
Appeal Decision

Site visit made on 14 December 2020

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 5th January 2021

Appeal Ref: APP/X1925/W/20/3256883

1 Coronation Row, Crow Lane, Reed, Royston SG8 8AD

- 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 & Mrs A Camp against the decision of North Hertfordshire District Council.
 - The application Ref 19/02906/FP, dated 4 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is the separation of the annexe from the principal dwelling to provide a separate residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect on the Reed Conservation Area (CA); and
 - whether the proposal would provide acceptable living conditions for future occupiers in relation to outlook and external amenity space.

Reasons

Background

3. The proposal is to use the residential annexe building under construction at the rear of No 1 Coronation Row as an independent dwelling. Planning permission for the extension and conversion of the previous double garage on the site was granted in 2015, the intention being to accommodate the elderly parents of the owners. However, by 2017 circumstances had changed and an application to use the building as a separate dwelling was refused and dismissed on appeal¹. At that time the building was described as 'largely constructed, but incomplete'. According to neighbours, work has continued since then and on the site visit it was noted that the building is now finished in its own fenced/hedged enclosure albeit unoccupied and not fitted out internally.
4. The site, indeed Reed as a whole, lies in the 'Rural Area beyond the Green Belt' where saved Policy 6 of the North Hertfordshire District Local Plan No 2 with Alterations 1996 (the NHDLP) aims to maintain the villages and their character.

¹ APP/X1925/W/17/3180296

In such areas single dwellings within the built core of a settlement are permitted where they would not result in outward expansion or have any other adverse impact on the local environment.

Character and appearance

5. The annexe building lies at the end of the long, narrow back garden of No 1, the last property in a traditional terrace of four Edwardian houses fronting Crow Lane. The building is accessed by a long driveway running to one side of No 1 and its rear garden, and this serves a parking space which would be allocated to the new dwelling and two parking spaces to serve No 1. Through a break in the common boundary the driveway also provides access into the bottom of the rear garden of No 2.
6. Reed is a dispersed settlement with houses scattered along an open network of rural lanes with extensive green fields in between. The majority of the village is designated as a conservation area, and this scattered development pattern is fundamental to its character. Housing generally fronts onto the village lanes, some set back in individual plots, with little development in depth and very few residential estates, just two or three groups of houses in the more built up part of the village to the west.
7. The distinguishing feature of Crow Lane is the frontage housing on its northern side. Although the houses in Coronation Row have some outbuildings behind in their long rear gardens, there are no dwellings to the rear, indeed the appellant provides no examples of such tandem development anywhere in the village. In this context, as the 2017 Inspector concluded, a separate residential unit would result in a cluttered juxtaposition of two significantly smaller plots.
8. Whilst the annexe building behind No 1 is now substantially complete and sits in its own enclosure, it remains functionally related to the main property. As such it serves as supplementary accommodation to the main house and could have a variety of uses including a 'granny annex' as originally intended, extra bedroom or home office. These or other ancillary uses would retain the overall character of No 1 as a single dwelling in a long narrow plot in keeping with the others in the Row and Noel Villas next door.
9. However, its use as an independent dwelling would be readily apparent with inevitable signs of separate occupation including extra parked cars, house signage, refuse/recycling bins, planting, garden furniture and other domestic paraphernalia. Additional pedestrian and vehicle movements to the property down the side of No 1 are likely and pressure for more parking spaces for the new house and/or No 1, the latter (despite assurances to the contrary) potentially involving the creation of a hardstanding in the front garden. These changes would be detrimental to the character and appearance of the area.
10. The only real change in circumstances since the 2017 appeal was dismissed is that the emerging North Hertfordshire Local Plan has progressed with further hearings following publication of various main modifications. Whilst not yet finalised, it seems likely that Reed will be classified as a Category A village with a defined settlement boundary including the gardens behind Coronation Row within which development may be allowed subject to other policies. However, the NHDLP already allows permission for a dwelling where there would be no outward expansion of the settlement as would be the case here.

11. Critically, whilst both the NHDLP and emerging plan allow for a dwelling on the appeal site as matter of principle, neither do so if there would be harm to the character and appearance of the area. Consequently the emerging plan, even if adopted as currently drafted, does not materially assist the appellant's case.
12. In addition, the site lies within the Reed CA where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The essential characteristic of the CA is its openness, with low density historic and modern buildings in generous plots fronting the network of country lanes which encompass extensive tracts of agricultural land. The rural nature of the CA in its pleasant countryside setting would be adversely affected by the subdivision of the rear garden of No 1 into two plots as this would lead to a denser, tandem pattern of development not seen elsewhere.
13. In relation to the policies in the National Planning Policy Framework, this would be less than substantial harm to the CA, but nevertheless requires clear and convincing justification. In this case the public benefits of the proposal would be minimal, essentially the provision of a single dwelling, and thus outweighed by the harm. In these circumstances there is clear reason for refusing the proposal and the presumption in favour of sustainable development does not apply notwithstanding the acknowledged shortfall in housing land supply.
14. For these reasons the proposal would significantly harm the character and appearance of the area and would fail to preserve the character or appearance of the Reed CA. This would conflict with NHDLP Policy 6 which precludes single dwellings in the village which would have an adverse impact on the local environment and the legislative requirement to preserve the character or appearance of the Reed CA.

Living conditions

15. The annexe building lies within its own spatial setting but this is quite small, being separated from the parking/turning area to the front by a hedge and to the rear and sides by close boarded fencing. These are just a few metres away from the main front and rear facing windows of the building and this would excessively restrict the depth of outlook from the windows and lead to an undue sense of enclosure within an independent dwelling. The 2017 Inspector concluded the outlook would be poor and replacing the close boarded fence to the front with a hedge does not significantly improve the position.
16. Furthermore, the enclosed area around the property is unduly limited in size, particularly to the rear, and this would not provide adequate outdoor amenity space in relation to the size of the dwelling. From the description of the 2017 Inspector it would appear further land has been added to the site behind the building and the appellant puts this at 30 m². However, the Council query the planning status of this extra land and from representations at application stage its ownership may be disputed. In any event, this area of land is insufficient to overcome the concerns of the previous Inspector.
17. For these reasons the proposal would not provide acceptable living conditions for future occupiers in relation to outlook and external amenity space. This would conflict with NHDLP Policy 57 which requires the layout of new houses to be acceptable to residents in functional terms and for the size of private amenity space to relate to the needs of future residents.

Conclusion

18. The proposal would provide an additional small dwelling which would make a useful contribution towards local housing needs in a sustainable location and offer social and economic benefits for the village. On the other hand, retention of the annexe to provide additional flexible space to complement the existing accommodation offered by No 1 would also broaden the range of housing available in the village. In any event, other material considerations are not sufficient to outweigh the harm identified under the main issues and the associated conflict with the development plan, nor the legal requirement to preserve or enhance the character or appearance of the Reed CA.
19. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR