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## Appeal Decision

Site visit made on 11 August 2020

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 27 August 2020

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### **Appeal Ref: APP/X1925/W/20/3249491 34 Gun Road Gardens, Knebworth SG3 6EB**

- 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 A Spelman against the decision of North Hertfordshire District Council.
  - The application Ref 19/02680/FP, dated 7 November 2019, was refused by notice dated 15 January 2020.
  - The development proposed is Erection of one detached 2-bed dwelling with new vehicular access off Crab Tree Road.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the Erection of one detached 2-bed dwelling with new vehicular access off Crab Tree Road at 34 Gun Road Gardens, Knebworth SG3 6EB in accordance with the terms of the application, Ref 19/02680/FP, dated 7 November 2019, subject to the conditions in the attached schedule.

### **Main Issues**

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the area; and
  - The effect of the proposed development on the living conditions of neighbouring occupiers at 34 Gun Road Gardens with particular reference to enclosure.

### **Reasons**

#### *Character and Appearance*

3. The immediate area comprises predominately two storey regularly spaced semi-detached dwellings, faced with light coloured render under plain tiled hipped roofs. There are some single storey dwellings along Crab Tree Road, including a recently constructed dormer bungalow directly opposite the appeal site. The appeal site comprises a vacant grass plot which was formerly the rear garden of 34 Gun Road Gardens.
4. There is a fallback position in this case as planning permission has been previously granted for a dwelling on the site in 2018 and there is a strong possibility that it could be implemented. I therefore do not consider the

principle of development or matters that are unchanged. The officer report sets out the differences between the appeal proposal and the previous approval. The changes have arisen because an extra 1.5 metre wide piece of land has been added to the plot, from the former garden of no. 34. This has resulted in a wider dwelling, with correspondingly larger footprint and longer ridge to the hipped roof. Otherwise, the majority of the changes are minor, such as alterations to the number and positioning of rooflights and an additional front bay window. I note that the overall height would be lower.

5. The proposed dormer bungalow would be very similar in design and scale to that opposite, and the design details and proposed use of materials would be reflective of other dwellings in the immediate locality. The ridgeline would be longer than the dwelling opposite, but not substantially so.
6. The proposed development would occupy almost the entire width of the plot, and two car parking spaces would be provided to the frontage. This is similar to the dwelling opposite which also fills almost the entire width of the plot. Moreover, the presence of vegetation screening along the large side garden of no. 34 would reduce any dominance. The dwelling would have adequate space to the front and rear. Consequently, I do not find that the proposed development would result in an overly cramped appearance nor be discordant within the street scene.
7. The proposed development would have an acceptable effect on the character and appearance of the area and would comply with Policy 57 of the Hertfordshire District Local Plan No.2 with Alterations (1996) which expects residential development, amongst other matters, to relate to the site's physical shape and existing features and the character of the surroundings. The policy aligns with the objectives of section 12 of the National Planning Policy Framework (the Framework), for well-designed developments which are sympathetic to local character, as set out in paragraph 127 and would not conflict with paragraph 130.

#### *Living Conditions*

8. The Council solely cites no. 34 as being adversely affected by the development. Whilst there would be some additional loss of light and enclosure, no. 34 would still enjoy a good standard of living conditions as a result of their sizeable corner plot which benefits from good sized gardens to the front and rear. Any overbearing effects would be also minimised by the single storey nature of the proposed dwelling and its hipped roof. I have also had regard to the letter from the occupiers of no. 34 who support the development.
9. There would be an acceptable standard of living conditions for the future occupants of the proposed dwelling. Whilst one of the two bedrooms would only be served by rooflights, this is not unusual for rooms within a roofspace and I note that both double bedrooms would be of a good size, and would offer a comfortable living environment.
10. Taking into account the above, the proposed development would not have an unduly overbearing effect on the living conditions of the neighbouring occupier at no. 34 Gun Road Gardens. It would comply with Policy 57 in that the space and size would meet the reasonable requirements of future occupants and there would be reasonable levels of sunlight and daylight and privacy. In turn,

the development would also be in accordance with paragraph 127(f) of the Framework in terms of standards of amenity for existing and future users.

### *Conditions*

11. I have considered the conditions put forward by the Council against the tests set out in the Framework and the Planning Practice Guidance. I have carried out some minor editing for precision and clarity, and attached conditions specifying the time limit and the list of approved plans to provide certainty. A materials condition is required to ensure that the external surfaces of the dwelling are in keeping with its surroundings.
12. A storage building is shown on the layout plan but no external details are provided. A condition requiring such details is therefore necessary to ensure that it does not compromise the appearance of the area nor be of excessive height in the interests of neighbours' living conditions. A condition is suggested which removes permitted development rights within Classes A-E inclusive. Given the constrained nature of the plot this condition would be reasonable and necessary to ensure that any future extensions or alterations do not harm the living conditions of adjoining neighbours nor the character of the area. Condition 6 is unnecessary given the presence of a grass verge in between the access drive and the highway.

### **Conclusion**

13. In view of the above, I conclude that the appeal should be allowed.

*S Hunt*

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: 2018/1280.
- 3) No development above foundation level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved details.
- 4) Prior to its construction full elevational details and materials of the proposed garden store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

End of Schedule.