



Appeal Decision

Site visit made on 22 November 2017

by **J Gilbert MA (Hons) MTP MRTPI**

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

Decision date: **1st December 2017.**

Appeal Ref: APP/X1925/W/17/3180296

1 Coronation Row, Crow Lane, Reed, Hertfordshire SG8 8AD.

- 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 T Camp against the decision of North Hertfordshire District Council.
 - The application Ref 17/00217/1, dated 25 January 2017, was refused by notice dated 11 April 2017.
 - The development proposed is separation of annexe from principal building to provide independent unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site has previously been subject to planning permissions for a double garage¹ and its subsequent conversion and extension to form a self-contained annexe². The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area, including the Reed Conservation Area;
 - b) the effect of the proposed development on the living conditions of neighbouring occupiers of Coronation Row and the future occupiers of the proposed development; and
 - c) whether the location would provide acceptable access to essential services and facilities.

Reasons

Character and Appearance

3. Reed Conservation Area encompasses the majority of the scattered settlement of Reed, which has houses clustered in small groups with extensive green spaces in between. This part of Crow Lane has a number of houses on the northern side of the lane stretching from the junction with the High Street and Jacksons Lane up to the tight bend in Crow Lane. Coronation Row, a row of 4 terraced houses, lies at the end of this grouping of houses next to the junction.

¹ Ref: 11/00338/1HH

² Ref: 15/00240/1HH

The appeal site at 1 Coronation Row is located at the eastern end of the row of houses. While the houses in this part of Reed are located at different distances from the road within clusters, they do not generally have further housing situated to the rear of the plots, though there is evidence of a range of outbuildings within rear gardens. The houses on Coronation Row have long, relatively narrow gardens which terminate at the same point adjacent to a field. The end of the rear gardens marks the boundary of the Reed Conservation Area.

4. The existing annexe building is sited at the end of the curtilage of No 1 and is largely constructed, but incomplete. The proposed development seeks to alter the existing annexe building to provide a one bedroom residential unit accessed from Crow Lane via the existing vehicular access between Noel Villas and No 1. Part of the existing rear garden of No 1 would be removed to allow for the parking of 2 cars and the area around the proposed development would be fenced off to create external amenity space.
5. The North Hertfordshire District Local Plan No 2 with Alterations (adopted 1996 and saved in 2007) (the Local Plan) deals with rural areas outside the Green Belt. Despite the advanced age of the Local Plan, policy 6 remains relevant and broadly consistent with a core principle of the Framework, which is to recognise the intrinsic character and beauty of the countryside. Part (iii) of policy 6 allows for development of a single dwelling on a small plot in some circumstances. The policy requires development not to result in the outward expansion of the built core of the settlement or have any other adverse impact on the local environment. Furthermore, as the appeal site lies within the Reed Conservation Area, I have a statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
6. As the proposed development would lie in the same location as the existing annexe building and there are other examples of ancillary buildings such as garages and sheds within the rear gardens on Coronation Row, I do not consider that it would necessarily result in an outward expansion of the built core of the settlement. However, policy 6 of the Local Plan also requires the development not to have any other adverse impact on the local environment.
7. While there is already a building on the appeal site, the proposed development would incorporate separate external amenity space and parking for the one-bedroom unit. This would necessitate part of the existing rear garden to No 1 being removed to allow for 2 parking spaces for the proposed development and the erection of further fencing to separate the retained garden of No 1 and the external amenity space for the proposed development from the vehicular access and proposed parking spaces. The addition of further fencing, the parking spaces and the additional domestic paraphernalia associated with the separate residential unit would result in a cluttered juxtaposition of 2 significantly smaller plots with the vehicular access dividing them.
8. This division of the proposed development from No 1 would create 2 small plots with very formal separation. The proposed development would reduce the spacing between dwellings within the Conservation Area, where houses are generally loosely spaced and dispersed. Though Coronation Row is set out more formally than its neighbours, with long and narrow rear gardens, the

- grain of the rear gardens would be substantially altered by the insertion of a separate residential unit within its own curtilage to the rear of No 1.
9. The harm to the Reed Conservation Area would be less than substantial, but still important. Paragraph 134 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken, between “less than substantial harm” to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other.
 10. The appellants make reference to the proposed development making a positive social contribution in this location. Given that a one-bedroom unit is not likely to have children living in it, it would not be likely to support the first school within the village. Despite the closed public house being an Asset of Community Value and the subject of a campaign to reopen it, I consider that the proposed development would make very limited difference to future public house provision and the viability of that business. Furthermore, the appellants argue that another development scheme for 12 dwellings has recently been approved in Brickyard Lane. I am not aware of the full circumstances of the Brickyard Lane proposal and, in any event, I must deal with the present appeal on its own merits.
 11. The proposed development would provide housing. This weighs in favour of the proposed development, and I am mindful of the importance placed on the provision of new housing in the Framework. That said, it would be relevant to bear in mind that only a single new home would be provided. I attribute only modest weight to the economic, social, and environmental benefits the proposal would make to the local economy and the local housing stock. This would be insufficient to outweigh the harm identified to the significance of the Reed Conservation Area. I therefore conclude the proposal would also fail to comply with national policy outlined in the Framework and referred to above.
 12. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area, including the Reed Conservation Area. As such, the proposed development would be contrary to policy 6 of the Local Plan. The requirements of policy 6 in respect of single dwellings within rural areas outside the Green Belt are set out above. Furthermore, the proposed development would not meet the aims of the Framework as it would fail to sustain the significance of a designated heritage asset, the Reed Conservation Area, where the public benefits would not outweigh the harm. In addition, for the reasons set out above, the statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 has not been met.

Living Conditions

13. The Council has not confirmed what specific effects the proposed development would have on living conditions of either neighbouring occupiers of Coronation Row or future occupiers of the proposed development beyond it purportedly resulting in an unacceptable impact on amenities enjoyed by neighbouring properties. Based on the limited information provided, and on my observations during my site visit, any effects on living conditions for neighbouring occupiers would be restricted to noise and disturbance from vehicles accessing the proposed development and outlook. The effects of the proposed development on the living conditions of future occupiers would relate to outlook and the provision of external amenity space. I have determined the appeal accordingly.

14. The proposed development would provide a one-bedroom two-storey residential unit at the rear of Coronation Row. The proposed development would reduce the depth of the rear garden serving No 1 through the introduction of 2 parking spaces adjacent to the garage at No 2. The proposed development would also include the erection of a 1.8m high close boarded fence to separate the amenity space for the proposed development from the car parking and vehicular access. Further parking provision would be made for 2 cars in the existing front garden of No 1.
15. In terms of the living conditions of future occupiers of the proposed development, the window serving the sitting room at the front of the proposed development would face a 1.8 close boarded fence positioned less than 5m from the window. The outlook from this window would be poor given the proximity of the tall fence. Furthermore, the external amenity space shown on plan 017/673 is of limited depth from the proposed development and although the appellants assert that it would comprise 40m² of external amenity space, I saw on site that the existing annexe building lies very close to the red line boundary of the site. As such, I am unconvinced that the external amenity space proposed could be provided within the red line boundary or that it would represent a usable external amenity space given its depth.
16. Turning to the living conditions of neighbouring occupiers and given the presence of the existing annexe building, I consider that the effect of the use of the driveway to reach the proposed development would not be significantly greater than its current permitted use as an annexe. Additionally, neighbouring occupiers already have the outlook from the rear of their houses and their gardens of a large pitched roofed building at the end of the garden of No 1. Given the limited external changes proposed to the existing building, I do not consider that the outlook for neighbouring occupiers would worsen. As such, I do not find any harm in relation to noise and disturbance from the use of the vehicular access or with regard to outlook for neighbouring occupiers.
17. Concluding on this main issue, the proposed development would cause harm to the living conditions of future occupiers with regard to outlook and external amenity space. This would be contrary to policy 57 of the Local Plan, which, amongst other things, requires development to have amenity space relating to the needs of future residents. It would also be contrary to paragraph 17 of the Framework, which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Access to Services and Facilities

18. The village of Reed lies within the countryside approximately three miles south of Royston. It has a limited range of local facilities including a first school, village hall, children's playground, sports field, parish church and chapel. There is a transport café and garage on the A10 just outside the village and there is a limited bus service to Royston and Buntingford.
19. Although I note both the Council and the appellants have referred to the emerging Proposed Submission Local Plan 2011 – 2031 with regard to the site lying within the proposed settlement boundary for Reed and emerging policies and sustainability appraisal, the plan has not yet been examined and adopted and I consequently give it limited weight. The Council has considered the application with regard to paragraph 55 of the Framework. However, while the proposed development does not lie within a settlement as defined by an

adopted Local Plan, it is situated to the rear of a row of houses within the village of Reed. As such, I do not consider it to be isolated, and the bullet points in the latter part of paragraph 55 of the Framework should not be applied in this instance.

20. The matter of reliance upon private transport by future occupiers of residential development in Reed was considered by the previous Inspectors in respect of appeals within the local area in 2015 and 2016³. In summary, they concluded that the transport options available and the range of services and facilities in the village itself would be likely to give rise to a significant reliance on private transport and that this would conflict with relevant requirements of the Framework, including the principle at paragraph 17 of actively managing patterns of growth to make the fullest use of public transport, walking and cycling. However, given that the existing annexe building could be occupied by a single person or a couple and that the proposed development would accommodate a similar number of residents, I do not consider that the level of reliance on the private car would be increased as a result of the proposed development.
21. For this reason, I conclude that the proposed development would not have an adverse effect in relation to access to services and facilities. It would be compliant with the relevant objectives of the Framework, including the principle at paragraph 17 of actively managing patterns of growth to make the fullest use of public transport, walking and cycling and reducing greenhouse gas emissions.

Other Matters

22. I note that neighbouring residents and the Parish Council have raised concerns regarding the proposed development and that the appellants have sought to address the issues raised. Given my findings on the main issues, it has not been necessary for me to consider these concerns in any detail.
23. The appellants have made reference to several applications in nearby Barkway. As I have not been provided with detailed information on these proposals, I cannot comment on their similarity to this appeal. In any event, I am required to deal with the appeal before me.

Planning Balance

24. There is no dispute that the Council cannot demonstrate a 5 year housing land supply (HLS), although neither party has confirmed the extent of the HLS shortfall. As such, I have no reason to dispute that the Council cannot demonstrate HLS. Paragraph 49 of the Framework applies which states that relevant policies for the supply of housing should not be considered up to date where HLS cannot be demonstrated. The lack of HLS is therefore sufficient to trigger paragraph 14 of the Framework.
25. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole; or specific policies in the Framework indicate that development should be restricted. Footnote 9 of the Framework gives

³ APP/X1925/A/14/2218194, decision issued 4 March 2015, and APP/X1925/W/16/3147753, decision issued 3 August 2016.

examples of specific policies which indicate that development should be restricted. While this is not an exhaustive list, the Forest of Dean judgment⁴ indicates that paragraph 134 of the Framework is a particular policy restricting development. Given that I have found above that the Framework's policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.

26. To conclude on the planning balance, I consider that the proposed development would have an adverse effect on the character and appearance of the area, including the Reed Conservation Area and would cause harm to the living conditions of future occupiers. These are significant factors weighing against the proposed development and would render the proposed development contrary to policies 6 and 57 of the Local Plan, the Framework and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

27. For the reasons given above, and having taken account of all other matters raised, the appeal should be dismissed.

J Gilbert

INSPECTOR

⁴ Forest of Dean DC v SSCLG & Gladman Developments Ltd [2016] EWHC 421 (Admin).