



Appeal Decision

Site visit made on 25 February 2022

by Richard Aston DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2022

Appeal Ref: APP/X1925/W/21/3283346 8 Masefield Way, Royston SG8 5UU

- 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 Nick Conley against the decision of North Hertfordshire District Council.
 - The application Ref 21/02083/FP, dated 7 July 2021, was refused by notice dated 8 September 2021.
 - The development proposed is change of use of amenity land to private residential garden including the erection of a 2m high boundary wall.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered to that on the application form. I have used the description given on the appeal form and decision notice in the heading above because this more accurately describes the development applied for.
3. I have been referred to Policy NE1 of the Council's emerging local plan, but that plan is yet to be adopted and the Council have not provided any further update. It therefore carries little weight for my determination of this particular appeal. I visited the site in advance of the 24 March 2022 deadline for Final Comments to be made. No such comments have been received from either party and I did not consider it necessary to make a further visit.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The relevant area of land is a small, roughly square parcel of amenity land to the side of the host property, a detached dwelling located in a street and estate of similar properties. It contains soft landscaping that forms part of structural soft landscaping that separates Masefield with Thomas Way. In combination with a larger area of amenity land opposite, my observations were it was intended as an integral landscape feature in the layout and design of the estate, and it positively contributes to the appearance of the streetscene.

6. Brick walls enclosing the boundaries of properties are characteristic of the wider estate, but such brick walling would appear overly dominant in this prominent location. The combination of the siting, extent and increase in the height of the wall would unacceptably undermine the intended amenity function of the land and would harmfully diminish the positive contribution it currently makes. Its effects would not be mitigated by the retention of a tokenistic area of planting. In such a residential development where care and attention was clearly taken in creating a legible and visually attractive residential environment, the proposal would harmfully erode the character of the area and the appearance of the street scene.
7. In reaching this view I acknowledge the appellant's contention that the proposal would offer a safe, aesthetically pleasing, and practical maintenance free boundary. However, whilst it might well be more efficient for the appellant this would be at the expense of the quality of the wider residential environment. Whilst I have also been referred to considerations of vermin, pests, and rubbish I did not observe a particular problem at my visit, and this could be avoided with appropriate maintenance. There is no substantive evidence before me of any structural damage to the host property or anti-social behaviour.
8. Ownership of the land and whether it should have been originally included as private garden is not determinative as I have found that the land serves a clear purpose as amenity land. Moreover, it is clear from the evidence submitted with the application¹ and my own observations that works have been undertaken to the landscaping, including what appears to be excessive pruning, eroding the much greater positive contribution to the appearance of the street scene the landscaping previously made. With more appropriate maintenance I see no reason why this previous contribution could not be re-established, providing greater security and privacy to the rear garden.
9. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy 57 of the North Hertfordshire District Council Local Plan No. 2 with alterations 1996. Amongst other things, this requires that such proposals must relate to that site's physical shape and existing features, the character of the surroundings and that the design of development should enhance the character of the area. This policy is still consistent with the National Planning Policy Framework's ('the Framework') objective of achieving well-designed places and the proposal would also conflict with the design and character objectives of national planning policy.
10. Overall, the proposal would conflict with the development plan, when read as whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ Site evaluation photographs on Page 2 of Planning Statement.