining street. This causes concern as owing to the presence of dropped kerbs in the vicinity, the number of spaces within the nearby road are limited. In addition, the site is in proximity to a road junction and it is likely that should there be an increase in vehicles parked within the vicinity, visibility for users of this junction would reduce, which would not be desirable.
10. In addition, the surrounding roads are comparatively narrow in nature. This means that should the number of parked vehicles increase, there would be a reduced amount of space for vehicles to manoeuvre, which would not encourage a satisfactory level of highway safety.
11. Whilst there are some services and public transport links nearby, which may be of some use to the future occupiers of the development, these are proportionate in provision to the nature of the settlement. In result, their presence is unlikely to serve as an adequate replacement for all potential trips.
12. My attention has been drawn to a previous approval of planning permission for the erection of an annexe at the site. I do not have the full information regarding the planning circumstances of this approval, which lessens the weight that can be attributed to it. However, it is apparent that as an annexe,

it would be occupied by people connected to the residents of the original dwelling. Accordingly, there is a greater likelihood of shared trips being made as all residents would effectively be members of the same household. This means that an annexe would not have the same effects on the highway system as the development before me.

13. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development in this regard, does not conform with Policies 55 and 57 of the North Hertfordshire District Council Saved Local Plan (2007) (the Local Plan). These policies, amongst other matters, seek to ensure that new developments contain appropriate amounts of car parking and that residential roads and footpaths must be safe.

#### *Living conditions*

14. The proposed development would comprise a house with a driveway to the front, and a private garden to the rear.
15. The proposed garden would be relatively limited in scale. This is concerning as the proposed dwelling would feature three bedrooms. As such, there is a possibility that the dwelling could be occupied by a family.
16. In result, occupiers of the proposed development would not have sufficient space to undertake the full range of outdoor recreation activities, including play. This would not be conducive to securing satisfactory living conditions for the future occupiers of the development. Whilst I am aware that there are some areas of public open space within the wider area, these would lack the convenience of an appropriately sized garden and would also lack privacy. Accordingly, the presence of public open space does not represent an appropriate alternative to a lack of private garden space within the development.
17. I am aware of an extant planning permission for an annexe at the property, which had a similar layout to the scheme before me. However, the annexe featured an interconnecting door to the existing dwelling. As such, residents of the annexe would have had access to the remainder of the garden, which would have served as an additional venue for outdoors recreation.
18. Whilst I acknowledge the Council's concerns regarding the size of the proposed dwelling and whether the proposal is in conformity with the provisions of the Nationally Described Space Standards (NDSS). However, I have not been directed towards any adopted planning policies which require that developments be constructed in accordance with the NDSS.
19. As the evidence before me indicates that the residents of the proposed development would benefit from appropriate levels of light, outlook and privacy and that residents of the development would have sufficient room inside the building for various activities to take place, in addition to the storage of general household items, I do not believe that the lack of conformity with the NDSS would prevent occupiers of the development from experiencing appropriate living conditions, however, this does not overcome the harm arising from the lack of garden space.
20. The development therefore would not provide appropriate living conditions for the future occupiers of the dwelling. The proposal, in this regard, would not comply with Policy 57 of the Local Plan. This policy, amongst other matters,

requires that new developments provide suitable open space to meet the needs of future residents.

### *Character and appearance*

21. The proposed dwelling would be attached to the side of an existing terrace of dwellings. Houses in the surrounding area are typically arranged in terraces of differing lengths and designs. The appeal site is located within The Crescent, which is curved in nature. A footpath runs to the side of the appeal site.
22. The proposed dwelling would be located in line with the existing house, which would ensure that it reflects one of the predominant trends in the surrounding area, which comprises the presence of the terraces of varying lengths. This means that the development would harmonise with its surroundings.
23. On account of the character of developments within the area, the longer terrace that would emanate from the proposed development would not appear unduly incongruous. Furthermore, the proposed development would be viewed against a context where dwellings have a variety of designs and, in result, the dwelling would add to this varied character. In addition, views of the appeal site are limited by reason of the curvature in the road. In result, the proposed development would not be overly prominent within the surrounding area.
24. Whilst the development would be visible from the footpath that runs to the side of the appeal site, views would be somewhat screened by the site's boundary treatment. Furthermore, any views of the proposed building would be viewed against the context of the existing dwelling and other houses within the surrounding area.
25. My attention has been drawn to a previous proposal at the site for a residential annexe of a very similar design. Given that planning permission has been granted for this development and it would appear that the permission is still capable of taking effect, I must give this fall back position a notable amount of weight in my considerations. As the designs of the previously granted development and the scheme before me are similar, this fall-back position, if implemented, would not result in a less adverse effect on the character and appearance of the surrounding area. I am also aware of a previous appeal decision relating to a proposed dwelling but note that this had a different siting to the scheme before me.
26. Furthermore, had I been minded to allow this appeal, I could have imposed a condition regarding the materials from which the development would be constructed from. This would have provided further assurances that the development would harmonise with the character and appearance of the surrounding area.
27. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, conforms with the requirements of Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that the layout and design of developments relates to the site's shape and existing features.

### **Other Matters**

28. 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.

29. 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 and highway safety.
30. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that in general, planning decisions need to be taken in the public interest. Therefore, I can only give this matter a limited amount of weight.
31. I note that a letter of support was submitted in favour of the planning application by a local resident. Whilst this is a matter of note, it does not outweigh the harm as previously identified.

### **Planning balance and conclusion**

32. Whilst I have found that the proposed development would not have a notable adverse effect on the character and appearance of the surrounding area, this is outweighed by the negative effects on highway safety and lack of appropriate living conditions for the occupiers of the development. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR