



Appeal Decision

Site visit made on 11 November 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 25 November 2020

Appeal Ref: APP/J1915/W/20/3253952

Land rear of 138 Hertingfordbury Road, Hertford SG14 2AL

- 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 C. Johnson (Willowmead Construction Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0635/FUL, dated 23 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is the erection of a new property, comprising 1no. one bed, 1no. two bed and 2no, three-bedroom flats with associated parking, cycle and bin stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effects of the development arising from car parking;
 - whether appropriate living conditions would be provided for the future occupiers of the development;
 - whether the proposed development would provide appropriate refuse storage; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Effects of the development arising from Car parking

3. The proposed development includes four dwellings in total and four separate, off-street car parking spaces. Hertingfordbury Road is a dual carriageway leading into the settlement of Hertford. The appeal site is served by a spur of Hertingfordbury Road, which also serves as access to a number of other dwellings. There are some driveways and dropped kerbs within the section of the road. The site is near to Valeside, which features a number of corners and dropped kerbs.
4. Amongst other dwelling types, the development includes some three-bedroom flats. By reason of their scale, there is a reasonable likelihood that some would

- be occupied by families. In consequence, at times, a larger number of vehicles might be required to be present at the site.
5. Owing to the limited number of spaces within the development, some cars might be displaced into the surrounding streets. This poses a concern as the layout of the surrounding streets and presence of dropped kerbs there does not appear to be an abundance of car parking spaces within the vicinity of the site. In addition, the availability of on-street car parking is further reduced due to restrictions being in place in parts of the nearby road network.
 6. In consequence, the displacement of cars associated with the proposed development onto the surrounding road network is likely to lead to an erosion of highway safety as residents might be encouraged to park in inopportune locations. This would potentially reduce the level of visibility of motorists when entering or leaving a driveway or turning at a junction.
 7. On my site visit, I noted a number of vehicles parked on pavements, which reduces the amount of space for pedestrians to move within the vicinity. Whilst I appreciate that my site visit represents a single snapshot in time, should this occur on a regular basis, my concerns would be heightened. This increased competition for car parking spaces is also likely to cause greater inconvenience for the occupiers of neighbouring properties owing to the lack of alternative available spaces in the vicinity.
 8. Due to the location of the proposed development on one of the main routes into Hertford, I acknowledge that residents would have some access to public transport provision. However, whilst this would be of some use, it would not necessarily serve as a suitable alternative for all journeys. In addition, the use of bicycles may not always be an adequate alternative. As such, these points do not overcome my previous concerns.
 9. Furthermore, owing to the scale of the development, occupiers of at least some of the dwellings might own multiple cars, and visitors arriving at different dwellings at similar times cannot be discounted. In consequence, the presence of public transport routes does not overcome my previous concerns.
 10. No objections have been raised to the development by the local Highway Authority. However, whilst this is a matter of note, it is only one of the points that must be considered and therefore does not overcome my previous concerns.
 11. I therefore conclude that the proposed development would have an adverse effect upon highway safety and the living conditions of neighbouring properties. The development, in this regard, would conflict with Policies TRA3 and DES4 of the East Hertfordshire District Plan (2018) (the District Plan). These, amongst other matters, seek to ensure that car parking should be integrated as a key element of design to ensure good quality and safe environments; and avoid significant detrimental impacts on the occupiers of neighbouring properties.

Living conditions

12. The footprint of the proposed development would encompass a significant proportion of the site. The dwellings to the rear of the site are also located on significantly higher ground when compared to the dwellings in Hertingfordbury Road due to topography. As a result, the windows of the dwellings are concentrated on some elevations.

13. The proposal details that Unit 1 (as shown on the submitted plans) would feature a light well. Whilst this would ensure that residents of this particular dwelling would experience an appropriate amount of light, when this is combined with the limited number of windows, the level of outlook for some rooms would be diminished owing to the proximity of the sides of the light well. This is particularly concerning given that one of the effected rooms would be the dwelling's kitchen and living room, which is likely to be used on a regular basis.
14. In consequence, the presence of light wells would not appropriately mitigate the concerns arising from the relative lack of windows within the dwelling.
15. Unit 2 (as shown on the submitted plans) would have windows that would be directly adjacent to part of the car parking area. This dwelling would also be near to the car parking area of an adjacent dwelling. Owing to this relationship, any parked cars would need to be manoeuvred near these windows.
16. This is likely to generate excessive noise and disturbance that would prevent occupiers of this particular dwelling from experiencing satisfactory living conditions. Furthermore, such vehicles might reasonably be expected to manoeuvre during late nights and early mornings where the occupiers of Unit 2 might expect a greater level of peace and quiet. As the development would be occupied by separate households, it is unlikely that vehicle movements could be co-ordinated to prevent this from having an adverse effect on living conditions.
17. The car parking spaces and manoeuvring area would be available for use by all occupiers of the development. Owing to the proximity of these areas to the windows, the movement of people would allow for clear views into Unit 2. This would erode the level of privacy that residents of this dwelling would experience.
18. This is particularly concerning as the proposal would comprise four separate households. In consequence, not all residents are likely to be well known to each other. This would mean that the loss of privacy to occupiers of Unit 2 would be significant. Owing to the layout of the dwelling, it would not be possible for residents of Unit 2 to utilise different rooms of the dwelling to overcome this matter, whilst also experiencing appropriate levels of light and outlook.
19. By reason of the scale of the site, the outdoor recreation areas are relatively small. This is particularly concerning as Units 3 and 4 would both feature three bedrooms. In result, they could be occupied by families. In consequence the lack of appropriately sized private garden space would reduce the ability of residents to undertake private outdoors recreation, including outdoor play.
20. The proposed development would feature dwellings of an appropriate size and these are likely to meet the needs of the future occupiers. This would also allow for the storage of household items, whilst separate cycle storage has been provided. However, this would not overcome the issues regarding noise, light and outlook as previously identified. Furthermore, the presence of outdoor recreation areas would not overcome the previous concerns.
21. I therefore conclude that the proposed development would not provide appropriate living conditions for all occupiers of the proposed development. The

development, in this regard, would conflict with Policies DES4 and EQ2 of the District Plan. Amongst other matters, these seek homes, that are flexible to future adaptation, including the changing needs of occupants; and to ensure that developments be designed in a way that minimises the direct and cumulative impact of noise on the surrounding environment.

Refuse storage

22. The proposed development would be set back from the highway edge and would be accessed via a private service road. This would be shared with occupiers of the adjacent residential development. A refuse storage area has been illustrated but is outside of the red line as denoted on the site plan.
23. Whilst the refuse storage area could accommodate some large sized bins in order to store refuse and recycling materials for the development's residents, this would be located some distance away from the actual dwellings and via a relatively steep service road, which would be inconvenient.
24. In addition, the fact that it is outside of the appeal site, as illustrated by the red line of the proposed site plan means that I cannot be certain that a condition requiring the implementation and retention of the proposed refuse storage would meet the statutory tests.
25. This is particularly concerning as owing to the relatively small outside areas that have been allocated to each dwelling, there are limited areas where refuse and materials for recycling might be stored. In consequence, should such refuse and recycling materials be stored within such areas, it would limit their effectiveness as an area where residents might undertake outdoors recreation, or outdoor play.
26. I therefore conclude that the proposed development would not provide appropriate refuse storage. The development, in this regard, would conflict with District Plan Policy DES4. This, amongst other matters, seeks to ensure that developments make provision for the storage of bins.

Character and appearance

27. The proposed development would be located to the rear of properties in Hertingfordbury Road and near to an existing, backland development. The buildings within the surrounding area are constructed to different designs and are set back from the highway edge by differing amounts. The surrounding area also features a garage court.
28. Owing to the mixture of building types, designs and locations within the vicinity of the appeal site, the surrounding area does not feature a single defining building style. Accordingly, the proposed development, whilst being of a different design to many other nearby buildings, would not appear to be particularly discordant as it would complement the variety of built form within the surrounding area.
29. In addition, the proposed development would be located alongside an existing backland development, which although constructed to a different design has a similar mass to the proposed development. In consequence, this relationship would prevent the proposal from eroding the character of the area.

30. The proposed development would be screened, to a significant degree by the existing dwellings in Hertingfordbury Road and Valeside. In consequence, the proposed development would not be readily visible from the wider area and any views of the development would generally be fleeting in nature and obscured by other buildings.
31. Therefore, whilst the proposed development would include four dwellings, vehicle parking areas, manoeuvring areas and a cycle store, it would not appear unduly strident or prominent.
32. Furthermore, had I been minded to allow this appeal, I could have imposed a condition to secure the implementation and retention of some soft landscaping. Whilst such areas of landscaping would be relatively small, they would reduce the overall effect of the increased built form.
33. I therefore 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 conform with District Plan Policies DES3, DES4 and HOU2. These, amongst other matters seek to ensure that new there is no net loss of landscaping features; that developments be of a standard of design that reflects and promotes local distinctiveness and be informed by the character of the local area.

Other Matters

34. My attention has been drawn to previous appeal decisions in respect of this site. I do not have all of the information regarding their planning circumstances, which lessens the weight that I can attribute to them. Furthermore, I note that they pertain to a different nature of development to the one before me as they relate to a single dwelling. Accordingly, the presence of these decisions does not overcome the concerns that I have previously identified.
35. The proposed development would result in development of a site within the existing urban area and would add to the local supply of housing. Whilst these are matters of note, they do not outweigh my conclusions in respect of the main issues.

Planning balance and conclusion

36. The proposed development would not have an adverse effect on the character and appearance of the surrounding area. Whilst this is a matter of note, this does not outweigh the adverse effects arising from the negative effects from the car parking, the lack of appropriate refuse storage and the lack of appropriate living conditions for the future occupiers of the development. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR