
Appeal Decision

Site visit made on 2 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/J1915/W/22/3296846

The Old Orchard, Old Hertingfordbury Road, Hertingfordbury SG14 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Tamar Garber against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0689/OUT, dated 16 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is the construction of 4-bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with access, appearance, and scale to be determined at this stage. I have assessed the proposal on the same basis.
3. Reference is made in the reason for refusal to Policy HSH4 of the Sele Neighbourhood Area Plan 2018-2033 (NP). I have assumed this to be an error because it is NP Policy HSHE4 that appears to be most relevant to the proposal.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area with particular regard to trees.

Reasons

5. The site is part of an undeveloped woodland bank situated between Old Hertingfordbury Road and Ladywood Road within the main built-up area. The trees on the site are covered by Tree Preservation Order P/TPO/403 (TPO). The main purpose of the TPO is to safeguard the woodland as a whole. The site also falls within a defined green corridor, to which the NP refers.
6. From what I saw, the trees on the site form an area of natural mixed woodland that despite its overgrown appearance adds to the visual amenity and sylvan character of the local area. The site also has an important screening function because the trees within it form part of a larger green buffer between the busy A414 on one side and existing houses along Ladywood Road on the other.
7. The proposal is to erect a detached dwelling towards one side of the site with access from Old Hertingfordbury Road. A similar development on the opposite side of the site to the proposal was recently dismissed at appeal. By relocating

the new addition, as proposed, and providing specialist arboricultural evidence to support the new development, the appellant considers that the objections raised to the earlier scheme have been addressed and resolved.

8. The appellant's Tree Protection Plan indicates that tree losses would be confined to an area of Hawthorn scrub towards the northwest corner of the site (denoted G8) and a Hawthorn tree (denoted T5) near to the highway frontage of the site. Each of the trees to be removed is identified in the appellant's Tree Survey as category C, which is of low quality. On that basis, the appellant's Arboricultural and Planning Integration Report (A&PIR) concludes that no significant or important trees would be removed to facilitate the proposal.
9. Even so, these existing trees have a combined amenity value, and they make a positive and important contribution to the woodland, as a whole. It is also possible, as the Council points out, that additional tree loss may result from the need to keep the areas required on either side of the new access free from obstruction to ensure adequate visibility. Therefore, I am unable to share a central finding of the A&PIR, which is that the proposal would not have a significant impact on the local or wider landscape.
10. Although there is a pair of houses on Old Hertingfordbury Road just to the west of the site and residential properties along Ladybrook Road to the north, there is a strong visual interconnectivity between the site and the green landscape corridor of which it forms part. In that context, the proposed development would obtrude into this undeveloped woodland bank, palpably extending built form into the landscape. It would transform its character from a natural area of greenery to one occupied by a substantial built form where people would live and visit. That obtrusion would be most keenly felt in views from Old Hertingfordbury Road close to the proposed access point. From this location, the intrusion would be evident because the landscape buffer of which the site forms part would be significantly eroded by the proposal. These concerns are compounded by my general impression during the mid-afternoon site visit that Old Hertingfordbury Road and the paths that lead north from it, which provide a welcome opportunity to appreciate the woodland, appeared to be well used.
11. It is also likely that the proposal would be apparent from some properties on Ladybrook Road. In these views, the appeal scheme would introduce new built form into an undeveloped vegetated area that, at present, positively contributes to semi-rural character of land adjacent to these properties. With its collection of trees and scrub, the site blends seamlessly into the wider landscape corridor. These aspects of the site encompass the characteristics of the local area as it is experienced from nearby houses. From this direction, the proposal would appear as a visually disruptive addition to the local area.
12. For these reasons, the character of the landscape corridor and its role as a buffer would be unduly eroded through the introduction of new built form. The layout and landscaping of the proposal could, to some extent, mitigate the visual impact of the development. These are matters reserved for subsequent approval. Additional planting in the form of 6 semi-mature trees, as illustrated in the draft planting plan, would have a greening effect, and go some way to mitigate the loss of trees, as proposed. Over time, the new trees would grow with the finished building appearing as a residential property set in landscaped grounds, with some consequent benefits for biodiversity. However, the new trees would be younger than those to be replaced and would not offer the same collective visual amenity value. It is also likely that the new built form and the

access to it would be visible from Old Hertingfordbury Road notwithstanding detailed design considerations. Consequently, the proposal does not overcome the concerns raised in relation to the previous appeal.

13. In reaching this conclusion, I have had regard to the Council's recent decision to grant planning permission for a development of 4 dwellings on land adjacent to 202 Hertingfordbury Road. On the face of it, there are obvious parallels to be drawn between this development and the proposal before me given their location within the same green corridor and the effects on trees and the local topography. However, the decision notice and Officer's report provided relate to a proposal to amend the details of the previously approved scheme. From the submitted information, it is unclear on what grounds the Council found the principle of development to be acceptable on this site. From what I saw, this example also clearly demonstrates the significant impact that new development can have on the street scene and the local area to which it belongs, as the appellant's photographs show. Even if the Council has been inconsistent in subsequently deciding to withhold planning permission in this case, this is insufficient reason to permit otherwise unacceptable development. In any event, each proposal should be assessed on its own merits, which I have done.
14. On the main issue, I conclude that the proposed change from an undeveloped woodland bank to residential development would have an adverse impact on the woodland character of the site and would erode the landscape buffer. It would therefore materially harm the character and appearance of the local area. As such, the appeal scheme conflicts with Policies DES2, DES3 and DES4 of the East Herts District Plan and NP Policy HSHE4. These policies aim to ensure that new development respects the character of the site and its surroundings; safeguards green corridors; and demonstrates how existing landscape features of amenity value will be retained, protected, and enhanced.
15. No objection is raised to the design of the new dwelling or to the materials proposed. Once complete, the dwelling would add to the supply of housing, which national policy encourages. The site is also reasonably well connected to public transport and local services and facilities, which lends support to the sustainability credentials of the appeal scheme. However, sustainability has an environmental objective, which includes a need to conserve and enhance the natural environment. Since the proposal would not do so, the balance of planning policy does not support the appellant's case.
16. The site was identified as suitable to accommodate one dwelling in 6-10 years following the Council's call for sites as part of its Strategic Land Availability Assessment. However, this process was some time ago. It predates current development plan and national policies against which the proposal is to be assessed. As such, this matter carries minimal weight in support of the appeal.
17. The appellant considers that the proposed development would assist in removing criminal activity and anti-social behaviour on the land. However, there is nothing before me to indicate that the only way to resolve these issues is to develop the site in the manner proposed.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR