



Appeal Decision

Site visit made on 4 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/J1915/W/23/3329623

25 Temple Court, Hertford, Hertfordshire SG14 3LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mason Bennett against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1281/FUL.
 - The development proposed is a new two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with reference to trees adjacent to the site.

Reasons

3. No 25 Temple Court (No 25) is situated at the end of Temple Court and lies adjacent to a group of trees which are within a designated open and play space in the East Herts District Plan 2018 (DP). Collectively, this group of tall, mature trees provides an attractive and leafy backdrop to Temple Court and makes a positive contribution to the visual quality of the area.
4. The site comprises a two-storey end-of-terrace dwelling with a side garden, and the nearby rows of terraces are separated by gaps to the open space. These gaps are an important feature of the character of the area, as they provide a buffer which assists in the gentle transition between the built-up housing estate and the open space beyond.
5. The proposed dwelling would be located within the side garden of No 25, very close to the trees, thereby eroding the gap between the existing dwelling and the open space. Because of the number, size and height of the trees, the dwelling would appear cramped, markedly at odds with the pattern of development in the locality. Consequently, I do not find that the proposal would appear as an original part of the housing estate.
6. The Arboricultural Impact Assessment and Method Statement (AIA) provided shows that there would be seven individual trees and one group of trees adjacent to the proposed plot. Most of these trees are either category A or category B and are estimated to have 20+ or even 30+ remaining years.
7. Although some trees have been pruned, there would be some canopy spread over the garden and, furthermore, there would be canopies very close to the

proposed dwelling. This relationship would likely cause concern to the dwelling's future occupants, including the nuisance of leaf/fruit litter. While the appellant proposed to provide measures to prevent blocking of gutters and drains, it is likely that leaves/fruit from the trees would be shed on to the roof, particularly in windy conditions. Even if future occupants did not consider this matter a nuisance, there may logically be a perceived safety concern for future occupants, as a result of branches overhanging the property.

8. There is no dispute between the parties that the dwelling would be provided with appropriate levels of daylight and sunlight. Nevertheless, for the reasons set out above, I find that the close relationship between the proposal and the existing trees would likely create pressure to remove or substantially prune the trees. The loss or further reduction of the tree canopies would undermine their good landscape value and contribution to the character and appearance of the area.
9. In addition to the AIA, the appellant submitted a Works Method Statement and Piled Raft Design. The Council advises that it is not persuaded that the trees proposed to be retained could be adequately protected during the construction phase of the development or thereafter. However, this is not substantiated by detailed reasoning and, consequently, the weight of the evidence leans in the direction of the appellant. On this basis, I find that the health of nearby trees would be safeguarded in construction terms. Still, this would not overcome the harm in relation to the character of the area and likely pressure to prune the trees in the future, as I have identified above.
10. Taking all the above into account, I conclude that the proposal would be harmful to the character and appearance of the area, with reference to adjacent trees. The proposal would be contrary to DP Policies DES2, DES3 and DES4, where these policies seek to protect existing landscape features of value and support a high standard of layout to reflect and promote local distinctiveness.

Planning Balance and Conclusion

11. The evidence indicates that the Council cannot currently demonstrate a 5 year housing land supply of deliverable housing sites. Consequently, the provisions of paragraph 11d) ii) of the National Planning Policy Framework (the Framework) should be applied.
12. The proposal would be acceptable in relation to other matters, including living conditions of the nearest neighbours and of future occupiers. However, these are neutral factors that neither weight for nor against the development.
13. The proposed development would contribute to meeting the Council's identified housing need and the Framework's objectives of boosting the supply of housing. The site represents a small windfall site that could be built-out relatively quickly. Additionally, the proposal would logically reduce the pressure for development in the Green Belt and within the countryside. The proposal would support the local economy and would be in an existing community. There would be some economic benefits accrued from the construction process. However, given that the scheme is for one dwelling, these benefits attract limited weight in favour of the proposal.

14. The adverse impacts of the proposal on the character and appearance of the area attract substantial weight and therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. In conclusion, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR