
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: Tuesday, 12 January 2021

Appeal Ref: APP/J1915/W/20/3254158

19 Winding Shott, Bramfield, Hertfordshire SG14 2QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs N. Crook against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0189/OUT, dated 29 January 2020, was refused by notice dated 1 April 2020.
 - The development proposed is the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow at 19 Winding Shott, Bramfield, Hertfordshire SG14 2QP in accordance with the terms of the application, Ref: 3/20/0189/OUT, dated 29 January 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matter

2. The application was submitted in outline, with all matters reserved aside from access. I have had regard to the details not pertaining to access on an indicative basis only.

Background and Main Issue

3. The appeal site is within the Metropolitan Green Belt. Whilst the National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate, there are some exceptions. One of the exceptions listed is a limited infill within a village.
4. By reason of the proposed development being for a single dwelling and being located near to several other dwellings and within Bramfield, the proposed development would be a limited infill. Accordingly, the proposed development would not be inappropriate in the Green Belt as defined by the Framework.
5. Accordingly, from the evidence before me, the main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

6. The appeal site consists of part of the rear garden of 19 Winding Shott. This is a semi-detached dwelling and whilst the adjoining dwelling is of broadly similar proportions, there are some variations in terms of individual designs. Within Winding Shott, there are houses constructed to several different designs that are also set back from the highway by varying amounts. The appeal site is near to Turners Court, which contains different houses, bungalows and flats.
7. Owing to this context, the proposed development would be viewed alongside a backdrop of dwellings that are constructed to different designs and proportions. Owing to their varying forms, the existing buildings have contrasting amounts of landscaping and different relationships with the highway network. In result, the proposed development would not erode any distinctive, or unusual, character within the surrounding area.
8. Whilst the proposed dwelling is likely to be, in part, visible from Winding Shott itself, any such views are likely to be relatively limited owing to the pattern of development in the surrounding area. Furthermore, any views are likely to be concentrated on the gap to the side of the existing house. Currently, this gap provides limited views of existing dwellings in Turners Court.
9. In consequence, the addition of further fleeting views of the proposed dwelling would not result in a significant change to the character and appearance of the surrounding area as it would be viewed alongside existing developments in a similar context.
10. In addition, the siting of the proposed dwelling is such that it would be screened, to a degree, by dwellings in Winding Shott and Turners Court which are closer to the highway. This means that the proposed development would not appear unduly prominent within the surrounding area.
11. Whilst the proposed dwelling would be a detached dwelling, the limited views of the development combined with the lack of prominence are such that this would not be particularly injurious to the character and appearance of the surrounding area.
12. The proposed dwelling would be visible from Turners Court, however owing to the nature of the existing boundary treatments, clear views of the rear elevation of the existing house are available. Accordingly, within this context, views of the rear elevation of the proposed dwelling would not appear particularly incongruous and would not erode the character of the surrounding area.
13. Furthermore, from Turners Court, the proposed dwelling would be viewed alongside a large outbuilding at the adjoining property of 18 Winding Shott and a garage court. Due to their position and their varying designs, the presence of an additional dwelling would not be unduly detrimental to the character and appearance of this section of Turners Court.
14. The proposed development would utilise an access running from Winding Shott. Whilst this driveway would be relatively long, the existing site features an area of hard standing and a car port to the side of the dwelling. Therefore, when viewed from Winding Shott, the lengthened driveway would not appear substantially different. In addition, within the surrounding area properties have several different driveway designs and positions. As such, the lack of a unifying

trend means that this element of the proposed development would not appear unduly discordant.

15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development is therefore in conformity with Policies DES4 and VILL2 of the East Hertfordshire District Plan (2018). These, amongst other matters, seek to ensure that new developments, make the best possible use of the available land by respecting, or improving upon, the character of the site and the surrounding area; and be well designed and relate well to the village in terms of location, layout and connectivity.

Other Matters

16. The proposed development, as an additional dwelling, would result in an increase in vehicle movements. However, by reason of the scale of the proposed development, this would not be significant.
17. As the proposal before me has been submitted in outline form, the final design of the development would be subject to approval and consideration by the Council. However, I have not been directed towards any development plan policy breach that is indicative that the proposed development would cause any adverse effects upon the living conditions of the occupiers of the neighbouring properties.

Conditions

18. I have had regard to the list of conditions suggested by the Council. A condition specifying the time limits for the submission of the reserved matters and the implementation of the development, in addition to a condition setting out the reserved matters are necessary in the interests of precision. I have also included a condition that requires the development to be carried out in accordance with the submitted plans that specify the extent of the appeal site and the position of the proposed access in the interests of consistency.
19. Although the proposed development would utilise the existing point of access within Winding Shott, its use would be intensified. In result, it appears necessary and reasonable to include a condition requiring the installation of visibility splays in the interests of highway safety. However, I have amended the wording of the condition to include a retention clause.
20. In order to prevent parked vehicles from being displaced onto the surrounding area, it is appropriate to include a condition allowing the Council to consider details of the required parking area. I have amended this condition to make it clear that the details should include a timetable for implementation and to include a retention clause.
21. Owing to the proximity of the appeal site to other residential properties, a condition limiting the hours in which works on site can take place. This is to avoid excessive noise and disturbance from occurring, which might have an adverse effect upon the living conditions of the occupiers of neighbouring properties. However, I have amended the wording of the condition to include reference to Public Holidays, in addition to Bank Holidays, as these are typically days when residents might reasonably expect a greater level of peace and quiet.

Conclusion

22. For the preceding reasons, I conclude that the appeal should be allowed, and outline planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of three years commencing on the date of this notice. The development to which this permission relates shall be begun by not later than the expiration of a period of two years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; and Site Plan 1.
4. Prior to the first use of the access by the proposed dwelling, details including a layout plan illustrating the parking, hardstanding and turning areas within the site, and timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained thereafter.
5. Prior to the first occupation of the new dwelling, 0.65 metre x 0.65 metre visibility splays shall be provided and permanently maintained each side of the access. Such splays shall be measured from the point where the edge of the access crosses the highway boundary. Within the splays, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway and these shall be retained thereafter.
6. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated: before 08.00hrs Monday to Saturday, after 18.00hrs on weekdays nor after 13.00hrs on Saturdays. Plant and machinery shall not be operated at any time on Sundays, Bank Holidays or Public Holidays.