



Appeal Decision

Site Visit made on 25 May 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/J1915/W/21/3268346

Land Adjacent to The Cottage, Duck Street, Little Hornead, Hertfordshire SG9 0LZ

- 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 Willan against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1443/FUL, dated 29 July 2020, was refused by notice dated 29 September 2020.
 - The development proposed is the erection of a detached dwelling, relocation of the existing garage, landscaping, parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A set of amended plans has been submitted by the appellant as part of the appeal which make some minor amendments to the proposed development. In essence these comprise the deletion of potential overlooking windows on the proposed dwelling's western elevation and the provision of three tandem parking spaces for the existing cottage immediately next to its western elevation. I am satisfied that the amendments do not substantively alter the proposed development and that the appropriate parties have been properly consulted. I have therefore determined this appeal on the basis of the amended set of plans.

Main Issues

3. The main issues are:
 - whether the principle of the proposed development is acceptable in terms of its location;
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area;
 - the effect of the proposed development on the living conditions of the current and future occupiers of The Cottage, located to the west of the development site; and
 - the effect of the proposed development on parking provision in connection with The Cottage and the proposed new dwelling.

Reasons

Principle of the proposed development

4. The appeal property is located within Little Hornead, a small hamlet which is designated as Rural Area Beyond the Green Belt in the East Herts District Plan (adopted October 2018) (District Plan). Under Policy GBR2 of the District Plan, limited development which constitutes 'infilling' may be permitted within the Rural Area Beyond the Green Belt, provided it is within a sustainable location and is appropriate to the character, appearance and setting of the site and/or surrounding area.
5. Under Policy VILL3 of the District Plan, Little Hornead is classed as a Group 3 Village. Group 3 Villages are identified in Policy VILL3 as the least sustainable locations for development in the district. However, under this policy, limited infill development in a Group 3 Village which is identified in an adopted Neighbourhood Plan may be permitted, subject to meeting prescribed criteria.
6. Little Hornead is covered by the Buntingford Community Area Neighbourhood Plan (2014 – 2031) (Neighbourhood Plan). Whilst Little Hornead is not specifically named or identified within the Neighbourhood Plan as an area for development, Policy HD1 of the Neighbourhood Plan does permit "*small scale infill development within or immediately adjoining significant existing clusters of development*", subject to meeting other policy requirements.
7. Little Hornead is a small settlement of approximately 16 dwellings, which I agree would constitute a cluster of development for the purposes of this policy. In certain circumstances, infill development could therefore conceivably be permitted within Little Hornead. On the basis that the proposed development is located immediately adjacent to The Cottage which is part of the cluster of dwellings within the hamlet, the proposed development could fall within the remit of 'infilling' as intended by policy HD1, by virtue of its proximity to the dwellings in the existing cluster. Otherwise, as highlighted by the appellant, "*or immediately adjoining*" would have been left out of the policy wording, as infill would not be possible in such locations. However, such infill development will only be permitted within a Group 3 Village where all other requirements of the development plan have been met.
8. Under paragraph 3(e) of Policy VILL3 of the District Plan, infill development which is identified in an adopted Neighbourhood Plan will only be permitted where development does "*not represent an extension of ribbon development*". Little Hornead is made up of approximately 16 dwellings, which are sited along the principal lane which runs through the hamlet in a ribbon formation. The appeal property is the last property on the southern side of the lane in this main cluster. A large open paddock then forms a substantial gap between the boundary of the appeal property and its garden, and the dwellings further down the southern side of the lane. The addition of a dwelling beyond The Cottage would therefore represent an extension of the established ribbon development along Duck Street, which would contravene the requirements of Policy VILL3.
9. The appellant has argued that Policy HD1 of the Neighbourhood Plan allows small scale residential development next to or joined to an existing cluster, even if this results in ribbon development. I cannot accept this position. Policy VILL3 is explicit that any infill development within a Group 3 Village, which includes Little Hornead, must not represent an extension of ribbon

development. Development can be located next to or adjoining an existing cluster of dwellings, without constituting an extension of ribbon development. It therefore does not follow that the wording in Policy HD1 implies that infill development can be permitted even where it extends ribbon development, just because it is next to or adjacent to an existing cluster of dwellings.

10. The appellant considers the existing garage to be part of a developed frontage and so argues the new dwelling must comprise infill development. However, I agree with the Council that the garage is simply an incidental building to the existing dwelling, which does not somehow establish the site of the proposed new house as an infill plot (notwithstanding the position under policy HD1 of the Neighbourhood Plan). In any case, it would still clearly comprise ribbon development because it would extend development on the south side of Duck Lane in an easterly direction where there is currently no such development.
11. Policy GBR2 of the District Plan states that limited development which constitutes 'infilling' may be permitted within a Rural Area Beyond the Green Belt, provided it is within a sustainable location. Approximately one third of the district is within the Green Belt, and the remaining two thirds of the district is classified as Rural Area Beyond the Green Belt. As such, the entirety of the district falls within one of these two designations. On the basis that both Policy VILL3 of the District Plan and Policy HD1 of the Neighbourhood Plan do allow for infill development in Group 3 Villages in certain circumstances (which are identified as the least sustainable locations in the district), it follows that infill development cannot automatically be precluded in these locations due to being in an unsustainable location. Otherwise, all infill development within these areas would contravene Policy GBR2 of the District Plan, and therefore be precluded. This would effectively render the content of these policies redundant.
12. Whilst Group 3 Villages, including Little Hornead, are considered the least sustainable areas for development in the district, for the reasons just discussed, I do not consider that the location of the proposed development should automatically be deemed unsustainable. As the appellant has highlighted, paragraph 78 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Given the proximity of Little Hornead to the larger settlements of Great Hornead, Hare Street and Buntingford, new housing stock within this location can still help to support the vitality of this wider rural area, thereby contributing to its sustainability in this regard.
13. However, given that Group 3 Villages are identified as the least sustainable locations for development in the district, it is of paramount importance that any infill development within these areas meets all other criteria set out in the development plan, to ensure that development in these locations is as sustainable as it possibly can be.
14. As already highlighted, the proposed development would extend the established ribbon development along Duck Street, which contravenes the requirements of Policy VILL3 of the District Plan. Due to the conflict with this policy, it follows that I cannot consider that the location of the proposed development to be sustainable, particularly from an environmental perspective.

For this reason, the proposed development would conflict with Policy GBR2 of the District Plan.

Character and appearance

15. Little Hormead is a small rural settlement of approximately 16 dwellings, sited in a ribbon formation along Duck Street, which is the main road which runs through the hamlet. The dwellings vary in size, appearance and style, but are generally consistent in height.
16. The proposed two-storey dwelling is of a size and scale which is commensurate with its surroundings. Its barn-style appearance has been designed sympathetically, using a mix of natural and traditional materials which would complement the dwellings already located within the hamlet. Whilst the principal entrance to the property is located on the side elevation, I do not consider that this design feature would be visually harmful in the context of other properties along the road. As highlighted above, the style and design of properties within the hamlet varies considerably and whilst the front entrance of many of the dwellings do indeed face the road, this is not true of all the them. Similarly, the fenestration of properties along the road is mixed.
17. The dwelling would be sited within land which is currently used as a domestic garden in conjunction with The Cottage. Whilst I appreciate the erection of a dwelling would result in some loss of green space, the curtilage of The Cottage is of sufficient size to ensure that ample garden and amenity space would be retained for both properties, without causing significant harm to the rural character of the street scene and surrounding area. Appropriate landscaping to protect and enhance the rural and green nature of the site could also be secured by condition.
18. However, as set out above, the new house would comprise ribbon development contrary to District Plan Policies VILL3 and GBR2. As such it would harm the character and appearance of the area, since ribbon development is specifically discouraged. Consequently, it cannot be said to make the best use of land by respecting or improving upon the character of the site and the surrounding area in terms of siting and layout, as required by sub-paragraph (a) of District Plan Policy DES4

Living Conditions

19. The original plans showed a dual window at ground level and a Juliet balcony at first floor level on the western elevation of the proposed dwelling. One of the Council's reasons for refusal concerned the effect of the proposed development on the privacy of the occupiers of The Cottage, as the windows and balcony on this elevation of the dwelling would overlook the private garden space currently enjoyed by this property.
20. The amended plans submitted with this appeal have removed both the ground floor windows and Juliet balcony at first floor level from the western elevation of the proposed dwelling. As such, the proposed development would no longer impact on the privacy enjoyed by the garden of The Cottage in this regard. The proposals would therefore comply with Policy DES4 of the District Plan, which ensures new development avoids significant detrimental impact on the privacy of neighbouring properties.

Parking Provision

21. The Council's third reason for refusal concerned a lack of detail provided with the original application to demonstrate adequate parking provision for The Cottage. The appellant's amended set of plans has now incorporated 3 off-street tandem parking spaces immediately to the west of The Cottage, situated in the location of the existing garage. I see no reason why this amendment would be unacceptable, since the Highway Authority has been re-consulted by the appellant and I have seen no objection from it to such an arrangement here.
22. I am therefore satisfied that the proposals would provide sufficient off-street parking to serve both The Cottage and the new dwelling. The development would therefore be consistent with Policy TR3 of the District Plan, which requires adequate car parking arrangements to be integrated as a key element of design within development proposals.

Other Matters

23. I acknowledge the appellant's comments regarding the benefits of the proposals, specifically in terms of the contribution that the dwelling would make both to the Council's housing stock and to the vitality of nearby settlements. However, these benefits do not outweigh the harm that would be caused by the conflict with policies GBR2 and VILL3 of the District Plan.

Conclusion

24. The proposed development would extend the established ribbon development along Duck Street, which would be contrary to Policies VILL3 and GBR2 of the District Plan for the reasons set out above. Consequently, I conclude that the appeal should be dismissed.

James Blackwell

INSPECTOR