



Appeal Decision

Site Visit made on 13 January 2021

by Chris Forreth MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J1915/W/20/3258823

Land rear of 33 Homefield Road, Ware, Hertfordshire SG12 7NG

- 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 & Mrs Jenkins against the decision of East Herts District Council.
- The application Ref 3/20/0836/FUL, dated 29 April 2020, was refused by notice dated 23 June 2020.
- The development proposed is the erection of a detached one-bedroom bungalow with new vehicle access and parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within a residential area of Ware and consists of part of the rear garden of a semi-detached bungalow. The bungalows on the south side of Homefield Road have a uniformity to their spacing and their gardens are generous in their length. From my site visit I saw that there is an existing outbuilding adjacent to the appeal site at the bottom of the garden to The Manse. The only buildings which exist to the rear of the Homefield Road properties are ancillary domestic buildings.
4. The proposal would result in the subdivision of the garden of No.33 with the rearmost section accommodating the proposed bungalow. The bungalow would be formed in an 'L' shape and would be around 3.85 metres in height. The bungalow would extend across the majority of the width of the site with approximately 1 metre each side left open to allow for access.
5. My attention has been drawn to a previous proposal which was refused permission by the Council and subsequently dismissed at appeal¹. From the evidence before me, the current proposal has a very similar footprint and siting to the previous proposal but has a much lower roof pitch which has resulted in a building which is much lower than previously considered. Nevertheless, this appeal decision is an important material consideration.

¹ References 3/18/2058/FUL and APP/J1915/W/19/3221849

6. Given the lowered roof height of the proposed bungalow any views of it from Homefield Road would be very limited. However, the proposal would be highly visible from the rear of the adjoining properties on Homefield Road and from the properties accessed off the private driveway to the rear off High Oak Road.
7. More significantly, the retained garden for No.33 would be much shorter than those of the other properties on Homefield Road, including Nos. 35 and 37. To my mind, it is this factor together with the addition of the building itself would result in an overall pattern of development which would unacceptably undermine the character of the existing development along Homefield Road. In this respect, it would result in an overly cramped form of development.
8. Notwithstanding that, I am conscious of the existing bungalows at 62A, 64 and 66 High Oak Road which are accessed off the private driveway to the rear. The pattern of development of these bungalows is much more tightly packed, with plot sizes being much smaller than the Homefield Road properties.
9. However, from the Councils figures, the appeal plot would be much smaller than even the smallest of these bungalows (No. 62A) and the development of even a small bungalow on this site would contribute to the feeling of a new dwelling being squeezed into the available space. Whilst the level of harm is not as great as that in relation to the Homefield Road character, there is nevertheless some harm.
10. Taking all of the above into account, the development would have a harmful impact on the character and appearance of the area in conflict with Policy DES4 of the East Herts District Plan 2018 (EHDP) which amongst other matters seeks to ensure that development is of a high standard of design and layout to reflect and promote local distinctiveness. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Living conditions

11. The Councils reason for refusal also includes reference to harm to the visual amenities of neighbouring residents, although the Officers' report concludes that the proposed scheme would have an acceptable impact on the residential amenities, in accordance with Policy DES4(c) of the EHDP.
12. Notwithstanding that, I am conscious that the representations received on the application have included matters relating to the potential loss of light and overshadowing, sewerage/drainage, the enjoyment of neighbouring gardens, noise and pollution from additional traffic, security issues and light nuisance from new security lights.
13. Whilst I have found harm in terms of the cramped form of development on the character and appearance of the area, on balance, I consider that none of the matters raised in respect of the effect of the development on the living conditions of the occupiers of the adjoining properties amount to a further compelling reason to withhold planning permission.
14. For the above reasons, I consider that the proposal would not harm the living conditions of the occupiers of the adjoining, or nearby, residential properties and in this respect the proposal would accord with Policy DES4(c) of the EHDP which seeks to ensure that new development avoids significant detrimental impacts of the amenity of the occupiers of neighbouring properties.

Other Matters

15. I have also had regard to the other matters raised in the representations, including highway aspects. Whilst I share some of the concerns of local residents in respect of the width of the access and whether cars would be able to manoeuvre into and out of the proposed parking spaces, I am also conscious that the access driveway is outside of the application site, and therefore outside of the scope of the application.
16. The provision of a suitable access to the appeal site is clearly a material planning consideration which does not appear to have been fully considered by the Council. Had I been minded to allow the appeal, then this is clearly a matter which would have needed further consideration as to whether a safe and suitable access could be provided. However, given my conclusions above, I have not explored this matter any further.
17. In respect of the other matters raised in the representations not already covered above, none of these matters present a barrier to the granting of planning permission.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR