
Appeal Decision

Site visit made on 27 January 2021

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/X1925/W/20/3261445

Land off private driveway serving Amberley and Everglades and garden of No 1 Mill Ground, Maiden Street, Weston, Hitchin SG4 7AA

- 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 R Marvell against the decision of North Hertfordshire District Council.
 - The application Ref 20/00790/FP, dated 3 April 2020, was refused by notice dated 18 August 2020.
 - The development proposed is a new bungalow together with parking, landscaping and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for a new bungalow together with parking, landscaping and amenity space at land off private driveway serving Amberley and Everglades and garden of No 1 Mill Ground, Maiden Street, Weston, Hitchin SG4 7AA in accordance with the terms of the application, Ref 20/00790/FP, dated 3 April 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. There are two main issues. These are a) whether the appeal scheme would be inappropriate development in the Green Belt; and b) whether or not the proposed development would preserve or enhance the character or appearance of the Weston Conservation Area (WCA).

Reasons

Inappropriate Development

3. Weston is washed over by the Green Belt. Paragraph 143 of the Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 goes on to say that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The closed list of exceptions to this general presumption includes limited infilling in villages.
4. The appeal site is a small parcel of land well contained within the built up area of Weston. There seems little doubt therefore that the appeal site is within the

¹ The National Planning Policy Framework 2019

village. Moreover, as a proposal for a single dwelling amongst and surrounded by other such buildings, I would be content in defining the appeal scheme as being infill development that is limited.

5. The proposed development would not therefore be inappropriate development in the Green Belt. It would subsequently comply with the Framework in that regard. Saved Policy 3 of the Local Plan² suggests that development in settlements within the Green Belt may be acceptable where, amongst other things, it is for a single dwelling on a small plot located within the built core of the settlement, which will not result in the outward expansion of the settlement. For the purposes of this main issue and taking into account my earlier findings, I do not see any conflict with saved Policy 3.

The Weston Conservation Area

6. The appeal site is an area of land currently laid to grass. It is in shared ownership and appears to be used for vehicular parking, a number of ancillary outbuildings and access to rear gardens. The private driveway running north west from Maiden Street gives access to the appeal site, as well as to two other dwellings. These backland plots give some depth to the development pattern in the immediate area and are far from anomalous in themselves. There is a tightness and clustered feel to built form in the village, particularly as it sits between Fore Street and Maiden Street.
7. The proposed development would site a detached bungalow on the plot and whilst it would consolidate backland development in the area, I do not find, with the above in mind, that would give rise to harm to the WCA. The plot would be small and certainly less spacious than the ones immediately around it. That said, the bungalow itself would be modest and thus sit suitably within its plot. In addition, plot sizes, both frontage and backland ones, vary noticeably as they surround the appeal site with no obvious uniformity of garden size, shape or siting of the main building within them. Whilst it seems evident that some of the spacious feel of the WCA in terms of plots and large gardens may have been lost over time I genuinely feel, about the area immediately around the appeal site at least, that the proverbial horse bolted some time ago. This has resulted in an evolution of the character of the immediate area to the point that the erection of a modest single bungalow would not, in itself, give rise to harm to the WCA.
8. In regard to this main issue therefore, the character and appearance of the WCA would be preserved. There would thus be no conflict with either the aims of section 16 of the Framework or the design criteria of saved Policy 57 of the Local Plan which states, amongst other things, that the design and layout of new houses should be acceptable in visual terms and achieve the highest standards of design.

Other Matters

9. Some concerns have been expressed by third parties. On the matter of a mature oak tree, this appears to be within the boundary of an adjoining garden and, when comparing that to the proposed siting of the bungalow, it does not strike me that it would be adversely affected. The privacy of neighbours would be protected by the single storey nature of the proposed development and

² North Hertfordshire District Local Plan No. 2 with Alterations Saved Policies – September 2007

modest size of the dwelling ensuring good distance from shared boundaries. The proposed dwelling would be much newer than those around it but there is a noticeable diversity in building design in the small cluster around the appeal site. Such that the relatively simple design and shape of the proposed development would sit appropriately and largely unobtrusively within it.

Conditions

10. I have had regard to the conditions suggested by the Council. I have imposed the following for the reasons I have given, having made some changes to wording in the interests of clarity and enforceability.
11. For certainty, I have imposed conditions pertaining to the approved plans and the timescale for the commencement of works. A condition requiring the agreement of the external materials is necessary in the interests of a good quality appearance for the WCA. Given what this condition seeks to achieve, the details will need to be agreed prior to the commencement of development. I have not required a formal landscaping scheme to be submitted. It seems a touch overkill for what is a modest plot with a small dwelling in a residential area. That said, and in the interests of good design, I have required details of boundary treatments to be submitted albeit it will be sufficient for them to be agreed prior to the first occupation of the dwelling.
12. I do not see that there is sufficient justification to remove rights under permitted development. The location and type of the dwelling and the space between it and its boundaries should be largely self-governing in that regard. Similarly, I do not feel that requiring an electrical vehicle charging point can be justified nor indeed would the proposed development be unacceptable without one.
13. I have imposed a condition requiring the parking areas as shown on the approved plans to be laid out prior to the first occupation of the dwelling in the interests of ensuring that vehicles are parked clear of the highway and the shared access driveway. I have also required, prior to occupation of the dwelling and in the interests of its effective operation, details of facilities for the storage of waste and recycling.
14. I acknowledge the comments of the Council's Environmental Health team on the matter of contaminated land and the conditions as such suggested. I am mindful that, as a vacant and previously undeveloped garden type site there is very limited chance of there being any land contamination and as such I do not see it necessary or justified to include the suite of actions suggested. I feel it would be sufficient to impose a condition requiring action in the event contamination is discovered during works. This would only bite if any contamination was discovered. I have also imposed conditions responding to the potential archaeological interest of the site, requiring proportionate action and timing therefore.

Conclusion

15. For the reasons and subject to the conditions below, the appeal is allowed.

John Morrison

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan reference 20201-01, dated Jan 20.
- 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) Prior to the first occupation of the dwelling hereby permitted, details of the boundary treatments to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The vehicle parking and circulation areas as they are shown on the plan hereby approved shall be laid out on site prior to the first occupation of the dwelling hereby permitted.
- 6) Prior to the first occupation of the dwelling hereby permitted, details of a scheme for the storage of waste and recycling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 8) No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 9) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 10) The development hereby permitted shall not be first occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis and publication where appropriate.