



Appeal Decision

Site Visit made on 24 August 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/W1850/W/21/3274802

Land to the rear of 56 Eign Road, Harold Street, Hereford HR1 2QX

- 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 D Holmes against the decision of Herefordshire Council.
 - The application Ref 200912, dated 11 March 2020, was refused by notice dated 24 November 2020.
 - The development proposed is the demolition of existing double garage and erection of a two-storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing double garage and erection of a two-storey dwelling at Land to the rear of 56 Eign Road, Harold Street, Hereford HR1 2QX in accordance with the terms of the application, Ref 200912, dated 11 March 2020, subject to the following conditions in the attached schedule.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The revised Framework does not materially alter the national planning policy approach in respect of the main issues raised in this appeal. I consider that no party would be prejudiced by my considering it.
3. During the course of the appeal the Council provided information detailing that they can now demonstrate a five year housing land supply (with reference to Framework paragraphs 68 and 74). The appellant had the opportunity to view this additional information and provided a response at appeal.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area and b) in terms of parking provision and highway and pedestrian safety.

Reasons

Character and appearance

5. The site fronts on to Harold Street and comprises a single storey detached double garage. The site is located in a predominantly residential suburban area where the rear garden areas of properties facing Eign Road are accessed from Harold Street. Many of these rear gardens have been developed with parking areas, garages and outbuildings. Some of these rear garden areas are now

given over to housing, with No's 89 and 109 Harold Street and No's 1 and 2 Hastings Court being located to the rear of Eign Road and accessed from Harold Street. There is therefore no strong consistency to the prevailing pattern of development. Nearby properties are largely simple in their design and finished in red brick and render, however, vary in their individual design characteristics and form. Areas of grassed highway verge adjoin the rear garden areas creating a sense of openness here, resulting in a sense of spaciousness despite the mixed arrangements of buildings.

6. The proposed development would be located in the approximate position of the existing garage. The design of the proposal is simple and reflects nearby dwellings, particularly drawing on the design of No 89. Whilst immediately adjoining the site are single storey outbuildings, when travelling towards the site the proposal would also be viewed within the context of No 89 Harold Street and No's 1 and 2 Hastings Court, both being two storey and in close proximity to the site. The proposed use of red brick also echo's the materials used in the area and ensures that the proposal would not appear at odds with the character and appearance of the street scene.
7. The proposal would be set back from the highway verge by some six metres and would preserve the existing highway verge which forms part of the open character of the area. Whilst the plot is relatively small, during my site visit I noted that other dwellings in the area have a similar layout. Because of the set back and garden area to the front the proposal would not appear cramped in that context.
8. For the reasons set out above I consider that the proposed development would not appear as a cramped form of development or be unsympathetic to the character and appearance of the street scene or wider area. Accordingly, I find that the proposed development would accord with the relevant provisions of policies SS6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy¹ (CS) which seek, amongst other things, to ensure that development contributes positively to the local distinctiveness of an area. The proposal also complies with paragraph 130 of the Framework which seeks good design sympathetic to local character.

Highway Safety

9. Currently the site can provide parking for four vehicles, within the double garage and parking area, although the appellant argues that the site has been used for storage purposes rather than parking. The appeal site is situated in an accessible location with easy access to public transport and local amenities such as shops, public house and schools. In their delegated report the Council consider the site to be in a sustainable location with good access to facilities and that occupiers would have a choice of modes of transport.
10. By virtue of undertaking the development proposed, the scheme would reduce on-site parking provision capable of accommodating four vehicles (setting aside whether or not it has historically been used as such). By consequence, and as a result of the new dwelling proposed, I accept that the scheme has the potential to add to vehicular comings and goings and demand for parking in the surrounding area. I note the evidence before me indicating to informal parking in the area.

¹ Herefordshire Local Plan – Core Strategy 2011 – 2031 (Adopted October 2015)

11. However, insofar as parking is concerned, I understand that the appeal site is no longer in the same ownership as No 56, and therefore parking is at present unavailable for use in association with that property. I understand that No 56 has its own separate off-street parking and saw how there is on-street parking also available in the surrounding area if limited provision along Harold Street directly (with spaces available at the time of my site visit, albeit an observation at a particular point in time).
12. As the proposal is for a one-bedroom property (as shown on plan 18-002-03, Rev D) in the foregoing context that a single off-street space is provided is appropriate. Whilst I accept that occupants may use more than one vehicle, and that internal alterations are not development within planning terms, nevertheless there is no robust evidence before me to indicate that parking pressure in this area is particularly acute. There are also remedies outside of planning for parking that is dangerous or obstructive, and indeed via planning to deal with unauthorised use.
13. Moreover, in my experience, a modest property such as this in close proximity to services and facilities is likely to reduce car-dependence to some extent. Summarising the above, the implication of a single new home in that surrounding context would be acceptable. Whilst it would lead to some additional intensity of vehicular use and pressure for parking, based on the evidence before me the modest implications of the scheme relative to its surrounding context would not unacceptably affect parking provision, the operation of the highway or pedestrian safety.
14. I therefore conclude that the proposal would comply with CS Policy MT1 which seeks, amongst other things, to ensure that the local highway network can absorb the impacts of development. The proposal also complies with paragraph 111 of the National Planning Policy Framework which to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

15. Nearby residents have raised concerns regarding the potential impact of the proposal on the living conditions of nearby residents. No windows are located in the rear or one of the site elevations, with windows to a water closet (WC) and bathroom at ground and first floor respectively, being located in the side (western) elevation. All other windows are located on the front elevation. I accept that the addition of the side windows could increase overlooking. Therefore, as they are to provide light into a WC and bathroom, I see no reason why these windows could not be obscure glazed. This would mitigate any overlooking and thus there would be no unacceptable loss of privacy from the windows. With regards to loss of light, site sections detail that there would not lead to any unacceptable loss of light to nearby occupiers.
16. Nearby residents are also concerned over the effect the construction works at the appeal site would have on nearby occupiers' living conditions. Understandable though these concerns are, given the scale of the proposed development any disturbance during construction would be for a temporary period only. Additionally, a condition could be applied limiting hours of construction works. Consequently, subject to the imposition of suitably worded conditions considered below, no other matters alter my reasoning above regarding the acceptability of the scheme.

Conditions

17. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). In the interest of certainty and safeguarding character and appearance of the area, the conditions suggested by the Council regarding time limit and adherence with plans are considered to be necessary. I consider that conditions regarding a construction timing and the completion and maintenance of car parking are necessary in order to ensure that there are no harmful effects on highway safety or to nearby occupants during the construction and lifetime of the development.
18. Conditions regarding drainage and water efficiency are also necessary in order to ensure that adequate drainage is provided and water quality safeguarded. These conditions have been forwarded to the appellant and no comment have been received. I have altered the wording of some conditions in order to ensure they comply with the PPG.
19. I have given careful consideration to the inclusion of the condition removing permitted development rights. Having had regard to the advice in the PPG on the inclusion of such restrictive conditions in specific circumstances. In this instance, due to the constrained nature of the site, I consider this to be necessary.
20. I have also attached a condition regarding obscure glazing the side windows in order to safeguard the living conditions of neighbouring occupiers, as reasoned above.

Conclusion

21. For the reasons given above, having considered the development plan as a whole and having regard to all other relevant matters, I conclude that the appeal should be allowed subject to the conditions below.

Tamsin Law

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18-002-01 (Rev D); 18-002-03 (Rev D); and 18-002-04 (Rev D).
- 3) The development hereby permitted shall not be occupied until the windows in the western (side) elevation have been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

- 4) Prior to the first occupation of the dwellings hereby permitted an area shall be laid out within the curtilage of the property for the parking and turning of 1 car which shall be properly consolidated, surfaced and drained. The parking and turning area shall not thereafter be used for any other purpose than the parking of vehicles.
- 5) Prior to the first occupation of any of the dwelling hereby permitted written evidence or certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. Once approved those water conservation and efficiency measures shall be maintained.
- 6) No demolition or construction work, or ancillary activities such as deliveries, related to the development hereby permitted shall take place outside of the following hours: 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1300 on Saturdays. No demolition or construction work, or ancillary activities such as deliveries, related to the development hereby permitted shall take place at any time on Sundays or on Bank or Public Holidays.
- 7) All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a soakaway system within the development boundary.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that order with or without modification), no development permitted via Schedule 2, Part 1, Classes A, B, C, D or E thereof shall be undertaken in respect of the dwelling hereby permitted.