



Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/X1925/W/24/3348198

Bramble Bank, Bedford Road, Holwell, Hertfordshire SG5 3RX

- 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 and Mrs Hitchings against the decision of North Hertfordshire District Council.
 - The application Ref is 23/01752/FP.
 - The development proposed is the erection of two detached five-bedroom dwellings together with associated access drive, car parking, private gardens, hard and soft landscaping following the demolition of all existing detached structures.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached five-bedroom dwellings together with associated access drive, car parking, private gardens, hard and soft landscaping following the demolition of all existing detached structures at Bramble Bank, Bedford Road, Holwell, Hertfordshire SG5 3RX in accordance with the terms of the application, Ref 23/01752/FP, subject to the conditions set out in the Schedule.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the safety of other highway users.

Reasons

Character and Appearance

4. The appeal site comprises land within the extensive rear garden of Bramble Bank which forms part of a group of residential and other buildings surrounded by open and verdant countryside. These other buildings include a range of single storey outbuildings and other structures of various sizes located within the rear gardens.
5. It is common ground between the parties that the site is not situated within a settlement as defined in Policy SP2 of the North Hertfordshire Local Plan 2011-

2031 (LP). Instead, the site is situated within the rural area where only certain types of development are acceptable in accordance with LP Policy CGB1. The erection of the 2 proposed dwellings could, as identified by the council, relate to the redevelopment of an existing rural building because of the outbuildings and other structures within the site.

6. LP Policy CGB4 refers to criteria against which the development of existing buildings should be assessed, including that the proposal does not have a materially greater impact on the openness, purposes or general policy aims of the rural area than the original buildings. The general policy aims of the rural area are stated in LP Policy SP5 and include a general policy of restraint to recognise the intrinsic value of the countryside.
7. As identified, the site is within the curtilage of Bramble Bank and it is physically and visually related to the gardens of the group of residential and other buildings rather than being part of the surrounding open and verdant countryside. There is residential development in depth which has occurred to the north of the site with the erection of dwellings to the rear of Dunroamin and Coniferdell. The proposed dwellings would not be in an isolated location within the countryside.
8. The appellants have identified that planning permission has been granted on appeal (Ref APP/X1925/W/16/3156040) and by the Council (Ref 21/00810/FP) for the erection of 2 dwellings to the rear of Sun Vale/Greenwood. Although these dwellings are not yet fully constructed, there is some evidence of groundwork having been undertaken to implement the permissions. The erection of these neighbouring dwellings would materially affect the character and appearance of the group of buildings within which the site is located by the intensification of built forms of development. This change to the context of the appeal site would accentuate the proposed dwellings being related to the existing group of residential and other buildings rather than the surrounding open and verdant countryside.
9. Further, planning permission (Ref 24/00717/FP) has also been granted for the erection of a single dwelling on the appeal site which would be located in the vicinity of the existing outbuildings in the general location of Plot 2 of the appeal scheme. This plot is located further to the west than Plot 1 which infills the gap between Bramble Bank and the approved dwelling. The council assessed that the approved dwelling would not have a materially greater impact on the openness, purposes or general policy aims of the rural area than the original buildings. This planning permission is given significant weight in the assessment of this appeal scheme and would result in Plot 1 being enclosed on 3 sides by existing or approved dwellings with the garden of Little Arundel, including an outbuilding which is used for domestic purposes, located to the south.
10. There are no outbuildings within Plot 1 but there are such buildings within the appeal site as a whole. By reason of being taller than the outbuildings and development occurring on Plots 1 and 2, the appeal scheme would increase the footprint of built development and, together with the height of the proposed dwellings, this would have an effect on the openness of the surrounding countryside. Although there is some screening by buildings and trees, parts of at least the roofs of the proposed 1½-storey dwellings would be visible along Bedford Road from the south across the garden of Little Arundel.

11. However, because of the existing dwellings fronting the road, the residential development in depth that has occurred, other structures within gardens and the identified approved housing schemes, the proposed dwellings would not be so visually or physically conspicuous so as to materially have a greater impact on the openness of the surrounding countryside than the current buildings. For the same reasons, the general purposes and aims of the rural area identified in the LP, including the intrinsic value of the countryside, would be preserved rather than unacceptably harmed.
12. On this issue it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies SP2, SP5, CGB1 and CGB4.

Highway Safety

13. The highway authority objected to the appeal scheme because of inadequate information having been submitted about the suitability of the proposed access serving the 2 dwellings and Bramble Bank. However, Drawing No. RSD-23-59 P02 Rev A identifies the proposed width of the proposed drive and access from Bedford Road. No additional evidence has been provided as part of this appeal but information has been provided about the access to the approved single dwelling scheme (Ref 24/00717/FA). This approved access is comparable to the proposals shown on Drawing No. RSD-23-59 P02 Rev A.
14. It is recognised that the approved access would serve Bramble Bank and a single dwelling rather than the 3 dwellings which would generate further traffic movements. However, although there would be an additional dwelling, there would still be a relatively low number of traffic movements which would not be materially greater than the approved scheme.
15. It was noted during the site visit that Bedford Road is the subject of the national speed limit at the access to Bramble Bank. The visibility along Bedford Road from the access enables drivers to be able to see vehicles entering or leaving the access so as not to create a danger to these highway users.
16. Currently, the access and initial drive's width are determined by the shared boundary with Greenwood and the soft landscaped element of Bramble Bank's front garden. Drawing No. RSD-23-59 P02 Rev A identifies that the width of the access and an initial part of the drive would be increased when compared to what was observed. The upgrading of the access and drive would be necessary to avoid vehicles turning into the access from potentially having to wait on Bedford Road if another vehicle is exiting the access. This is a case where the increase in the width of the access and initial part of the drive could be subject of a condition to approve the final design and secure its implementation.
17. Between the front garden and Plot 1, there would be a straight length of drive which would generally be about 3.7 metres wide. From what was observed, there could be a potential slight narrowing of the drive between the flank walls of Greenwood and Bramble Bank but this would be for a short length. No passing places are proposed along the drive but there would be adequate visibility for a driver to see an oncoming vehicle to enable another vehicle to wait either within the initially widened drive or adjacent to Plot 1. From what was observed, and even with a

potential slight narrowing of the width for a short length, the proposed drive would be sufficient for emergency vehicles to be able to access the proposed dwellings.

18. For the reasons given, and subject to an appropriate condition, it is concluded that the proposed development would not cause unacceptable harm to the safety of other highway users and, as such, it would not conflict with LP Policy T1 which requires development not to lead to highway safety problems or cause unacceptable impacts upon the highway network.

Conditions

19. The council has suggested conditions in the event that this appeal succeeds and they have been assessed against the tests identified in the Framework and the Planning Practice Guidance. For reasons of clarity, some of the suggested conditions have been amended.
20. For reasons of precision, it is necessary for a condition to refer to the approved drawings. By reason of the current use of the site, a simplified condition would be appropriate to address matters associated with potential ground contamination.
21. A Construction Method Statement is necessary to protect the living conditions of the occupiers of neighbouring properties during the construction period and to avoid contractor's vehicles being parked along Bedford Road. The suggested condition has been amended to reflect the nature, scale and location of the proposed development. As has been identified, a condition is necessary to secure the improvements to the existing access.
22. Conditions are necessary to require the external materials and landscaping to be approved to ensure that the proposed development would be well assimilated into the surrounding group of residential properties and other buildings. The appeal application pre-dated the mandatory requirements for Biodiversity Net Gain (BNG) albeit a Biological Impact Assessment which included a BNG calculation was submitted by the appellants. Instead of a specific condition to secure BNG, the recommendations of the Biological Impact Assessment should form part of the landscaping scheme.
23. A condition is necessary to secure the erection of obscure glazing for the first floor window within the side elevation of the dwelling which would be erected on Plot 2 to prevent overlooking and loss of privacy. However, a condition is unnecessary to secure charging for electric vehicles because this is a requirement of the Building Regulations.

Conclusion

24. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RSD-23-59 P01; RSD-23-59 P02 Rev A; RSD-23-59 P03; RSD-23-59 P04; RSD-23-59 P05; RSD-23-59 P06 and RSD-23-59 P07.
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with *British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM)* (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - a) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - b) the site has been remediated in accordance with the approved measures and timescale; and
 - c) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- a) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - b) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Management Statement shall include details of:
 - a) access arrangements to the site;
 - b) location of construction and storage compounds, including areas designated for contractor's parking, the loading/unloading of delivery vehicles and turning areas;
 - c) siting and details of wheel washing facilities or other means to prevent mud or debris being deposited on the public highway; and
 - d) timing of construction activities (including delivery times and removal of waste).

The development hereby approved shall be carried out in accordance with the approved Construction Method Statement:

- 5) Prior to the commencement of the development hereby permitted details of the access and drive between Bedford Road and Plot 2 shall be submitted for approval in writing by the local planning authority. The dwellings hereby permitted shall not be occupied until the access and drive have been constructed in accordance with the approved details. The access and drive shall be retained thereafter.
- 6) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations at Section 6 of the *Biological Impact Assessment* (Report No: J3178-0623) and shall also include details of:
 - a) all existing trees and hedgerows on the land, identifying those to be removed and those retained, including setting out measures for the protection of retained trees and hedgerows throughout the course of the development;
 - b) new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
 - c) the location and type of any new walls, fences or other means of enclosure;
 - d) any hard landscaping proposed; and
 - e) the design and external elevations of the cycle storage and bin storage.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The first floor window within the north elevation of the dwelling hereby permitted to be erected on Plot 2 shall be obscure glazed. Once installed the obscured glazing shall be retained thereafter.

SCHEDULE ENDS