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## Appeal Decision

Site visit made on 21 January 2020

**by Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 03 February 2020**

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### **Appeal Ref: APP/X1925/W/19/3240268**

### **6 Weston Way, Baldock SG7 6EY**

- 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 and Mrs Maciver against the decision of North Hertfordshire District Council.
  - The application Ref 19/01311/FP, dated 31 May 2019, was refused by notice dated 12 July 2019.
  - The development proposed is erection of detached bungalow with parking and amenity space and relocation of existing parking for 6 and 6A Weston Way.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow with parking and amenity space and the relocation of existing parking for 6 and 6A Weston Way at 6 Weston Way, Baldock SG7 6EY, in accordance with the terms of the application, 19/01311/FP, dated 31 May 2019, subject to the conditions set out at the end of this decision.

### **Procedural Matter**

2. Whilst the emerging North Hertfordshire Local Plan 2011-2031 (submission version October 2016) (the ELP) has reached examination, it is at a stage that currently attracts limited weight. This is because, from the evidence before me, the content of its policies may yet change prior to its formal adoption. I shall consider the appeal on this basis.

### **Main Issues**

3. The main issues are:
  - The effect upon the character and appearance of the area;
  - The effect upon the living conditions of neighbouring occupiers at 8 Weston Way (No 8), having particular regard to potential noise and disturbance; and
  - The effect upon the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space.

### **Reasons**

#### *Character and appearance*

4. The appeal site contains a semi-detached former dwelling that has been converted into 2 self-contained flats, as well as a driveway to the side and a

spacious garden area to the rear. Whilst the appeal property forms part of an established residential frontage, there are other uses and influences located close to the site. These include a fire station and a school to the north and a block of garages to the west. A variety of different residential property types are in place and these are served by a range of differently sized and laid out garden spaces. Whilst properties tend to address the highway to the front of their plots, the area has a mixed character and appearance.

5. A compact new residential plot is proposed that would increase the intensity of development in the area. The scheme is focussed upon the construction of a dwelling to the rear of existing frontage development, which is a pattern of development that is not readily observable in the locality. The proposed bungalow, whilst of small size and limited visibility, would have a physical presence and would influence how the area would be read and experienced, most particularly by local occupiers.
6. Nevertheless, it is important to note that the appeal site's rear garden is comparatively long and wide when considered against the dimensions of other rear garden spaces in the vicinity. I also note the absence of any clear rhythm to how these rear garden spaces are laid out. In this context, the intended sub-division of the site to provide a new residential plot to the rear, whilst not being wholly reflective of the typical layout of other plots in the locality, would not noticeably alter the character and appearance of the area (which I have identified to be mixed and varied). The harm that would be caused by the proposal would not be significant therefore.
7. It is intended, as part of the proposal, to create a shared car parking area set back from Weston Way. It is relevant to note that when planning permission<sup>1</sup> was most recently granted in 2004 to convert the site's former single dwelling into 2 flats, shared vehicular access and parking (including garaging) in the same approximate location was approved. Whilst additional parking is now proposed, this must be considered in the context of the flatted properties that now occupy the site and the access arrangements that have already been consented. I consider that the proposed access and car parking arrangements, in character and appearance terms, are appropriate.
8. I have noted references made to an appeal decision<sup>2</sup> relating to a site in Letchworth Garden City. This is of limited relevance to my considerations here. Indeed, it is apparent that the pattern of site sub-division sought in that case varied to what has been proposed here. In any event, I must consider the proposal before me upon its own merits.
9. For the above reasons, the proposal would cause some limited harm to the character and appearance of the area. The proposal conflicts with saved Policy 57 of the District Local Plan No.2 with Alterations (originally adopted April 1996) (the Local Plan) and with emerging Policy D1 of the ELP in so far as these policies require that the layout, design and so character of each new development must relate to the site's physical shape and existing features, and the character of the surroundings.

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<sup>1</sup> 04/00643/1

<sup>2</sup> APP/X1925/W/18/3211920

*Living conditions – 8 Weston Way*

10. The appeal site already incorporates a driveway to its southern side in proximity to the facing flank wall of No 8. This flank wall contains openings that overlook the site, which include 2 relatively large windows at first floor level. The proposal, by virtue of introducing a unit of accommodation to the site's rear, would be expected to lead to an increase in the number of vehicle movements occurring alongside No 8.
11. The Council has suggested that the proposal would introduce noise, car lights and general disturbance to the detriment of the living conditions of neighbouring occupiers at No 8. However, it is important to note the existing shared access and car parking arrangements that are already in place to the side of the appeal site. In this context, any noticeable or obvious change in the volume or frequency of vehicle movements alongside No 8 would not be anticipated. Indeed, similar setback car parking arrangements have previously been consented (as discussed above) and merely a small additional bungalow is proposed here.
12. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 8, having particular regard to potential noise and disturbance. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies acknowledge that the design and layout of buildings can noticeably reduce the disturbing effects of noise.

*Living conditions – existing on-site occupiers*

13. Whilst saved Policy 57 of the Local Plan sets out a rough per-unit private amenity space guide of 75 sq. m, the policy's wording incorporates flexibility depending on the type and size of property proposed. In fact, a private utility amenity space standard specific for flats is also set out. This requires 18 sq. m to be provided for a one-bedroomed flat and a further 10 sq. m. to be provided for each additional bedroom.
14. At inspection, the site was laid out such that the spacious rear garden area appeared to be accessible only to occupiers of the on-site ground floor flat. Alongside the existing driveway to the front of the site (which contained opportunities for bin storage), a further external space was in place that was available to first-floor occupiers. Indeed, from the evidence before me, this existing arrangement is not intended to be altered here. Nevertheless, the proposal would lead to a significant garden space reduction for the ground floor flat. However, it is still the case that a meaningfully sized external space would be provided that, in the context of saved Policy 57's stated requirements, would be appropriately sized and laid out for its intended purpose.
15. For the above reasons, the proposal would not cause harm to the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies require that the sizes of gardens or private amenity space should relate to the needs of future residents and to the amount of public amenity space.

## **Planning Balance**

16. The Council has confirmed that, whilst progress is being made in terms of its housing supply position, a five-year supply of housing land cannot currently be demonstrated in the District. The National Planning Policy Framework (February 2019) (the Framework) is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
17. The proposal would provide one additional dwelling, which would contribute towards reducing the housing shortfall and would comply with the Framework in terms of boosting the supply of homes. The delivery of an additional housing unit represents a meaningful contribution in such circumstances, and I apportion this benefit of the scheme considerable weight.
18. I acknowledge that there would be some limited harm arising to the character and appearance of the area that would lead to some conflict with saved Policy 57 of the Local Plan, which is a policy that is consistent with the Framework in so far as it requires that developments should be sympathetic to local character. However, even should a narrow housing supply deficit be in place, the harm and policy conflict that I have identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies therefore.
19. Notwithstanding the identified conflict with saved Policy 57, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

## **Conditions**

20. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have added two.
21. In the interests of certainty, a condition specifying the approved plans is required. In the interests of safeguarding the living conditions of existing and future residential occupiers, a condition is reasonable and necessary that secures full details of intended boundary treatments. In the interests of protecting the character and appearance of the area, a planning condition is reasonable and necessary that secures full details of the materials to be used to the external surfaces of the dwelling.
22. In the interests of promoting air quality improvements and encouraging more sustainable transport choices, a condition is reasonable and necessary that secures the installation of an electric vehicle charging point on-site. Such a condition has been requested by the Council's Environmental Protection Officer and the Council's Vehicle Parking at New Development Supplementary Planning Document (September 2011) is supportive of the provision of electric vehicle infrastructure. As no details are currently before me, to ensure the provision of

a suitably robust installation, full details are required to be submitted to and approved in writing by the Council.

### **Conclusion**

23. For the reasons above, the appeal is allowed subject to conditions.

*Andrew Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); P001; P002.
- 3) No construction above damp-proof-course level shall commence until full details of the materials to be used in the construction of the external surfaces of the detached bungalow hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development and shall be retained at all times thereafter.
- 5) Prior to the first occupation of the development hereby permitted, full details of an Electric Vehicle ready domestic charging point (to be provided on-site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.