

Appeal Decision

Site visit made on 20 June 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/J1915/W/22/3312961

167 Ware Road, Hertford, Hertfordshire SG13 7EQ

- 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 D Karia against the decision of East Herts Council.
 - The application Ref 3/22/1488/FUL, dated 12 July 2022, was refused by notice dated 16 November 2022.
 - The development proposed is a two storey building including side dormers to create two one-bedroom dwellings with private amenity space, bin storage, bicycle parking and off-street parking including landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; the effect on the living conditions of neighbouring residents; the effect on highway safety; and whether the proposal would be sufficiently adaptable to climate change.

Reasons

3. The proposed building would extend across the full width of this site and although the first-floor accommodation would be contained within the roof form, it would be of a significant height. At present, the area is characterised by the frontages of the predominantly semi-detached houses on the north side of Cromwell Road and the back gardens of the properties on Ware Road. These back gardens contain many garden type structures which are generally low level in height and also some trees which bring some greenery. Otherwise however, the narrow road and prominence of parked cars to both sides, together with the outbuildings and high boundary fences ensure that the south side of Cromwell Road has the character of a residential service or access road.
 4. As the proposal would cover the entirety of the width of the site it would be a dominant new feature and given its height, it would be prominent in views despite its set back. The set back would provide the parking and utility areas but there would be little opportunity for meaningful planting of any scale. The proposed design, which includes blank, side facing, dormers above the large forward facing gable, would not be of any significant architectural interest. It
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would appear cramped within the plot and it would dominate the appearance of the backs of these properties.

5. The boundary trees, which lie within the neighbouring property, would either need to be severely pruned or more likely, would not survive much beyond the building works. This scale of development, on such a limited plot, would entirely change the character of this immediate area. Given its current character, the site and its neighbours, may be able to accommodate some positive built interventions but this proposal would represent overdevelopment; it would not be of a high design standard particularly as it would appear so cramped and would allow for so little landscaping; and if repeated, it would result in an overly urban character which would be at odds with the area in general.
6. The proximity of the proposed building to the boundary would result in it being unacceptably overbearing when in the garden of 169 Ware Road and when viewed from the rear of that house. The proposed rear facing first-floor windows would increase overlooking of the neighbouring private garden and rear rooms of that property. Concentrating outdoor activity into such a small area at the rear would also be likely to harm the enjoyment of the neighbouring garden and patio area. The proposed block plan and distances shown by the appellant confirm these inadequate relationships. The proposal would be entirely unacceptable with regard to the harm to the living conditions of the residents of number 169 with regard to outlook, privacy and noise. These concerns, with regard to privacy and amenity would also apply to the residents of number 165 although the impact on outlook would be more limited.
7. Given the above, the proposal would not be of a high standard of design and layout and would not reflect or promote local distinctiveness. It would result in unacceptably harmful impacts on the amenity of occupiers of neighbouring properties. It would therefore conflict with the design and amenity requirements of policy DES4(a & c) of the East Herts District Plan 2018 (DP). As this policy generally accords with both the design and amenity requirements of the *National Planning Policy Framework*, it must be afforded full weight.
8. In addition to the above, the amenity areas proposed for the new houses would be inadequate in size and outlook for the future residents. The rear facing living room and bedroom windows would similarly have particularly poor outlooks. Although the appellant advises that the properties would meet the Nationally Described Space Standards (2015) which is a positive matter, the standards do not address these relationships. In addition, the rear of the shop is dominated by noise from the cooling systems and nothing has been submitted to demonstrate that this would not remain the case. It has also not been demonstrated that the large commercial waste bin associated with the shop would be satisfactorily re-located away from the garden areas. Even if the impacts of the shop could be avoided, the dwellings would not provide adequate amenity for future residents. This adds to my concerns.
9. The council has raised concerns about visibility from the access. The appellant does not have control of the neighbouring rear boundaries and cannot therefore secure significant visibility splays for vehicles leaving the proposed parking areas, particularly to the east. However, this is a common feature

along this road and vehicle speeds are limited. Highway safety issues do not add to my concerns.

10. The remaining issue raised by the council relates to how the development would be adaptable to climate change. This is a matter that could, to some extent, be addressed by conditions as suggested by the appellant. The loss of greenery and open space is a matter that weighs against the proposal and the potential for new planting and sustainable drainage provisions would be limited. Whilst further information would be required in this regard generally, given my main findings, this is not a matter on which my decision would turn.
11. Reference has been made to 2 Cromwell Road which is a one-bedroom dwelling that was permitted in 2014. The current proposal mimics, to some extent, the form of that dwelling although the side dormers would be at odds with the characteristics of the neighbouring house. The spatial relations with the adjoining properties also differ. It does however provide weight in favour of the principle of some form of development although not the relationships currently proposed. It was also allowed prior to the adoption of the policies of the current development plan. Whilst offering some support for the principle of development, it does not offer support for the details put forward.
12. It is suggested that there would be a realistic fallback position for the conversion of the existing outbuilding. No lawful development certificate has been provided to support this potential alternative development. However, the conversion of the existing building would not result in the same level of harm, particularly with regard to the impact on the character and appearance of the area or the reduction in outlook that would be experienced by the residents of number 169 in particular. This is not therefore a matter that provides weight in favour of the proposal.
13. The development would assist in boosting housing provision by making a more efficient use of this space within the built-up area. This gains support from DP policy DPS2. The additional housing, the building works and the future occupiers would also contribute to the social and economic objectives of the *Framework*.
14. In conclusion, whilst there are matters that provide weight in favour of this proposal, particularly the provision of additional houses, they are not sufficient to outweigh my concerns particularly with regard to living conditions but also with regard to the impact on the character and appearance of the area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR