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## Appeal Decision

Site visit made on 28 September 2020

**by A Denby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2020**

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**Appeal Ref: APP/X1925/W/20/3254267**

**6 St Marks Close, Hitchin, SG5 1UR**

- 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 B Patel against the decision of North Hertfordshire District Council.
  - The application Ref 19/02633/FP, dated 30 October 2019, was refused by notice dated 17 December 2019.
  - The development proposed is new single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In its evidence the Council has referred to policies within the emerging North Hertfordshire Local Plan 2011-2031. This plan has not completed Examination in Public, and the Council has not provided detailed information on the extent and content of any unresolved objections to the plan nor conveyed how this may affect the policies to which it has referred. Therefore, whilst I have had regard to them, bearing in mind its stage of preparation, it carries limited weight.

### Main Issues

3. The main issues are the impact of the proposed development on:
  - the character and appearance of the area, with specific regard to impact on trees; and
  - highway safety, with specific regard to manoeuvring space.

### Reasons

#### *Character and appearance*

4. The site is within a predominately residential area though there are some commercial uses to the opposite side of the road. The appeal site is currently utilised as part of the residential garden for No 6 St Marks Close and also encompasses part of Bearton Pond, which is a closed body of water.
5. The pond is surrounded by a boundary wall and fencing, to the adjacent road frontages, with existing dwellings to the east and south. The existing dwellings are set well back and at a higher ground level than the pond, with their rear

- gardens extending down to the bank, and some properties having jetties or platforms at the water's edge.
6. There is however substantial, and mature landscaping around the pond, and the existing built development appears as nestled into the landscape, as such the site and adjacent pond retain a soft and natural landscaped character and appearance. Furthermore, although located within a busy urban environment, due to boundary treatment, and mature trees, the site and pond have a secluded and tranquil character.
  7. The proposal is to erect a single storey dwelling that would extend over the bank and water, with vehicular access being provided from Bearton Road. The proposal would remove existing landscaping and introduce substantial hard elements that would be at odds with the current soft landscaped character of the site.
  8. Although the proposed dwelling would be single storey, it would have a wide frontage and, along with the parking and turning area, result in a hard-developed edge to a significant section of the pond. I saw on my site visit that the water level is significantly lower than the bank in places and the development, in particular the proposed parking and turning areas would be dominant and imposing features.
  9. Due to the proposed layout and design, there would be little opportunity for planting to the bank or waters edge to soften the visual impact of the development. Furthermore, it would introduce parked vehicles and aspects such as bin storage in close proximity to the water, which would add to the harmful visual impact on the character and appearance of the site and Bearton Pond.
  10. Whilst views into the site are restricted, the proposed dwelling would be higher than the existing boundary treatment and it would therefore be visible from the street. There are however mature trees within and adjacent to the site and these are clearly visible within the street scene. They make a positive contribution to the character and appearance of the surrounding area providing visual relief from the urban environment.
  11. The removal of a significant part of a presently undeveloped site and existing trees, which currently make a positive contribution to the character of the area, would have a harmful impact on the spacious and verdant character of the site and this would be to the detriment of the character and appearance of the surrounding area.
  12. There are also mature trees in close proximity to the proposed vehicular access and turning area, and I saw on my site visit that the land level to the top of the bank rises in this location with one of the trees being within this area of raised ground. The proposed works would encroach into the Root Protection Areas of these trees, and significant pruning would likely be required to at least one of the trees, which has substantial branches overhanging the site and pond, to facilitate the development.
  13. There is a lack of detail on these trees within the submitted tree survey, and the extent of the impact on them or whether they could be realistically retained is not clear. Any extensive pruning or felling of these trees would have an

unacceptable harmful impact on the landscaped setting of the pond and that of the wider area.

14. Therefore for the reasons stated above the development would be contrary to Saved Policies 21, 26 and 57 of the North Hertfordshire District Local Plan, 1996 (LP) which, amongst other things seek to ensure that development is acceptable within the environment and character of the existing area, achieving a high quality design and responding to the sites physical shape and existing features. For the same reasons the proposal would also fail to achieve the high-quality design that is required by Section 12 of the National Planning Policy Framework (the Framework).

#### *Highway Safety*

15. The entrance to the site would be via a footway crossover from Bearton Road. I saw on my site visit that this is a busy part of the road network and a location where drivers would need to pay particular attention to road conditions and make decisions, such as changing lanes, braking and adjusting speed.
16. The proposed access would be narrow and constrained by existing fencing and trees. Due to the nature of the road it would be necessary for vehicles to be able to enter and leave the site in a forward gear, as reversing out of the access would impede the free flow of traffic, and this could lead to conflicts between pedestrians and vehicles, even at low speeds, to the detriment of highway safety.
17. The submitted detail indicates how a vehicle may be able to turn within the site, though this does appear to be restricted, with the swept path in very close proximity to existing boundary treatment and trees. Furthermore, it is not clear what types of vehicles this could accommodate or how it would operate in terms of the vehicles entering and exiting the proposed parking spaces. Although the height of the fencing to the site boundary could be reduced to improve visibility, this would not address the concerns in relation to vehicles reversing out onto the highway.
18. Having regard to all of these factors, I therefore conclude that the development would result in an unacceptable risk to highway and pedestrian safety. The proposal would therefore not accord with LP Policy 57 which, amongst other things, seeks to ensure that developments create safe routes for pedestrian and vehicular movements. For the same reasons the proposals have failed to demonstrate they would not have an unacceptable impact on highway safety in accordance with Paragraphs 108-110 of the Framework which seek to ensure developments provide safe, suitable access and minimise the scope for conflicts between pedestrians and vehicles.
19. The appellant states that the submitted tracking details have been accepted by the Council on another site, though I do not know the full details of that case and, on the basis of the information before me, it is evident that there are differences between the sites in terms of the parking layout and manoeuvring arrangements.
20. In addition, the extract provided from Manual for Streets relates to the effect of oversized parking spaces on reducing the need for manoeuvring space. This is not directly relevant or specific to the appeal scheme and does not aid in demonstrating the proposed arrangement would facilitate the turning of

vehicles within the appeal site. Therefore, having considered the appeal on its own merits these matters do not, lead me to a different conclusion.

### **Other Matters**

21. I acknowledge that pre-application discussions took place and that some positive responses may have been given by the Officer at that time. It is unfortunate that Officers of the Council changed but it is the decision of the Council I must have regard to.
22. I note the appellant has attempted to address the Council's objections to a previous scheme on the site. However, this does not alter the harmful effects I have found and having considered the appeal on its merits these other matters do not, therefore, lead me to a different conclusion.

### **Planning Balance**

23. The Council acknowledges that it cannot demonstrate a 5-year housing land supply which means that the approach set out in paragraph 11 d) of the Framework is engaged.
24. There is no detailed information before me with regards to the scale of the Council's housing land supply shortfall, though the provision of only one dwelling could only have a limited benefit in relation to boosting the supply of housing. Furthermore, benefits in relation to employment during construction would be temporary and future occupants use of local services would only result in modest benefits.
25. That the development would be close to local services and facilities, in accordance with Section 9 of the Framework, nor result in any harmful ecological impacts would have a neutral effect, and therefore do not weigh in favour of the appeal.
26. The proposals would result in significant harm to the character and appearance of the surrounding area and highway safety. Although I recognise the important contribution small sites can make to meeting the housing requirement of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Framework as a whole. Other considerations do not indicate that a decision should be taken other than in accordance with the development plan.

### **Conclusion**

27. For the above reasons I conclude that the appeal should be dismissed.

*A Denby*

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