



Appeal Decision

Site visit made on 5 July 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2022

Appeal Ref: APP/W1850/W/22/3292452

44 Monnow Crescent, Hereford HR2 7NH

- 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 P Bosley against the decision of Herefordshire Council.
 - The application Ref 213315, dated 27 August 2021, was refused by notice dated 13 December 2021.
 - The development proposed is erection of end of terrace dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council originally provided their Five Year Housing Land Supply (5YHLS) Annual Position Statement at 1 April 2021. This gave the figure as 6.9 years. The appellant submitted a document which questioned the way the Council figure had been calculated and concluded that the 5YHLS figure should be 4.62 years. The Council subsequently provided a copy of the 5YHLS Annual Position Statement at 1 April 2022 (dated July 2022). It sets out that Hereford has a figure of 6.19 years. The Council also state that the January 2022 published figure for the Housing Delivery Test (2021) in Herefordshire was 103%. The appellant has had the opportunity to respond to the most recent figures and documents. They continue to question some of the assumptions made in reaching the 5YHLS figure but have provided no additional evidence.
3. Policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (2015) (LP) is referenced in the Council reason for refusal as set out in the officer delegated report but is not listed on the decision notice. Despite this omission, the appellant has considered compliance with Policy LD1 in their statement of case. The appellant has questioned the relevance of Policy SS6 of the LP to this appeal. The policy is strategic and seeks to ensure that particular attention is given to environmental designations such as Areas of Outstanding Natural Beauty. However, there is nothing in the policy wording which states that SS6 only applies to areas with an environmental designation. Policy SS6 is applicable to all proposed development, regardless of scale or the lack of a specific designation. I have therefore considered this proposal against Policies LD1 and SS6, as well as SD1 and the LP as a whole.

Main Issues

4. The main issues are:

- The effect of the proposed development on the character and appearance of the site and the surrounding area; and
- Whether the proposed development would provide acceptable living conditions for future occupants with regard to outside amenity space.

Reasons

Character and Appearance

5. 44 Monnow Crescent is part of a residential development characterised by short terraces and pairs of semi-detached dwellings. The dwellings in the area have balanced proportions, symmetrical window and door openings and distinctive mansard roofs. The building line is strong and generally consistent with regular gaps between housing blocks. Dwellings on corners tend to occupy larger plots which contribute an important sense of openness to the area. This design and layout consistency has largely been retained giving the area a pleasing uniformity and sense of spaciousness.
6. No 44 is an end of terrace dwelling which has largely retained the distinctive design features of the area. It sits within a relatively large corner plot where Monnow Crescent meets Stanberrow Road. The lack of built form on this corner mirrors the corner on the opposite side of the road. As such the site currently makes a positive contribution to the uniformity and openness of the surrounding area.
7. The proposal would add an attached two storey dwelling in the garden of no 44. The materials, proportions and design details would largely reflect the existing development and in this respect would be acceptable. However, the short terraces in the area typically consist of 4 dwellings with a covered central alleyway. The proposal would extend the host terrace to 5 dwellings, unbalancing its form and symmetry.
8. The addition of a dwelling on what is currently an open corner plot would undermine the established layout of the area. The proposal would extend the built form towards the boundary. Whilst a gap would remain between the side elevation and the road, the proposal would break the established building line created by the frontages along Stanberrow Road, albeit only modestly. This would unbalance the built form in the area around the junction between Monnow Crescent and Stanberrow Road.
9. The ratio of built form to outside space would also be significantly less than is characteristic of corner plots. The proposal would close down the characteristic openness of the corner resulting in the site and the immediate surrounding area having a cramped appearance. As such, regardless of the lack of specific local design guidance, the proposal would fail to integrate successfully into the local context and would not respect important elements of local distinctiveness, form, layout and spaciousness.
10. The proposed development would thus cause significant harm to the character and appearance of the site and the surrounding area. Consequently, it would not comply with Policies SD1, LD1 and SS6 of the LP, which together,

amongst other things, seek to ensure that development is well designed and respects local distinctiveness. Furthermore, it would not accord with the National Planning Policy Framework (the Framework), in particular paragraphs 126 and 130, which seek to achieve well designed places.

Living Conditions

11. Due to the plot layout the proposal includes very little outside space to the rear of the dwelling. As well as being small and narrow, the rear area would also be directly adjacent to an electricity sub-station. This means it would not provide pleasant amenity space and in practical terms the rear garden would probably be suitable only for storage uses. The proposal includes a reasonable size front garden, with parking provided to the side. There is an existing hedge around parts of the site, but a significant proportion of this would be removed to create the opening for the parking area. Therefore, the front garden would lack privacy and security. Even if additional screening were added, the garden would still be directly adjacent to the road for its entire width, making it a less usable and secure space for activities such as playing out.
12. Regardless of the lack of locally specified requirements for outdoor amenity space, the need to ensure adequate amenity standards is clear in both local and national policy. While the overall size would be acceptable, the location and layout of the proposed amenity space means it would lack usability, security and privacy. It would thus be unacceptable.
13. My attention has been drawn to a nearby site at 34 Dulas Avenue which has been granted permission for a new dwelling to the side of an existing terrace. Full details of this are not before me but I have considered the information provided and viewed the location during my site visit.
14. The approved dwelling appears to be similar to the appeal proposal, but there are significant differences in terms of plot size, layout and relationship with surrounding dwellings. There are therefore insufficient similarities. In particular, the development at no 34 was able to provide a usable private garden to the rear. In addition, it was granted at a time when a 5YHLS could not be demonstrated, a matter which weighed in the development's favour. I have determined this appeal on its own merits and effects in the context of the current housing land supply situation and in accordance with the development plan.
15. The proposed development would provide unacceptable living conditions for future occupants in terms of outside amenity space. Consequently, the development would not comply with Policies SD1 and SS6 of the LP, which together, amongst other things, seek to ensure that residential amenity is safeguarded for proposed residents. Furthermore, it would not accord with paragraph 130 of the Framework which seeks to ensure a high standard of amenity for existing and future occupants.

Other Matters

16. I have been presented with no substantive evidence which would lead me to conclude that the Council cannot provide the required supply of deliverable housing land, in accordance with Policies SS2 and SS3 of the LP. If that were not to be the case and I were taken to paragraph 11 d) ii) of the Framework and consider the most important policies out of date.

17. I have identified harm to the character and appearance of the area and the living conditions of future occupants. These harms would be wide ranging and long lasting and result in conflict with relevant parts of the Framework. I therefore accord them significant weight.
18. The proposal would provide an additional dwelling in a sustainable location. There would also be modest economic benefits associated with the construction of the dwelling. However, one dwelling would make little difference to the wider supply of housing in the area and any economic benefits from construction would be short term and small scale. Therefore, I can afford these benefits only limited weight.
19. With this in mind, and if I were to consider the appeal scheme in an undersupply situation, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Other Matters

20. The appeal site is situated within the Impact Risk Zone for the River Wye, a Special Area of Conservation and Site of Special Scientific Interest. Had I been minded to allow the appeal it would have been necessary for me to undertake an Appropriate Assessment to ensure compliance with the Habitat Regulations . However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
21. In principle the site is a suitable location for a dwelling and both local and national planning policy provide clear support for new housing, including on small and windfall sites. However, such support is not at the expense of good design or the provision of suitable amenity space. It is realistic to expect areas to change over time, but in a way that complements the existing character and appearance, which this proposal does not for the reasons I have set out.

Conclusion

22. The appeal scheme would conflict with the Framework. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Helen Davies

INSPECTOR