



Appeal Decision

Site visit made on 13 November 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th November 2017.

Appeal Ref: APP/X1925/W/17/3178822

1 Ryder Way, Ickleford, SG5 3XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Suzanne Roynon against the decision of North Hertfordshire District Council.
 - The application Ref 17/00918/1, dated 31 March 2017, was refused by notice dated 2 June 2017.
 - The development proposed on the application form is a new two bedroom house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal seeks outline planning permission, with all matters reserved for future consideration. Accordingly, I have treated the submitted plans as illustrative only.
3. My determination of this appeal is against the saved policies of the adopted Local Plan¹. However, the Council's report and appellant's statement of case also make reference to a number of policies from the emerging Local Plan². Although at an advanced stage of preparation, the assessment of this document by an Inspector has not yet been completed following examination. Given the uncertainties regarding the outcome of that process, I have assigned the emerging Local Plan limited weight and in any event, Policies SP1, SP2, D1, D3, D4, HS3, SP8, SP9 and T2 would not have altered my conclusions.
4. The Council and appellant both agree that the site is located within the built-up limits to the village where the principle of residential development is considered acceptable and I see no reason to take a different view.

Main issue

5. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be the effect of the proposed development on the character and appearance of the area.

¹ District Local Plan No 2 with Alterations, 23 April 1996, North Hertfordshire District Council

² Local Plan 2011-2031, Proposed Submission, October 2016, North Hertfordshire District Council

Reasons

Appeal site context

6. Ryder Way is an attractive road characterised by mature 2-storey semi-detached houses, generous open gaps between properties, large gardens, expansive corner plots and its verdant appearance. Although the properties slightly vary in design, they are unified by their rendered off-white finished, plain tiled hipped roofs, dominant chimneys and front facing gables. The highway is lined with mature front boundary hedges, grass verges and established trees.
7. The appeal site contains one half of a pair of semi-detached properties at the southern end of the road that backs onto open countryside ('No 1'). It is set on a triangular shaped corner plot which tapers away from its compact rear garden towards the Ryder Way/Westmill Lane highway junction. This has resulted in a wide, spacious and prominent corner plot, enclosed by a mature boundary hedge.
8. To the south-west of the site lies Nos 14 and 16 Westmill Lane, a more recently constructed post-war pair of gable-roof semi-detached properties finished in brick that are positioned at a tangent to the road. Although these have a very different appearance to No 1, their sympathetic orientation contributes to the spacious character of its corner plot and the legibility of the junction as an entrance to Ryder Way.

Character and appearance

9. Although the submitted plans are illustrative only, they do nonetheless provide a realistic appraisal of how the dwelling might be positioned given existing site constraints and the need to accommodate 2 bedrooms. The layout shown is also consistent with the appellant's design and access statement.
10. The plans illustrate the proposed dwelling being positioned parallel to No. 14 Westmill Lane, with a small gap between both properties. Although this would result in a larger gap between the appeal scheme and No 1 at the front of the site, the triangular shape of the plot would substantially reduce this towards the rear where it would become quite narrow.
11. As a consequence, the majority of the gap would be lost and the corner plot would lose its sense of spaciousness, which would be harmful to the area's locally distinctive character. The site would also look quite different to the corresponding corner plot on the opposite side of the road at No 2 Ryder Way, which would have a much larger gap between it and No 12 Westmill Lane.
12. The scheme would also result in very small rear gardens to the proposed dwelling and No. 1 and necessitate a large proportion of the front garden to the new dwelling being hard surfaced for off-road parking. This reinforces my view that there is insufficient space to accommodate a new dwelling and protect the character and appearance of the area.
13. I acknowledge that the illustrated siting of the proposed dwelling has been led by the desire to maximise the gap between it and No 1. However, the fact that this is not sufficient demonstrates the constrained nature of the site and that the proposal is not compatible with the settlement pattern and character of the area.

14. The submitted plans also illustrate the dwelling projecting beyond the main front elevation of Nos 14 and 16 Westmill Lane with a different gable roof orientation. It would therefore appear substantially different to this pair of dwellings and not as a continuation of them as the appellant maintains. The development would, as a consequence, not be compatible with the character of both sets of neighbouring properties at Nos 14 and 16 and No 1.
15. The public views of the development would be clearly visible when approaching in both directions on Ryder Way and from the east on Westmill Lane, which would intensify the scheme's harmful impact. Furthermore, I remain unconvinced on the basis of my site visit and the evidence before me that it would be possible to design an alternative scheme at the reserved matters stage to address the issues identified.
16. In view of the above, I have concluded that the development would be harmful to the character and appearance of the area. The proposal would as a consequence conflict with Core Policies 5, 26 and 57 (Guidelines 1 and 2) of the adopted Local Plan which seek to ensure that new development protects locally distinctive features and is compatible with the established character of an area.

Other matters

17. The appellant has referred to a 2-storey extension granted permission in 2010 that they feel helps to justify the current scheme. However, because this has now lapsed and I cannot be certain that that it would be approved again, I have given it limited weight in my assessment. Nevertheless, even if that were not the case, there would be a considerable difference in impact between a subservient 2-storey side extension and a 2-storey detached or attached dwelling. I do not therefore consider that the former would set any kind of precedent for the latter.
18. I do not agree with the appellant that the development would be on brownfield land as the site falls within the built-up area of an existing village. In view of this, and in accordance with the glossary definition at Annexe 2 of the Framework³, the site would not constitute previously developed land.
19. The appellant states that the scheme should be allowed because Paragraph 65 of the Framework advises Councils to not refuse sustainably located buildings because of their incompatibility with the townscape. However, I have concluded that this policy is not applicable because the appeal scheme's location in a village with limited facilities would not promote 'high levels of sustainability' as referred to by the policy. Nevertheless, even if that were not the case and it did promote 'high levels of sustainability', it has not been demonstrated that the incompatibility of the scheme with the existing townscape has been mitigated by good design.
20. The appellant has raised concerns that No 14 Westmill Lane was granted permission to extend by the Council despite it encroaching into the gap between both properties. However, I am not aware of the particular circumstances where planning permission was granted for this and in any event, I must consider the appeal scheme on its own merits. The existence of this other development does not therefore justify the harm I have identified.

³ National Planning Policy Framework, Communities and Local Government, March 2012

Planning balance

21. The Council has acknowledged on the basis of its adopted Local Plan that it does not have a 5 year housing land supply as required by Paragraph 47 of the Framework. In view of this, and in accordance with Paragraph 49 of The Framework, I have concluded that; (a) the relevant policies for the supply of housing are out-of-date; and (b) that the shortfall in housing supply is sufficient to trigger the presumption in favour of sustainable development as outlined by Paragraph 14 (bullet point 4) of the Framework. In particular, I have considered whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
22. Paragraphs 56, 60 and 64 of the Framework state that; (a) good design is a key aspect of sustainable development; (b) it is proper to reinforce local distinctiveness; and (c) poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused. For the reasons above, I have concluded that the development would fail to comply with these requirements and that the resultant adverse environmental harm would significantly and demonstrably outweigh the social and economic benefits of providing one additional dwelling in a sustainable location towards the Council's housing land supply shortfall and to a lesser degree, helping to sustain local community facilities and the provision of local employment opportunities during construction.

Conclusion

23. I have found that the appeal proposal would be harmful to the character and appearance of the area. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should accordingly be dismissed.

Robert Fallon

INSPECTOR