



Appeal Decision

Site visit made on 25 November 2021

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/X1925/W/20/3264612

1 Pryor Road, Baldock, SG7 6LJ

- 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 and Mrs A Shelford against the decision of North Hertfordshire District Council.
 - The application Ref 20/01766/FP dated 11 August 2020, was refused by notice dated 13 October 2020.
 - The development proposed is described on the application form as "Erection of a three bedroom detached dwelling following the demolition of a garage, on land formerly part of the grounds to 1 Pryor Road, Baldock".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development description on the Council's Decision Notice states that its decision was based on amended plans, which illustrated additional information relating to visibility splays. It is not clear from the evidence if the Council reconsulted interested parties in respect of these, but I am nonetheless satisfied that this was not necessary as the amendments did not materially change the scheme or intensify its impact on neighbours. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded to assess the scheme on the basis that the plans under consideration are CHQ.20.15919-01, CHQ.20.15919-02, CHQ.20.15919-03A, CHQ.20.15919-04, CHQ.20.15919-05 and CHQ.20.15919-06, together with the Design and Access Statement dated August 2020. I am satisfied that dealing with the appeal on this basis is in the interests of proper planning and has not prejudiced the interests of any party.
3. The development description on the application form does not correspond with the decision notice or appeal form. I have proceeded on the basis that the development proposed is that described on the application form.
4. Since the appeal was submitted, a revised version of the Framework¹ has been published. Both main parties have been given the opportunity to comment on this and I have taken their responses into account.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. However, there is no evidence before me that the Local Plan² was considered by the Council or reference to any conflict with its policies in the reasons for refusal, and the appellant states that despite it being out-of-date, Policies 8, 16, 26, 55 and 57 are nonetheless relevant. In the absence of any evidence from the Council disputing this, I have considered the scheme on this basis.
6. The Council did however assess the scheme against other material considerations, which include, amongst others, an emerging Local Plan³, which is referred to in the reasons for refusal. Given the relatively advanced stage of the plan, the extent to which objections have been addressed and their general consistency with the Framework, I have given the policies referred to moderate weight.

Main issues

7. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - whether the development would result in on-road parking stress in the locality, with particular regard to the loss of parking for the host property No 1 Pryor Road.

Reasons

Appeal site context

8. The south-eastern end of Pryor Road consists of 2-storey semi-detached houses set back from the road with a strong building line and consistent open gaps between each pair. At the Pryor Road/Ivel Way junction are two small open green areas, which frame the entrance to the road and give the area a spacious, verdant and pleasant character. The appeal site lies directly adjacent to one of these and forms part of the side and rear garden to No 1 Pryor Road, a semi-detached 2-storey dwelling.

Character and appearance

9. The proposed detached dwelling would obliterate the largely open gap to the side of No 1, and substantially reduce the sense of spaciousness associated with this prominent plot adjacent to the open green area at the junction with Ivel Way.
10. Furthermore, the scheme's narrower detached built form would jar with the clear plot rhythm and urban grain of this part of the road, which is characterised by pairs of semi-detached properties with a wider built form horizontal emphasis. It would also result in a narrower gap between dwellings than exists for other pairs of semi-detached properties in the street, which have separate pedestrian walkways to the side of each property, as opposed to the smaller shared walkway in the appeal scheme. As a consequence, it would create the impression of a high-density development that had been tightly

² District Local Plan No 2 with Alterations, 23 April 1996, North Hertfordshire District Council.

³ Local Plan 2011-2031, Proposed Submission, October 2016, North Hertfordshire District Council.

squeezed onto the site, out of kilter with the low-density consistent rhythmic character of this part of the street.

11. The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Pryor Road, which would intensify its harmful impact. This would be further compounded by the east-facing 2-storey side gable wall of the property being positioned immediately adjacent to the open green, with insufficient space for any relief, and as a consequence, it would visually dominate this area.
12. In view of the above, I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies 8, 26 and 57 of the Local Plan, which collectively seek, amongst other things, to ensure that development relates to and enhances the character of its surroundings.
13. The scheme also conflicts with Policy D1 of the emerging Local Plan, which seeks, amongst other things, to ensure that development responds positively to the site's local context.
14. I also find that the scheme conflicts with Paragraphs 130 and 134 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local character and its landscaped setting; (b) development that maintains a strong sense of place; and (c) the refusal of development that is not well-designed.

Whether the development would result in on-road parking stress in the locality

15. There is no dispute between the parties that sufficient off-road parking has been provided for the proposed dwelling in accordance with the requirements of the Local Plan and emerging Local Plan.
16. Although the appellant has stated that it is their intention to provide a new vehicle parking area to the front of No 1 in accordance with permitted development rights, I have no evidence to indicate that there is a significant probability that this would occur should the appeal be allowed. I have as a consequence given this intention little weight in my assessment and considered the appeal on the basis of that shown on the submitted plans.
17. Policy T2 of the emerging Local Plan states that planning permission will be granted for residential development subject to it: - (i) being in accordance with the minimum standards set out in Appendix 4; (ii) having regard to the relevant Supplementary Planning Documents; and (iii) that variations from these standards will only be considered where it is justified by, amongst other things, the accessibility, type, scale of the development, the availability of public transport, local car ownership levels, and on-street conditions. These requirements are reinforced by the Council's Vehicle Parking Supplementary Planning Document⁴.
18. The Council has objected on the basis that the existing dwelling, No 1, will not meet the above minimum standards following development as a result of no provision being made in the current scheme to replace the existing parking spaces it shall lose. However, the numerical parking standards referred to in

⁴ Vehicle Parking at New Development, Supplementary Planning Document, September 2011, North Hertfordshire District Council.

Policy T2 and the Vehicle Parking Supplementary Planning Document relate to new residential development, and do not set out any requirements for circumstances where existing parking is lost as a result of this.

19. However, Policy T2 nonetheless also states that applicants need to clearly identify how they will provide for all types of parking demand and demonstrate that parking will be safe and of a design and layout that will function satisfactorily. Set against this context, I am satisfied that the impact of the off-road parking lost to No 1 can be assessed against this part of Policy T2.
20. The appeal site is located within a reasonable walking and cycling distance of the centre of Baldock which contains a large range of retail facilities, schools & nurseries (St Johns, St Mary's, Knights Templar and Weston Way) and a large Tesco supermarket. There are also bus stops on London Road which provide regular services, and the town's train station, which lies on the London-Cambridge line, is within short cycling distance. As a consequence, I found the location and accessibility of the appeal site to services and facilities by transport nodes other than the car to be of a good standard where a reduction in the level of off-road parking provision would be acceptable in this instance.
21. I do nonetheless recognise that the good accessibility of the location to local services and amenities does not in itself guarantee that the occupants of No 1 would not own one or more vehicles. However, even if they did, given the relatively low density of the area, the absence of any on-road parking restrictions, and that many other houses in the vicinity have off-road parking, I am satisfied that the additional on-road parking from one dwelling would not cause undue parking stress in the locality. This is reinforced by the absence of any local objections from neighbours that relate to on-road parking congestion.
22. In view of the above, I conclude that the proposal would accord with Policies 8, 55 and 57 of the Local Plan, which collectively seek, amongst other things, to ensure that car parking is provided for new residential development.
23. I also conclude that the scheme lies in a sustainable and appropriate location based on its accessibility to existing services and facilities by a range of transport choices other than the car, and that despite No. 1 losing its off-road parking spaces, this would not result in on-road parking stress in the locality. The proposal would therefore accord with Policy T2 of the emerging Local Plan, which seeks, amongst other things, to ensure that development provides for all types of parking demand and that parking will be safe and of a design and layout that will function satisfactorily.
24. I also find that the scheme accords with Paragraphs 9, 92, 105 and 110 of the Framework as it would result in; (a) a planning decision playing an active role in guiding development towards a sustainable solution; (b) a planning decision enabling and supporting healthy lifestyles, for example with safe and accessible green infrastructure, sports facilities and local shops; (c) the planning system actively managing patterns of growth in support of the transport objectives outlined in Paragraph 104; - namely, that it would promote walking, cycling and public transport and not be heavily car dependant; (d) a specific application for development ensuring appropriate opportunities to promote sustainable transport can be taken up; and (e) a specific application for development ensuring that safe and suitable access to the site can be achieved for all users, in particular by those who walk and use public transport. It would also comply with Paragraph 111 of the Framework which states that

development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe.

Planning balance

25. Although the Local Plan is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
26. Policies 8, 26, 55 and 57 of the Local Plan are broadly consistent with the Framework insofar as they relate to the main issues of this case. As a consequence, I am satisfied that these policies are up to date for the purposes of this appeal and that the proposal conflicts with the development plan when taken as a whole.
27. Although the appellant has referred to Paragraph 68⁵ of the Framework, I have not given great weight to the benefits of the scheme as I do not consider it to be a suitable small site for the reasons referred to above.
28. The appellant has drawn my attention to other developments that they consider to be similar to the scheme before me and which therefore help to justify it. However, although they relate to spacious residential plots in areas with a similar architectural style, I found none of the examples put forward to be directly comparable to current proposal in terms of site dimensions and context. I have as a consequence considered the scheme on its own merits.
29. The Council has confirmed that there is a shortfall in the District's 5-year housing land supply and I have also noted that the delivery of housing was substantially below the housing requirement over the previous three years⁶. This means that the Framework's presumption in favour of sustainable development applies.
30. I recognise that the scheme would result in economic and social benefits from;
- (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (c) local employment during construction. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
31. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

32. Although I have concluded that there is no harm in respect of the main issue relating to whether the development would result in on-road parking stress in the locality, I am nonetheless satisfied that the harm identified in respect of the

⁵ Replaced by Paragraph 69 of the 2021 version.

⁶ 2021 Housing Delivery Test.

main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.

33. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR