



Appeal Decision

Site visit made on 6 July 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/W1850/W/22/3311825

The Choughs, 68 Penn Grove Road, Hereford, Herefordshire HR1 1BT

- 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 R Nash against the decision of Herefordshire Council.
 - The application Ref 220614, dated 21 February 2022, was refused by notice dated 26 May 2022.
 - The development proposed is erection of proposed detached dwelling house within the curtilage of 68 Penn Grove Road with shared private drive.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development as it appears on the Council's decision notice as it comprehensively and succinctly describes the development proposed.

Application for Costs

3. An application for costs was made by Mr R Nash against Herefordshire Council. This application is the subject of a separate decision.

Main Issue

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

Reasons

5. The appeal site forms part of a large front garden of a detached property on Penn Grove Road. Whilst some other properties sit closer to the road, No 68 forms part of a group of dwellings that are some distance from the highway. A lack of built development in the large front gardens of these properties creates a spacious character. Boundaries of the properties are marked by a combination of hedge, tree and shrub planting.
6. The proposal would introduce development where currently there is none. As such it would introduce a loss of spaciousness that characterises that part of the road. The development would be limited in height and set back within the garden. Nevertheless, it would still disrupt the prevalent building line created by neighbouring dwellings and block some views of No 68, creating an incongruous addition to the street scene. The retention of vegetation would

provide some filtering of views but it would be insufficient to overcome the harm.

7. The appellant has referenced other developments in support of their case. I do not know the circumstances in which the schemes were granted planning permission. In the case of No 72 Penn Grove Road, the dwelling is set back behind the existing building line and so does not impact on the spacious character created by the front gardens. With regards No 78, the development is located in a different part of the road where the character is different and therefore is not comparable with the case before me. In any event, each case is determined on its own merits and that is what I have done.
8. The site is not located within a Conservation Area. Nonetheless, the development would harm the character and appearance of the area. As such it would conflict with the parts of Policy LD1 and Policy SD1 of the Herefordshire Local Plan Core Strategy which require new development to be positively influenced by the character of the area and that new development takes into account the local context and site characteristics.

Other Matters

9. The site falls within the catchment area of the River Wye Special Area of Conservation (SAC), protected by the Conservation of Habitats Regulations 2017, as amended. If I had found no harm with regards character and appearance, as competent authority I would have carried out a Habitats Regulations Assessment with regards the potential effects of the proposal on the SAC. However, as I am dismissing the appeal there is no benefit in me pursuing this matter further.

Conclusion

10. For the reasons identified and taking into account all other matters raised, including representations made by interested parties, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR