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## Appeal Decision

Site visit made on 10 November 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

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**Appeal Ref: APP/J1915/W/25/3372617**

**21B Raffin Green Lane, Datchworth, Hertfordshire SG3 6RJ**

- 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 Geddes against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/2279/FUL.
  - The development proposed is replacement dwelling and one new dwelling following demolition of 21B Raffin Green Lane with garages and associated landscaping.
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### Decision

1. The appeal is allowed, and planning permission is granted for replacement dwelling and one new dwelling following demolition of 21B Raffin Green Lane with garages and associated landscaping at 21B Raffin Green Lane, Datchworth, Hertfordshire SG3 6RJ in accordance with the terms of the application Ref 3/24/2279/FUL and subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The description of development in the banner heading above has been taken from the application form and differs slightly from that on the Council's decision notice. However, it accurately reflects the proposed development.
3. A plan<sup>1</sup> showing the proposed first floor arrangement of the dwellings with annotations indicating the windows proposed to include obscured glazing was submitted during the appeal process. The plan does not materially change the general layout and design of the proposal from that which was before the Council at the time they made their decision. Furthermore, the use of obscured glazing was considered during the application process. I am content that the Council and interested parties have been afforded the opportunity to comment on the plan and I am therefore satisfied that I can consider its contents in my appeal deliberations.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area;
  - the effect of the proposed development on the living conditions of the occupants of neighbouring residential properties, regarding privacy and outlook;

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<sup>1</sup> Drawing No 1711-204 – First Floor Plan – Outlook Diagram.

- the effect of the proposed development on the living conditions of future occupants of the dwellings, regarding daylight and outlook, and whether or not adequate waste disposal facilities would be provided; and
- whether or not the proposal provides adequate car parking provision and acceptable access for emergency service vehicles.

## **Reasons**

5. The appeal site is in a predominantly residential area and is currently occupied by a bungalow with a substantial footprint. It sits in a backland location and is at the end of a line of similar properties. The appeal site and its neighbour at 21A Raffin Green Lane (RGL) are accessed via a long driveway between 21 and 23 RGL. The site's surroundings are predominantly characterised by lower height properties with a combination of traditional bungalows and two storey properties with their first-floor accommodation set within their taller roofs. Dwellings benefit from being set within reasonably spacious plots.
6. The proposed development is for the construction of two 2-storey dwellings, with first floor accommodation marginally within the roof space.

### *Character and appearance*

7. Although the proposed dwellings would cover a similar footprint to the existing bungalow and they would respect the existing building line, they would add bulk at first floor and roof level. This would be uncharacteristic of other backland properties in the immediate vicinity that comprise lower and more discrete bungalow development. Furthermore, the subdivision of the site into two would reduce the individual plot sizes, creating a cramped built form, which would be out of keeping in an area where dwellings benefit from reasonably sized and spacious plots.
8. Whilst the proposed development would not form part of the street scene and would not be easily observed from public vantage points, its presence, bulk and cramped appearance would be particularly noticeable from surrounding neighbouring properties and would be incongruous as a result.
9. For the above reasons, I find moderate harm to the character and appearance of the surrounding area, contrary to Policies VILL2 and DES4 of the East Herts District Plan (2018) (the Plan), which, amongst other things, expects development to be of a high standard of design and to respect or improve upon the character of the site and the surrounding area.

### *Living conditions – occupants of neighbouring dwellings*

10. The proposed first floor rear windows would ordinarily be a reasonable distance from the rear garden of the property fronting onto Raffin Park that is set beyond the rear boundary of the appeal site. However, I am mindful that the residents of this Raffin Park property currently experience a lack of perceived overlooking into their rear garden space due to the absence of first floor accommodation on the appeal site. The proposed addition of such accommodation would be a significant change to current circumstances and therefore the perception of overlooking in this instance would be tangible.
11. 21 and 23 RGL benefit from spacious plots and despite the properties being set deep, a significant separation distance would remain between their rear elevations

and the front elevations of the proposed dwellings. Furthermore, the existing rear outbuilding to 21 RGL and the proposed double garage, despite being single storey, would provide some intervening built development, reducing the perception of overlooking that would be created by the addition of first floor accommodation on the appeal site.

12. The appellant asserts that any potential loss of privacy could be overcome by the installation of obscured glazing below 1500mm above floor level to numerous first floor windows, which could be secured by condition. The limited height of the obscured glazing would not entirely preclude views over the garden of the Raffin Park property if future occupants stood close to the windows. However, its presence would reduce the perception of overlooking from the rear bedroom windows to an acceptable level, which in any case would be windows of bedrooms that would not be utilised often. I therefore find that obscured glazing to the proposed rear bedrooms would adequately mitigate against the harm I have found regarding the perceived loss of privacy. Furthermore, there is no substantive evidence before me to demonstrate that such a condition would fail the tests in the National Planning Policy Framework (the Framework) or the Planning Practice Guidance (the PPG).
13. Simply the introduction of additional built development, in this case bulk with the introduction of first floor accommodation, does not in itself lead me to conclude that the proposed development would result in unacceptable outlooks for neighbouring residents. Although limited, the proposal would provide space between the built form and the site boundaries with neighbouring properties and reasonable separation distances would exist between the proposed and surrounding dwellings, which largely benefit from reasonably sized garden space.
14. Overall, I find that the proposed development would not be unacceptably harmful to the living conditions of the occupants of neighbouring residential dwellings regarding privacy and outlook. Consequently, the proposed development would comply with Plan Policies VILL2 and DES4, which, amongst other things, expect development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

*Living conditions – future occupants of dwellings and waste disposal*

15. As set out above in the previous main issue, I find that it would only be necessary to obscure the glazing to a height of 1500mm above floor level to the rear bedroom windows, which are rooms not likely to be used for long periods of time during the day. The obscured glazing would be to a limited height, with the remaining glazing being clear, ensuring the rooms would benefit from sufficient levels of daylight. Furthermore, views out of the windows would be reduced but not entirely prevented.
16. There is dispute between the parties regarding the distance future residents would need to move their waste disposal bins to RGL for emptying. However, despite the driveway being substantial in length, I observed on my site visit that it is relatively flat and the surface substantially even and robust, which would ease movement. Furthermore, the appellant asserts that the dwellings have been designed as family homes and it is already established that residents in the immediate surroundings have a substantial distance to take out their bins.

17. For the above reasons, I find that the proposed development would not be unacceptably harmful to the living conditions of future occupants of the dwellings regarding daylight and outlook, and adequate waste disposal facilities would be provided. Consequently, the proposed development would comply with Plan Policies VILL2 and DES4, which, amongst other things, require development proposals to be of a high standard of design.

*Car parking provision and emergency service vehicle access*

18. The Council's Vehicle Parking Provision at New Development Supplementary Planning Document (2008) (the SPD) sets a maximum residential parking standard of 3 spaces for dwellings of four bedrooms or more. The submitted plans demonstrate there would be 6 spaces provided across the two dwellings. The Council asserts that the single garage, which should include some general and cycle storage space, would not be large enough to be classified as a parking space. However, the plans clearly show that the single garage would provide enough space to comfortably accommodate a car and that in this case separate dedicated cycle storage facilities would be provided within the rear gardens that could also be used for general storage purposes. It is therefore likely that the single garage would comfortably accommodate a car and that the garage would not necessarily be required for storage purposes. Thus, the proposal would provide adequate car parking provision in-line with the maximum parking standards in the SPD.
19. Whilst the driveway is narrow, I was able to negotiate it with ease when accessing the site by vehicle on my visit. Furthermore, it appeared to be broadly consistent with the overall widths shown on the submitted plans. The Council has expressed concern that only some of the driveway width comprises hardstanding, which was observed on site. The driveway is within the red line boundary of the appeal site, and the Council has suggested the imposition of a condition requiring hard landscaping details to be submitted and approved prior to first occupation of the development. The Council could therefore remedy this later.
20. The appellant acknowledges that turning facilities within the site would be inadequate for a fire appliance and that the length of the driveway would mean that a fire appliance located on RGL would be too far away from the dwellings to successfully administer their hoses in the event of a fire. However, Hertfordshire Fire Protection Regulatory Services state in their consultation response that where adequate sprinklers are fitted throughout a house, the distance between the fire appliance and any point within the house may be up to 90m, which would be achievable in this case. The appellant accepts a condition requiring adequate sprinklers to be provided throughout the house and I am content that such a condition would meet the tests set out in the Framework and the PPG.
21. For the above reasons, I find that the proposed development would provide adequate car parking provision and acceptable access for emergency service vehicles. Consequently, the proposed development would comply with Plan Policies TRA2 and TRA3, which, amongst other things, ensure development proposals provide safe and suitable access for all users and that site layouts, access proposals and mitigation measures are acceptable in highway safety terms. Furthermore, they state that vehicle parking provision will be assessed on a site-specific basis and should consider the provisions of the SPD.

## Other Considerations

22. The appellant asserts that the Council cannot demonstrate a 5-year supply of deliverable housing sites, which is not disputed by the main parties who confirm that this position is embedded in a recent appeal decision. However, the decision is not before me. The appellant has also drawn my attention to the Council's most recent position statement that declares the supply sits between 3.4 and 3.7 years, which equates to a significant shortfall at best. Even the provision of only one additional dwelling would contribute positively to the Council's housing supply.
23. Whilst this modest plot is not underutilised given that it already accommodates a bungalow, the proposed development would be within the built confines of the established Group 2 Village of Datchworth where small-scale development opportunities are supported. Furthermore, paragraph 73 of the Framework recognises the important contribution small and medium sized sites can make to meeting the housing requirement of an area. Datchworth benefits from a shop, a public house, a primary school and other community facilities, which would help to meet the day-to-day needs of future occupants. Furthermore, whilst the site is not located within a highly accessible location, it does benefit from having access to bus services providing opportunities to use a sustainable mode of transport to access other shops, services and employment opportunities further afield.
24. The proposal would also provide economic benefits through employment during the construction phase and by future occupants contributing to the local economy. Although such benefits are limited given that only one additional dwelling is proposed.
25. The appellant asserts that the redevelopment of the site provides the opportunity to install energy efficient technologies and construction techniques, as well as providing enhanced landscaping and biodiversity. However, there is no substantive evidence before me to demonstrate that such enhancements would be reliant on the implementation of the proposed development. These are therefore neutral considerations in the planning balance.
26. Interested parties have expressed concern that the proposed development would set a precedent for similar development in the future. However, any future proposal would be considered on its own planning merits. I am also directed to consider a covenant restricting the number of dwellings that can be built on the site, the positioning of the proposed garage above existing drainage infrastructure and that this proposal solely represents a money-making exercise for the appellant. These are not matters for consideration in the context of a planning appeal and I have based my decision on the planning merits of the scheme.
27. The Council concluded that the proposed development would benefit from the exception to inappropriate development in the Green Belt at paragraph 154 e) of the Framework and would not affect the openness of the Green Belt due to being within the built confines of the existing village. I find no reason to disagree.
28. Concern has been raised regarding the effect of construction activities on residents and accordingly I have imposed a pre-commencement condition requiring the submission and approval of a construction method statement, the details of which would need to be adhered to during development.



29. Interested parties have also drawn my attention to the potential effect of the proposed development on bats in the surrounding area, which are a protected species. The Council's ecologist raises no concern in this regard, subject to an advisory note should bats or evidence of them be discovered during works. I am content that other legislation adequately protects bats in this regard. I have also imposed a condition relating to the provision of bat and bird boxes.

### **Planning Balance**

30. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Plan Policies VILL2 and DES4 regarding character and appearance. For the reasons already outlined, the conflict with these policies attracts moderate weight. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
31. However, the Council cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the Framework is engaged. I am content that the application of policies in the Framework that protect areas or assets of particular importance, as set out at footnote 7, does not provide a strong reason for refusing the development proposed under paragraph 11 d) i).
32. Therefore, paragraph 11 d) ii) of the Framework applies in this case. This states that planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination.
33. As discussed above, I have taken account of the fact that the proposed development would contribute positively to housing supply where there is a significant shortfall of deliverable sites. The proposal would also be within the built-up area of an existing village that has access to some services, facilities and public transport, and where small-scale development opportunities are supported. Furthermore, there would be some economic benefits associated with the proposed development. Overall, I attribute moderate weight to these benefits.
34. Taking account of the circumstances of this case, I conclude that the harm arising from the proposed development, does not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Therefore, the proposal benefits from the presumption in favour of sustainable development as articulated in paragraph 11 d) of the Framework.

### **Conditions**

35. I have had regard to the planning conditions suggested by the Council that the appellant agrees with. I have considered them against the tests in the Framework and the PPG.
36. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides clarity. A pre-commencement condition has been included, which has been accepted in writing by the appellant,

requiring the submission and approval of a construction method statement in the interests of the living conditions of neighbouring residents and highway safety.

37. I have also imposed conditions relating to materials and soft and hard landscaping to safeguard the character and appearance of the site and surrounding area. A condition requiring the submission and approval of details relating to the provision of a sprinkler system is included in the interests of public safety. Details of external noise from plant or machinery are required by condition, including the implementation of any necessary mitigation measures in the interests of the living conditions of neighbouring residents. Conditions relating to vehicle parking spaces and bicycle storage facilities are imposed on highway safety grounds and to encourage use of non-car modes of transportation. A condition has been imposed relating to the provision of bat and bird boxes to provide additional habitat for protected species. I have also included a condition relating to the provision of electric vehicle charging points in the interests of improving air quality.
38. A condition requiring the installation of obscured glazing has been included in the interests of the living conditions of neighbouring residents. A condition is also imposed requiring compliance with the optional water consumption rate set out in Building Regulations to ensure the development complies with Plan Policy WAT4. I have imposed a condition specifying action to be taken in the event of the discovery of unexpected contamination in the interests of preventing pollution of land and water. Finally, a condition relating to the maintenance of visibility splays is included in the interests of highway safety.

### **Conclusion**

39. The proposal would conflict with the development plan taken as a whole. However, there are material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be allowed.

*L Fern*

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: 1711/200 – Site Location Plan; 1711/202 Rev B – House A Proposed Floor Plans, Site Plan, Block Plan and Elevations; and 1711/203 Rev B – House B Proposed Floor Plans, Site Plan, Block Plan and Elevations.
- 3) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved construction method statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place above ground level until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved material details.
- 5) No development shall take place above ground level until a scheme of soft and hard landscaping, including an implementation timetable and a management programme, has been submitted to and approved in writing by the local planning authority. The approved landscaping works shall be carried out in accordance with the details and the approved implementation timetable prior to first occupation of the development and managed thereafter in accordance with the details of the approved management programme.
- 6) No development shall take place above ground level until details of the location of a tank and associated sprinklers (the sprinkler system), to British Standard 9251:2021, for each dwelling shall be submitted to and approved in writing by the local planning authority. The sprinkler system shall be installed prior to first occupation of the development in accordance with the approved details and retained thereafter.
- 7) No plant or machinery, including air source heat pumps, shall be installed until details of the level of external noise emitted from the plant or machinery, and any mitigation measures where appropriate, have been submitted to and approved in writing by the local planning authority. The plant or machinery and any mitigation measures shall be installed in accordance with the approved details and retained thereafter.
- 8) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with Drawing Nos 1711/202 Rev B and 1711/203 Rev B. Thereafter, those spaces shall be retained for the parking of vehicles only.
- 9) The development hereby permitted shall not be occupied until details of the bicycle storage facilities have been submitted to and approved in writing by the local planning authority. The approved bicycle storage facilities shall be installed



in accordance with the approved details prior to first occupation of the development and retained thereafter.

10) The development hereby permitted shall not be occupied until details of at least one bird box and one bat box per dwelling are submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter.

11) The development hereby permitted shall not be occupied until details of one electric vehicle charging point per dwelling have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter.

12) The development hereby permitted shall not be occupied until:

- i. the rear first-floor windows of both dwellings have been installed with obscure glazing to a height of 1.5m above the floor of the room and no part of those windows that is less than 1.7m above the floor of the room in which they are installed shall be capable of being opened; and
- ii. the first-floor windows on the side elevations of both dwellings have been installed with obscured glazing in full and no part of those windows that is less than 1.7m above the floor of the room in which they are installed shall be capable of being opened.

Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority prior to the windows being installed and once installed the obscured glazing shall be retained thereafter.

13) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

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

- i. 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
- ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

15) The 43m by 2.4m visibility splays show on Drawing Nos 1711/202 Rev B and 1711/203 Rev B shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

**\*\*\* End of Conditions\*\*\***